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# Executive Orders

## EXECUTIVE ORDER JBE 20-22

### Atchafalaya River Basin Restoration and Enhancement

WHEREAS, the Atchafalaya River Basin is the largest remaining river swamp in North America, and its forests, marshes, and waters provide habitat for more than 300 species of wildlife, 100 different aquatic species, a rich diversity of native plants, and it supports cultural, economic, and natural treasures;

WHEREAS, the Atchafalaya River Basin has been impacted by flood protection, navigation, and resource extraction;

WHEREAS, in 1998, the State of Louisiana recognized the cumulative negative impacts to the environmental health of the ecosystem and created the Atchafalaya Basin Program to develop, implement, and manage a comprehensive state master plan for the Atchafalaya Basin Floodway System;

WHEREAS, Act 570 of the 2018 Regular Session of the Louisiana Legislature transferred the management of the Atchafalaya Basin Program from the Department of Natural Resources to the Coastal Protection and Restoration Authority;

WHEREAS, the 2017 Comprehensive Master Plan for a Sustainable Coast (Coastal Master Plan) contains various objectives including the restoration and use of natural processes, providing habitat, and supporting our working coast;

WHEREAS, in order to conserve and sustain the economic, cultural, and natural resources of the Basin and appropriately utilize its resources in the management and restoration of the Louisiana coastal ecosystem, it is necessary to better integrate the restoration and enhancement of the Atchafalaya River Basin into the Coastal Master Plan and the coastal program under the Coastal Protection and Restoration Authority;

WHEREAS, efforts to develop the 2023 Coastal Master Plan are currently ongoing, and those efforts benefit with the engagement and participation of numerous coastal stakeholders; and

WHEREAS, integration of the Atchafalaya Basin Program to the overall Coastal Program is a statewide priority, and the engagement of stakeholders with knowledge of the Basin and its processes will be critical in making an integration effort successful.

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

SECTION 1: The Governor's Advisory Task Force on Atchafalaya River Basin Restoration and Enhancement is established and created within the Office of the Governor.

SECTION 2: The duties of the Task Force shall include but are not limited to the following:

A. Elevating critical issues facing the Atchafalaya River Basin today and the importance of its holistic management for navigation, flood control, and restoration;

B. Identifying and building support for new and recurring sources of funding, including working closely with the U.S. Army Corps of Engineers to reinvigorate the Atchafalaya Basin Floodway System – Louisiana Project;

C. Identifying shared goals and values for restoration and enhancement of the Basin, as illustrated by project types that would benefit both the Basin and the larger coastal program as managed by the Coastal Protection and Restoration Authority; and

D. Serve to proactively build consensus and advise the Atchafalaya Basin Program on matters relating to implementation of the Atchafalaya Basin Floodway System—Louisiana Project.

SECTION 3: By September 1, 2021, the Task Force shall submit an initial report including its recommendations and key priorities to the Coastal Protection and Restoration Authority Board.

SECTION 4: The Governor shall appoint the chair from membership, and the Task Force shall be administered by the Office of the Governor – Coastal Activities.

Members shall include:

1. The Governor's Executive Assistant for Coastal Activities or their designee;

2. The Executive Director of the Coastal Protection and Restoration Authority or their designee;

3. The Policy Director for the Office of the Governor or other designee of the Governor;

4. The Secretary of the Department of Wildlife and Fisheries or their designee;

5. The Secretary of the Department of Natural Resources or their designee;

6. The Public Lands Administrator at the Division of Administration, Office of State Lands or their designee;

7. One representative from the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation

8. One representative from each of the East and West Atchafalaya Basin to be chosen by Governor from 7 names, one submitted by each parish;

9. Two representatives of landowners in the Atchafalaya River Basin;

10. Two representatives of conservation organizations participating in policy or projects relating to the conservation of the Atchafalaya River Basin;

11. A representative of the energy transportation sector;

12. A representative of the inland navigation sector;

13. A representative from the Port of Morgan City;

14. A representative from the commercial fishing industry in the East Atchafalaya Basin;

15. A representative from the commercial fishing industry in the West Atchafalaya Basin;

16. A representative from the recreational fishing industry in the Atchafalaya River Basin; and

17. A representative from an academic institution doing research in the Atchafalaya River Basin.

Non-voting members shall include:

1. U.S. Army Corps of Engineers;
2. U.S. Fish and Wildlife Service;
3. Natural Resources Conservation Service;
4. U.S. Geological Survey; and
5. U.S. Environmental Protection Agency.

SECTION 5: The Task Force shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 6: At its first meeting and as necessary thereafter, the Task Force shall establish working groups to accomplish its mission. Workgroup membership shall include at least one Task Force member and may include non-members who are knowledgeable about the Atchafalaya River Basin or otherwise have relevant knowledge or experience.

SECTION 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force. Task Force members who are an employee or an elected public official of the state of Louisiana or a political subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office. Task Force members who are also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 8: 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 the State of Louisiana in the City of Baton Rouge, on this 14th day of December, 2020.

John Bell Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Aroin  
Secretary of State  
2101#032

#### EXECUTIVE ORDER JBE 20-23

Flags at Half-Staff—Dr. Adam John Tassin, Jr.

WHEREAS, Dr. Adam John Tassin, Jr., a distinguished former member of the Louisiana Legislature, died at the age of 76 on Wednesday, December 23, 2020;

WHEREAS, he is survived by his wife of 36 years, Sheilda Durr Tassin; his son, Adam John Tassin, III; his daughter, Cynthia Michelle Tassin; stepdaughters Reneé King Soileau and Tammy King Fontenot Doucet; stepson Wesley Oden King; eleven grandchildren, and nine great-grandchildren;

WHEREAS, Dr. Tassin graduated from Louisiana State University in 1965, and went on to earn his medical doctorate at the Louisiana State University Medical Center in 1969 at the age of 25; and he served the city of Ville Platte and its surrounding area as a physician for over forty years;

WHEREAS, Dr. Tassin proudly served his state and his nation in the United States Army Reserves, attaining the rank of Major; he was elected to the Louisiana State Senate in the fall of 1971, representing the parishes of Allen, Avoyelles, and Evangeline from 1972-1976 as the Senate's youngest member; he further served his home parish and his state, serving on the Louisiana Racing Commission, as well as the Louisiana Ethics Commission; and

WHEREAS, Dr. Adam John Tassin, Jr., M.D. lived his life with integrity and honor, and his service as a public servant and lawmaker to the State of Louisiana will long be remembered.

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

SECTION 1: As an expression of respect for Adam John Tassin, Jr., M.D., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol until sunset on Monday, December 28, 2020.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Monday, December 28, 2020.

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 27th day of December, 2020.

John Bell Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Aroin  
Secretary of State  
2101#033

#### EXECUTIVE ORDER JBE 20-24

Flags at Half-Staff—Victor and Terry Stelly

WHEREAS, Victor “Vic” Stelly, a distinguished former member of the Louisiana Legislature, died at the age of 79 on Saturday, December 26, 2020;

WHEREAS, shortly after his death, Mrs. Terry Bass Stelly, his loving wife of 60 years, joined him in passing from this earth;

WHEREAS, they are survived by their daughters, Tracy and Toni; their son, Victor; grandchildren, Lance, Georgia, Hannah, Hayden, Hogan, Henry, and Emma; and their great-grandchildren, Hudson, Truett, Faith, and Lyn;

**EXECUTIVE ORDER JBE 20-25**

Flags at Half-Staff—Luke Letlow

WHEREAS, Vic Stelly graduated with his bachelor’s degree from Northwestern State University in 1962, and he went on to receive his master’s from Louisiana State University in 1965; the couple met while attending Northwestern, and they married while still attending the university;

WHEREAS, after graduating from college, Vic Stelly began a career of serving his community and his state as a football coach at Broadmoor and Redemptorist High Schools, then at McNeese State University from 1970 to 1974; he further served as a member of the Calcasieu Parish School Board from 1983 to 1987; Terry spent her career serving their community working in their District Attorney’s office;

WHEREAS, first elected to state office in the fall of 1987, Vic Stelly served his state for four terms in the Louisiana House of Representatives from 1988 to 2004, and he was well-known throughout the state as the standard-bearer of a movement to reform the state’s taxation system to fund essential priorities, authoring the “Stelly Plan,” which was approved by the legislature and the voters of the state in a 2002 constitutional amendment;

WHEREAS, a lifelong champion of education, Vic Stelly further served his state as a member of the Board of Regents for Higher Education from 2007 to 2012, during which time he fought against budget cuts which he saw as disastrous to the state’s higher education system; in honor of his lifelong service to Louisiana, he was inducted into the Louisiana Political Hall of Fame in 2006;

WHEREAS, the Stellys were truly pillars of their community of Moss Bluff and beloved by many throughout the state; and

WHEREAS, Victor “Vic” Stelly and Terry Bass Stelly lived their lives with integrity and honor, and their contributions to the State of Louisiana, and his service as a public servant and lawmaker, will long be remembered.

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

SECTION 1: As an expression of respect for Victor “Vic” Stelly and Terry Stelly, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol until sunset on Thursday, December 31, 2020.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Thursday, December 31, 2020.

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 30th day of December, 2020.

John Bel Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Ardoin  
Secretary of State  
2101#034

WHEREAS, Luke Joshua Letlow, Representative-elect for Louisiana’s 5th United States Congressional District, died at the age of 41 on Tuesday, December 29, 2020;

WHEREAS, Luke is survived by his wife, Dr. Julia Barnhill Letlow, and their two young children, Jeremiah and Jacqueline;

WHEREAS, by the time of his untimely passing at a young age, Luke had already amassed an impressive career of public service to the people and the state of Louisiana, serving as congressional district director for then-Congressman Bobby Jindal from 2005 to 2008, then serving as director of intergovernmental affairs from 2008 to 2010 in the Office of the Governor of Louisiana;

WHEREAS, Luke further served the people of Louisiana as Chief of Staff in the Office of United States Representative Ralph Abraham, serving the people of Louisiana and his congressional district in that capacity for six years;

WHEREAS, he was elected to the United States House of Representatives in the fall of 2020, impressively winning a crowded race against ten other candidates; he was to take his oath of office as a member of the House of Representatives in the 117th Congress before his life was tragically cut short;

WHEREAS, as a community leader, hard work, perseverance, and faith guided Luke through his career of public service; and

WHEREAS, Luke Joshua Letlow lived his life with integrity and honor, and his service as a public servant and leader to the State of Louisiana will long be remembered.

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

SECTION 1: As an expression of respect for Luke Joshua Letlow, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol from sunrise until sunset on Saturday, January 2, 2021.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Saturday, January 2, 2021.

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 day of December, 2020.

John Bell Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Aroin  
Secretary of State  
2101#035

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Division of Child Welfare

#### Extended Foster Care Services (LAC 67:V.3903)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Extended Foster Care, Section 3903. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on January 14, 2021, and shall remain in effect for a period of 120 days or until adoption of a Final Rule, whichever occurs first.

The department considers emergency action necessary to facilitate the expenditure of IV-E funds for extended foster care services to the estimated 220 children who are currently eligible for these foster care services as specified in Act 400 of the 2019 Regular Session of the Louisiana Legislature. Without emergency action, the Department will not be able to draw down IV-E funds for this population of young adults and will not be in compliance with Act 400 of the Regular Session of the Louisiana Legislature. Young adults who are eligible for Extended Foster Care services will not be able to receive such support during their transition to adulthood.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 5. Foster Care

#### Chapter 39. Chafee Foster Care Independence Program and Extended Foster Care

#### §3903. Extended Foster Care Services

A. The DCFS will continue to provide foster care services to young adults age 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least eighty hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition in accordance with R.S. 46:288.1, et seq. They shall be eligible for foster care services until their twenty-first birthday as long as the youth is willing and continues to meet the above stated eligibility criteria. The youth initiates extended foster care services through signing a voluntary placement agreement. The young adult in foster care shall be eligible for all foster care services in accordance with their voluntary placement agreement and case plan; and, their foster parents, custodian or other placement provider continued services and benefits for the period of time the young adult is eligible and participating in the extended foster care program.

B. The DCFS will notify all foster children and their foster parents/custodians/placement provider in writing of the availability of extended foster care services; eligibility for the services; and, the benefits at the foster child's seventeenth birthday. The written notifications will continue every 90 days unless the foster child and foster parents/custodian/placement provider consent to participate in extended foster care, or the child becomes ineligible for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 400 of the 2019 Regular Session and R.S. 46:288.1, et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 45:508 (April 2019), effective May 1, 2019, amended LR 47:

Marketa Garner Walters  
Secretary

2101#016

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

#### Bulletin 139—Louisiana Child Care and Development Fund Programs (Part CLXV.707)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV in Bulletin 139, *Louisiana Child Care and Development Fund Programs*. The aforementioned revisions provide, for the 2020 calendar year only, an early learning center director or staff member shall only have to verify having worked at the same early learning center for at least 300 hours in order to meet the SRTC work requirement. This Declaration of Emergency, effective December 16, 2020, is for a period of 120 days from adoption, or until finally adopted as Rule.

#### Title 28

#### EDUCATION

#### Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

#### Chapter 7. Administration of School Readiness Tax Credits

#### §707. Credit for Early Learning Center Directors and Staff

A. - B. ...

C. Each early learning center director and staff member will also have to verify that he/she has worked at the same early learning center for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a center director or staff member will only have to verify that he/she has worked at the same early learning center for at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.



D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 46:

Sandy Holloway  
President

2101#001

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network (Part CLXVII.503)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV in Bulletin 140, *Louisiana Early Childhood Care and Education Network*. As a result of the COVID-19 pandemic, the proposed revisions require, for the 2020-2021 school year only, all infant, toddler, and pre-k classrooms in a publicly-funded site to receive one CLASS® observation conducted by the community network during the school year. Any infant, toddler, and/or pre-K classroom that is scored 4.49 or lower after third party replacement (if applicable) shall then be observed a second time by the community network. This Declaration of Emergency, effective December 16, 2020, is for a period of 120 days from adoption, or until finally adopted as Rule.

#### Title 28 EDUCATION

### Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

#### Chapter 5. Early Childhood Care and Education Accountability System

#### §503. Coordinated Observation Plan and Observation Requirements

A. - B.2.c. ...

##### 3. Required Observations

a. For the 2020-2021 academic year only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 academic year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 academic year, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

##### f. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network's count of classrooms, and may conduct or allow local or third-party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:1453 (October 2019), LR 47:

Sandy Holloway  
President

2101#002

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (Part CXXXI.203)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in Bulletin 746, *Louisiana Standards for State Certification of School Personnel*. Current policy does not permit the Louisiana Department of Education (LDE) to consider performance on PRAXIS Core Academic Skills for Educators: Reading (5712), Writing

(5722), and/or Mathematics (5732) if the tests were taken after July 31, 2020. However, due to the COVID-19 pandemic, numerous educators registered for those exams prior to the July 31, 2020, phase out date, but were unable to schedule the exam until after July 31, 2020. In response, the proposed revisions to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, extend the effective date of the PRAXIS Core Academic Skills for Educators: 5712, 5722, and 5732 exams to December 31, 2020. This revision would allow the LDE to consider, for purposes of initial certification, performance on the PRAXIS Core Academic Skills for Educators: 5712, 5722, and/or 5732 for those educators who registered for and achieved a passing score by December 31, 2020. This Declaration of Emergency, effective December 16, 2020, is for a period of 120 days from adoption, or until finally adopted as Rule.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Subchapter B. Testing Required for Certification Areas  
Chapter 2. Initial Teacher Certification**

**Subchapter B. Testing Required for Certification Areas  
§203. Certification Exams and Scores  
(Formerly §243)**

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators<sup>2</sup>. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

Pre-Professional Skills Test “Paper or Computer Administrations”	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14 to 12/31/2020
Writing	5722	162	
Mathematics	5732	150	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5713	156	Current-
Writing	5723	162	
Mathematics	5733	150	

<sup>1</sup> NOTE: To differentiate the computer delivered tests, Educational Testing Service has placed the number “5” or “6” preceding the current test code. The department will accept computer delivered passing test scores for licensure.

<sup>2</sup> NOTE: An ACT composite score of 22 or an SAT combined verbal and math score of 1100 or higher (new SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of PRAXIS 1 PPST exams or core academic skills for educators in reading, writing and math by prospective teachers in Louisiana.

A.2. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:

Sandy Holloway  
President

2101#003

**DECLARATION OF EMERGENCY**

**Board of Regents  
Office of Student Financial Assistance**

Extension of the ACT Testing Deadline  
(LAC 28:IV.509, 703, 705, 803, 805, 2103 and 2105)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:950 et seq.] to amend the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking implements the provisions of Act 17 of the Second Extraordinary Session of 2020 with respect to students affected by 2020 Natural Disasters. More specifically, this rulemaking provides for an extension of the ACT testing deadline for 2020 high school graduates; provides waivers of certain TOPS initial eligibility for students affected by natural disasters in 2020; and provides waivers of certain TOPS continuing eligibility requirements for students affected by natural disasters. In addition, this rulemaking provides deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher.

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The Board of Regents has determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective on December 16, 2020 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG21194ER)

**Title 28  
EDUCATION**

**Part IV. Student Financial Assistance—Higher  
Education Scholarship and Grant Programs**

**Chapter 5. Applications, Federal Grant Aid and ACT  
Test**

**§509. ACT Testing Deadline**

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is December 31, 2020. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the December 31, 2020, deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the December 31, 2020 deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to December 31, 2020, that was within a reasonable distance from his home or from the location to which he/his family had been evacuated due to Hurricane Laura or Hurricane Delta.

d. The initial award or upgraded award for any student who requests and is granted an exception in accordance with the provisions of this Subsection shall be paid for the first time during the semester in which the qualifying ACT was achieved.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:

**Chapter 7. Taylor Opportunity Program for Students  
(TOPS) Opportunity, Performance, and  
Honors Awards**

**§703. Establishing Eligibility**

A. - I.8. ...

J. 2005 Natural Disaster Initial Eligibility Requirements

J.1. - K.2.d. ...

L. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §703.A-I.8 above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized

designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.L.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §703.J.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §703.L.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §703.L.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001),

LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:

### §705. Maintaining Eligibility

A.1. - D....

E. 2005 Natural Disaster Maintaining Eligibility Requirements

E.1. - F.2....

G. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6..

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

H.1. A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:

## **Chapter 8. TOPS-Tech Award**

### **§803. Establishing Eligibility**

A. - A-10. ...

B. 2005 Natural Disaster Initial Eligibility Requirements

B.1. - D.2.h. ...

E. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.E.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §803.E.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §803.E.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §803.E.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron,

Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

- i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or
- ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:

#### **§805. Maintaining Eligibility**

A.1. - C. ...

D. 2005 Natural Disaster Maintaining Eligibility Requirements

D.1. - G. ...

H. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be cancelled or reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8..

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 47:

#### **Chapter 21. Miscellaneous Provisions and Exceptions**

##### **§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. - G.5.b.iii. ...

H. 2020 Natural Disaster Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2020-2021 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2020-2021 academic year (TOPS).

4. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility.

a. Upon request of the student, the eligible college or university may bill for the TOPS award for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) paid.

c. Institutions must document the displaced student's request for part-time payment of TOPS under these circumstances.

d. Any grades earned by a displaced student who enrolls part-time during the 2020-2021 academic year (TOPS) will be included in the calculation of the student's cumulative grade point average.

5. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2020-2021 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2020-2021 academic year (TOPS), students who are not *displaced students*, but who, due to the effects of Hurricane Laura were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2020-2021 academic year (TOPS) may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

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 47:

#### **§2105. Repayment Obligation, Deferment, Cancellation and Reduced Payments**

A. - B.9.e.iii. ...

10. 2020 Natural Disaster Deferments. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and whose Home of Record:

a. on August 26, 2020, was located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. For the purposes of this Subsection, *home of record* is the domiciliary address of the recipient who is in repayment status.

d.i. For students qualifying for deferment under the provisions of §2105.B.10.a. above, loan repayments are deferred and interest accrual is suspended for the period August 26, 2020, through August 31, 2021; ii. For students qualifying for deferment under the provisions of §2105.B.10.b. above, loan repayments are deferred and interest accrual is suspended for the period October 8, 2020, through October 31, 2021.

e. For the period August 26, 2020, through August 31, 2021, recipients of the Rockefeller State Wildlife Scholarship or the TOPS Teacher Award who are not *displaced students*, but who, due to the effects of a natural disaster as provided in this Subsection, are unable to repay their loan may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3042.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:566 (March 2018), LR 47:

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2101#005

## DECLARATION OF EMERGENCY

### Office of the Governor Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Standards of Conduct  
(LAC 46:LXX.6311)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and under the authority of R.S. 34:1041 et seq. and Title 46, Professional and Occupational Standards, Part LXX, River Pilots, Subpart 3, Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, et seq. the Board of Examiners for New Orleans- Baton Rouge Steamship Pilots for the Mississippi River declares an emergency to exist and adopts by emergency process the attached regulation for the increased mandatory rest period for New Orleans - Baton Rouge Steamship Pilots.

Due to the safety sensitive nature of the duties performed by state commissioned pilots, this board has a strong commitment to the public and maritime industry. The board has promulgated standards of conduct, in order to further enhance the safety and wellbeing of the citizens of Louisiana and New Orleans - Baton Rouge Steamship Pilots as well as to prevent any imminent peril to public health, safety and welfare, and to achieve and maintain reliable, safe and efficient pilotage services.

The board has the authority to compel each and every individual pilot to be available for and accept orders for pilotage assignments in declared emergency situations or in other overriding operational conditions. This emergency rule amends LAC 46:LXX.6311 to provide for an increased mandatory rest period for New Orleans – Baton Rouge Steamship Pilots during time periods of extreme Mississippi River gauge levels and river currents.

This Emergency Rule becomes effective upon the signature of the President of the Board of Examiners for New Orleans – Baton Rouge Steamship Pilots for the Mississippi River, January 6, 2021, and shall remain in effect for 120 days, unless rescinded, renewed or until permanent rules and regulations become effective.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXX. River Pilots

### Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots

#### Chapter 63. Standards of Conduct

#### §6311. Mandatory Rest Period

A. For the purpose of this Section, a *turn* is the time period from dispatch to the termination of the allotted travel time.

B. All pilots shall have a minimum of 12-hours rest period between turns.

C. For the purpose of this Section, the rest period begins at the termination of the allotted travel time at the completion of one turn and ends at the time of dispatching for the next turn.

D. Notwithstanding Subsection B, the captain of the station and shift pilots shall be exempt from the minimum

12-hours rest period in between turns. However, in no case shall the captain of the station and shift pilots exceed 12 bridge hours in any 24-hour period.

E. Notwithstanding Subsection B, any pilot completing a turn lasting less than 4 bridge hours or receiving a discharge, shall not be required to comply with the mandatory 12-hours rest period. However, in no case shall any pilot acquire more than 12 hours in a 24-hour period. Pilots requesting 12-hours rest period shall not be called or dispatched in less than 12 hours from the completion of their finishing time.

F. Notwithstanding Subsection B, during a state of declared emergency all pilots shall be exempt from the minimum 8-hours rest period in between turns. However, in no case shall any pilot exceed 12 bridge hours in any 24-hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 31:56 (January 2005), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:3167 (December 2012), LR 47:

Captain Robert D. Heitmeier  
President

2101#010

## DECLARATION OF EMERGENCY

### Office of the Governor Division of Administration Tax Commission

Ad Valorem Taxation  
(LAC 61:V.101, 301, 701, 703, 705, 907, 1103,  
1307, 1503, 2501, 2503, 3103, and 3301)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. This rule is hereby adopted on the day of promulgation.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 2021. Cost indexes required to finalize these assessment tables are not available to this office until late October 2020. The effective date of this Emergency Rule is January 20, 2021.

Pursuant to the Administrative Procedure Act, this Emergency Rule shall be in effect for a maximum of 120 or until adoption of the Final Rule or another Emergency Rule, whichever occurs first.

#### Title 61

### REVENUE AND TAXATION Part V. Ad Valorem Taxation

#### Chapter 1. Constitutional and Statutory Guides to Property Taxation

#### §101. Constitutional Principles for Property Taxation

A. - F.3.h. ...

G. Special Assessment Level

1. - 1.d....



2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds \$100,000 for tax year 2021 (2022 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

**AUTHORITY NOTE:** Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 42:744 (May 2016), LR 43:648 (April 2017), LR 44:577 (March 2018), LR 45:531 (April 2019), LR 46:560 (April 2020), LR 47:

### **Chapter 3. Real and Personal Property**

#### **§301. Definitions**

**Composite Multiplier**—a factor obtained by multiplying the cost index for the base year times percent good.

**Depreciation**—loss in value of an object, relative to its replacement cost new, reproduction cost new, or original cost, whatever the cause of the loss in value. Depreciation is sometimes subdivided into three types: physical deterioration (wear and tear), functional obsolescence (suboptimal design in light of current technologies or tastes), and economic obsolescence (poor location or radically diminished demand for the product).

**Economic Life**—the normal useful life of the property as experienced by a particular business or industry.

**External (Economic) Obsolescence**—the loss of appraisal value (relative to the cost of replacing a property with property of equal utility) resulting from causes outside the property that suffers the loss. Usually locational in nature in the depreciation of real estate, it is more commonly marketwide in personal property, and is generally considered to be economically infeasible to cure.

**Effective Age of a Property**—its age compared with other properties performing like functions. It is the actual age less the age which has been taken off by face-lifting, structural reconstruction, removal of functional inadequacies, modernization of equipment, etc. It is an age which reflects a true remaining life for the property, taking into account the typical life expectancy of buildings or equipment of its class and usage. It is a matter of judgment, taking all factors into consideration.

**Extended Life Expectancy**—the increased life expectancy due to seasoning and proven ability to exist. Just as a person will have a total normal life expectancy at birth which increases as he grows older, so it is with structures and equipment.

**Fair Market Value**—the price for property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary

circumstances; it shall be the highest price estimated in terms of money which property will bring if exposed for sale on the open market with reasonable time allowed to find a purchaser who is buying with knowledge of all the uses and purposes to which the property is best adapted and for which it can be legally used.

**Functional Obsolescence**—loss in value due to lack of utility or desirability of part or all the property, inherent to the improvement or equipment. Thus a new structure or piece of equipment may suffer functional obsolescence.

**Inventory**—raw materials, work in process, finished goods or supplies.

**Non-Operating or Non-Utility Property**—property owned by a public service company used for purposes other than the normal operation of that public service company. See §2901 for further details.

**Obsolescence**—a decrease in the value of a property occasioned solely by shifts in demand from properties of this type to other types of property and/or to personal services. Some of the principal causes of obsolescence are:

1. changes in the esthetic arts;
2. changes in the industrial arts, such as new inventions and new processes;
3. legislative enactments;
4. change in consumer demand for products that results in inadequacy or overadequacy;
5. migration of markets that results in misplacement of the property.

**Percent Good**—equals 100 percent less the percentage of cost represented by depreciation. It is the present value of the structure or equipment at the time of appraisal, divided by its replacement cost.

**Physical Depreciation**—loss in value due to physical deterioration.

**Reconciliation**—the final step in the valuation process wherein consideration is given to the relative strengths and weaknesses of the three approaches to value, the nature of the property appraised, and the quantity and quality of available data in formation of an overall opinion of value (either a single point estimate or a range of value). Also termed “correlation” in some texts.

**Remaining Life**—the normal remaining life expectation. It is the length of time the structure or equipment may be expected to continue to perform its function economically.

**Rules and Regulations of the Tax Commission**—guidelines and procedures adopted which establish criteria to be applied uniformly in determining fair market value, use value and/or assessed value as stated in the Section applicable to a particular type or class of property.

1. Nothing adopted as a rule or regulation of the Tax Commission can supersede the constitutional directive that property be appraised at fair market value or use value as defined by law.

**Three Approaches to Value**—

1. Market Approach: when using the market approach, the assessor shall estimate the value of property based on sales of comparable property in an arm's length transaction under usual and ordinary circumstances. It can be used when there is an active market in property similar in type, quality and condition;

a. Allocation of the purchase price by the purchaser among items purchased in a single sale or among elements

of a single property does not prove the fair market value of that item or element;

2. **Cost Approach:** in the absence of an active market, yielding comparable and reliable data, which can be used in determining market value, use of the cost approach as provided herein is the best approach;

3. **Income Approach:** when using the income approach, net income is capitalized at an appropriate rate to determine its value. In assessment of tangible personal property, it is suitable for assessing items which are commonly leased, or the income from which is subject to government regulation or items the income from which can otherwise be reliably identified. The income approach is generally unreliable in assessing other personal property.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:1837, R.S. 47:1853 and R.S. 47:2323.

**HISTORICAL NOTE:** Promulgated by the Louisiana Tax Commission, LR 3:77 (February 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 10:16 (January 1984), LR 13:763 (December 1987), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 32:427 (March 2006), LR 47:

## **Chapter 7. Watercraft**

### **§701. Guidelines for Ascertaining Fair Market Value of Watercraft**

A. - B.4. ...

#### **C. Vessel Types and Definitions**

1. **Deck Barge**—have both inland and offshore applications and can be used to transport and store materials and liquids at the work site. These are also good for transporting heavy equipment, vehicles, material, rock, sand, building supplies, food, water, etc. Deck barges are also essential for carrying construction-based materials such as cranes, containers, aggregate materials, refinery parts, etc.

2. **Dredge Barge**—the operation of removing material from one part of the water environment and relocating it to another. In all but a few situations the excavation is undertaken by a specialist floating plant, known as a dredger. Dredging is carried out in many different locations and for many different purposes, but the main objectives are usually to recover material that has some value or use, or to create a greater depth of water. Dredging is mandatory to many rivers and harbors to continue keeping the depth and the opening to allow vessels in and out.

3. **Transport Barge**—a made-to-order water transportation vessel. These are built mainly for river and canal transport of bulk goods. Owners can add different walls or winches onto the barge to fit the client's needs.

4. **Crane Barge**—also known as a crane vessel or floating crane, is a vessel with an attached crane specialized in lifting heavy loads. These come in many sizes with the largest crane vessels being used for offshore construction.

5. **Oil Barge**—a vessel with tanks (normally integral tanks) for carriage of oil cargo, including bulk crude oil. Most of these barges are ABS classified. Classifications are defined later in this report. Classes of the vessels are based according to its area of operation, the type of operation, and the nature of cargo. ABS equipment requires thicker steel and more rigorous inspections.

6. **Spar Barge**—a type of floating oil platform typically used in very deep waters and is named for logs used as buoys in shipping that are moored in place vertically.

Spar production platforms have been developed as an alternative to conventional platforms. The deep draft design of spars makes them less affected by wind, wave and currents and allows for both dry tree and subsea production.

7. **Shugart Barge**—raked on one end or can be boxed with connecting angle on all 4 sides. These are used for carrying many different materials. These are used on inland waterways.

8. **Spud Barge**—a specialized type of vessel used for marine construction operations. Spud barges are also referred to as jack-up barges and are a flat-decked barge with a large area for storing construction supplies and equipment for use during construction. These barges are not tied together or have a need to be tied to a dock, they are held in position by various length steel spuds (beams) in the ground, this spud is pulled up when relocated. These barges can carry many different materials and come in various sizes.

9. **Pile Driving Barge**—has the ability to assemble Flexifloat® modules into a number of shapes which offers significant advantages in pile-driving operations. For example, it allows a "T"-shaped assemblies permit location for the on-deck machine to get as close to the working edge of the barge as possible while retaining excellent 360-degree stability.

10. **Hopper Barge**—a non-mechanical vessel that cannot move around by itself, unlike some other types of barges. Hopper barges are designed to carry materials, like rocks, sand, soil and rubbish, for dumping into the ocean, a river or lake for land reclamation. Hopper barges are seen in two distinctive types: raked hopper or box hopper barges. The raked hopper barges move faster than the box hoppers; they are both designed for movement of dry bulky commodities.

11. **Tank Barge**—as storage vessels generally used to carry bulk liquids. They may consist of one or more storage tanks separated by interior walls. Some tank barges can be more expensive by being "double skinned" -which means two layers of interior steel for protection.

12. **Pressure Barge**—a container vessel designed to hold gases or liquids at a pressure substantially different from the ambient pressure. Pressure vessels can be dangerous and fatal accidents have occurred in the history of their development and operation. Consequently, pressure vessel design is manufacture and operations are regulated by engineering authorities backed by legislation. For these reasons, the definition of a pressure barge varies from country to country.

13. **Keyway Barge**—designed with a U shape to it so portable truck-mounted drilling rigs can be backed onto the deck of these barges and up to the edge of the key slot. The barge then can be positioned around inland oil wells to perform a variety of procedures necessary to maintain production of the wells. The barge is then lead in place to work around each location.

14. **Industrial Barge**—as its name implies, is a flat decked cargo hauler vessel. It is designed to serve as a mobile base of operations for construction or mining projects. It has three advanced constructors that can fabricate any needed materials and its deck is large enough to carry everything in the Industrial Machinery line. The basic model comes rather bare and many galactic survivalists modify it to

suit their needs. This vessel can also be called a flat deck barge or material barge, due to these barges carrying containers, rigs, power plants and many other items.

15. *Industrial Vessel*—a vessel which, by reason of its special outfit, purpose, design, or function engages in certain industrial ventures. This classification includes such vessels as dredges, cable layers, derrick barges, and construction and wrecking barges, but does not include vessels which carry passengers or freight for hire, OSVs, oceanographic research vessels, or vessels engaged in the fisheries.

16. *Pontoon Barge*—a vessel great for inland applications that can be used to store and transport materials quickly esp. for shallow water. They also are great to transport workers to job sites. These barges can also be convenient to house people working on jobs on unique locations where housing is limited or travel time delays job production.

17. *Dry Dock Barge*—a narrow basin or vessel that can be flooded to allow a load to be floated in, then drained to allow that load to come to rest on a dry platform. Dry dock barges are used for the construction, maintenance, and repairs of marine transportation and other marine equipment.

18. *Quarter Barge*—a vessel that is outfitted with living accommodations, galley rooms, shower and restroom facilities. These barges can be pre-made for crews ranging from 50 people up to 300+ people. They can also be customized to meet the customer's request. They are self-sufficient with generators, potable water and sewage plants

19. *Utility Barge*—a utility barge is a flat-bottomed vessel that can provide a safe working environment and improve confidence when working on the water esp. when carrying freight, typically on canals and rivers.

20. *Utility Vessel*—complements a range of heavy-duty workboats and offshore vessels. The UV Series is comprised of several designs that share the same basic principles: the ability to support a wide variety of light duty operations such as buoy laying, survey and research work, diving operations, lighthouse supply, fire-fighting, pollution control, fish farming and maintenance work.

21. *Jack Up Vessel*—the floating lifting platform, is powered to move around on sea, rivers and canals. When the jack up vessel has reached the desired location, it is then lifted above water level, so the platform is not subjected to the movement of the water. Jack up vessels are mainly used for piling, drilling, building and dredging work. The offshore and maritime sector and the oil and gas industry are the biggest branches in the jack up vessel market. The reason for this is mainly the enormous capacity of the jack up vessels and incredible flexibility.

22. *Offshore Support Vessel (OSV)*—an ocean-going vessel used for transporting cargo, goods, supplies, and crew, as well as for carrying out offshore exploration and production across oil platforms. These provide transportation for workers and products to and from drilling locations.

23. *Platform Supply Vessel (PSV)*—a vessel specially designed to supply offshore oil and gas platforms. These vessels range from 15 to 300 feet in length and accomplish a variety of tasks.

24. *Crew Boat*—a vessel specialized in the transportation of offshore support personnel, deck cargo, and below-deck cargo such as fuel and potable water to and from offshore installations such as oil platforms, drilling rigs, drill

and dive ships and wind farms. Majority of these vessels are used to carry crew members to and from job sites.

25. *Dive Vessel*—also called diving support vessel is a ship used in professional diving projects as a floating base. Diving vessels are considered a great mode of transportation and can provide valuable deck space in oil and gas production platforms. These vessels work on pipe lay jobs and provide support for deep water jobs.

26. *Pollution Control Vessel*—can rotate 360 degrees in place and has been specially conceived to operate in small harbor areas, nearby waters, bays and open-seas or offshore activities. Features and options of the Pollution Control, Sea Cleaning Vessel is based on a robust steel catamaran hull.

27. *Model Bow Boats*—tug vessels with pointed bows. They are also the most diversified of all tugs. Model bow tugs can be used in the inland waters and offshore as well. They can be shallow draft or very deep draft depending on what the need of the job is. This is the vessel most people can visualize when the work tugboat is mentioned.

28. *Push Boat*—also known as: pusher, pusher craft,<sup>2</sup> pusher boat, pusher tug, or towboat, is a boat designed for pushing barges or car floats. In the United States, the industries that use these vessels refer to them as towboats. These vessels are characterized by a square bow, a shallow draft, and typically have knees, which are large plates mounted to the bow for pushing barges of various heights. These boats usually operate on rivers and inland waterways. Multiple barges lashed together, or a boat and any barges lashed to it, are referred to as a "tow" and can have dozens of barges. Many of these vessels, especially the long distances, or long-haul boats, include living quarters for the crew.

29. *Offshore and Inland Tugs*—primarily used to tug or pull vessels that cannot move by themselves like disabled ships, oil platforms and barges or those that should not move like a big or loaded ship in a narrow canal or a crowded harbor. In addition to these, tugboats are also used as ice breakers or salvage boats and as they are built with firefighting guns and monitors, they assist in the firefighting duties especially at harbors and when required even at sea. With the continuing developments in the shipping industry the ships are growing larger than they ever have been in the marine history. Since it is much easier to maneuver these large ships at sea, an issue has developed with the exceedingly difficult narrow sea strips and harbors these ships have to travel down but, most all of them have problems with sideways movement- esp. when currents are rapid and river levels are high. This is when the need of tugboats is paired with these large vessels to help navigate the narrow waters. This is known in the industry as tug assist and thus the name of the boats. Most tugboats can also venture out in the ocean but the majority of them are not equipped with strong horsepower like the inland river tugs. The Inland River Tugs are tow boats designed to help out in the rivers and canals. They have a hull design that makes it quite dangerous for these boats to venture into open ocean.

30. *Research Vessel (RV or R/V)*—a ship or boat designed, modified, and equipped to carry out research at sea. Many government agencies now charter these vessels for fisheries and dredging projects.

31. *Skiff*—used for several essentially unrelated styles of small boat. Traditionally, these are coastal craft or river craft boats used for leisure, as a utility craft and for fishing,

and have a one-person or small crew capacity. Sailing skiffs have developed into high performance competitive classes.

32. *Steamboats*—a boat that is propelled primarily by steam power, typically driving propellers or paddlewheels. Steamboats sometimes use the prefix designation SS, S.S. or S/S (for 'Screw Steamer') or PS (for 'Paddle Steamer'), however these designations are most often used for steamships. The term steamboat is used to refer to smaller, insular, steam-powered boats working on lakes and rivers, particularly riverboats. As using steam became more reliable, steam power became applied to larger, ocean-going vessels in the marine history. Five major commercial steamboats currently operate on the inland waterways of the United States. The only remaining overnight cruising steamboat is the 432 passenger American Queen, which operates week-long cruises on the Mississippi, Ohio, Cumberland and Tennessee Rivers 11 months out of the year. The others boats only preform day trips: they are the steamers Chautauqua Belle at Chautauqua Lake, New York, Minne Ha-Ha at Lake George, NY, operating on Lake George; the Belle of Louisville in Louisville, Kentucky, operating on the Ohio River; and the Natchez in New Orleans, Louisiana, operating on the Mississippi River.

33. *Riverboat Casino*—a type of casino on a riverboat found in several states in the United States with frontage on the Mississippi River and its tributaries, or along the Gulf Coast. Several states authorized this type of casino in order to enable gaming but limit the areas where casinos could be constructed; it was a type of legal fiction as the riverboats were seldom if ever taken away from the dock.

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:579 (March 2018), LR 47:

**§703. Tables—Watercraft**

A. Floating Equipment—Motor Vessels

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	94	.94
2019	1.001	2	87	.87
2018	1.037	3	80	.83
2017	1.073	4	73	.78
2016	1.094	5	66	.72
2015	1.085	6	58	.63
2014	1.095	7	50	.55
2013	1.110	8	43	.48
2012	1.119	9	36	.40
2011	1.150	10	29	.33
2010	1.187	11	24	.28
2009	1.178	12	22	.26
2008	1.212	13	20	.24

Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Research Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$865,771.88
140'-179'	4500	\$2,500,000	\$2,308,725	\$1,712,025	\$818,300	\$781,250
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Dive Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	5000	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	6500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	7500	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	8500	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
300'-319'	9000	\$8,000,000	\$7,387,920	\$5,478,480	\$2,618,560	\$2,500,000
320'+	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Pollution Control Vessel						
110'-139'	4000	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
140'-179'	4500	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
180'-199'	6800	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
200'-219'	8500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
220'-279'	10000	\$7,600,000	\$7,018,524	\$5,204,556	\$2,487,632	\$2,375,000
280'-299'	12000	\$9,600,000	\$8,865,504	\$6,574,176	\$3,142,272	\$3,000,000
300'-319'	16000	\$14,400,000	\$13,298,256	\$9,861,264	\$4,713,408	\$4,500,000

Table 703.A.2

Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
320'+	18000	\$16,000,000	\$14,775,840	\$10,956,960	\$5,237,120	\$5,000,000
Platform Supply Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Jack Up Vessel						
60'-89'	N/A	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
90'-109'	N/A	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110'-139'	N/A	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
140'-174'	N/A	\$5,200,000	\$4,802,148	\$3,561,012	\$1,702,064	\$1,625,000
175'-219'	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
220'-239'	N/A	\$8,400,000	\$7,757,316	\$5,752,404	\$2,749,488	\$2,625,000
240'+	N/A	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Inland Tugs						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'X30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Offshore Tugs						
60-80'X25-35' 1800 HP	3500	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	3800	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
95-105'X30-40' 3000 HP	4000	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
100-120'X35-50' 4200 HP	4250	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
120-140'X40-60' 6000 HP	4500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
140-160'X35-60' 10,000 HP	5000	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Push Boats						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'X30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	\$2,200,000	\$2,031,678	\$1,506,582	\$720,104	\$687,500
50-60'X25-45' 900 HP	N/A	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
60-70'X30-45' 1200 HP	N/A	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
95-105'X30-40' 3000 HP	N/A	\$8,200,000	\$7,572,618	\$5,615,442	\$2,684,024	\$2,562,500
100-120'X35-50' 4200 HP	N/A	\$10,500,000	\$9,696,645	\$7,190,505	\$3,436,860	\$3,281,250
120-140'X40-60' 6000 HP	N/A	\$13,500,000	\$12,467,115	\$9,244,935	\$4,418,820	\$4,218,750
140-160'X35-60' 10,000 HP	N/A	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000

Table 703.A.2						
Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Skiff						
Under 20'	50	\$90,000	\$83,114.10	\$61,632.90	\$29,458.80	\$25,973.16
20'-40'	150	\$180,000	\$166,228.20	\$123,265.80	\$58,917.60	\$56,250
40'-60'	200	\$220,000	\$203,167.80	\$150,658.20	\$72,010.40	\$68,750
Steamboat						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750
260X72 Class	800	\$3,000,000	\$2,770,470	\$1,301,139	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
Riverboat Casino						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750
260X72 Class	800	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B.1				
Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	97	.97
2019	1.001	2	93	.93
2018	1.037	3	90	.93
2017	1.073	4	86	.92
2016	1.094	5	82	.90
2015	1.085	6	78	.85
2014	1.095	7	74	.81
2013	1.110	8	70	.78
2012	1.119	9	65	.73
2011	1.150	10	60	.69

Table 703.B.1				
Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2010	1.187	11	55	.65
2009	1.178	12	50	.59
2008	1.212	13	45	.55
2007	1.259	14	40	.50
2006	1.328	15	35	.46
2005	1.390	16	31	.43
2004	1.494	17	27	.40
2003	1.546	18	24	.37
2002	1.572	19	22	.35
2001	1.582	20	21	.33
2000	1.595	21	20	.32

Table 703.B.2								
Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Deck								
120x30	100	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	250	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	350	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	700	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560

Table 703.B.2

## Floating Equipment—Barges (Non-Motorized)

Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
300X100 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X100 Class	1800	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	2500	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Dredge								
8" Cutter	N/A	\$425,000	\$405,144	\$392,678.75	\$317,968	\$289,926.50	\$219,096	\$219,096
10" Cutter	N/A	\$650,000	\$619,632	\$600,567.50	\$486,304	\$443,417	\$335,088	\$335,088
14" Cutter	N/A	\$950,000	\$905,616	\$877,752.50	\$710,752	\$648,071	\$489,744	\$489,744
16" Cutter	N/A	\$1,100,000	\$1,048,608	\$1,016,345	\$822,976	\$750,398	\$567,072	\$567,072
20" Cutter	N/A	\$3,600,000	\$3,431,808	\$3,326,220	\$2,693,376	\$2,455,848	\$1,855,872	\$1,855,872
24" Cutter	N/A	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Transport								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Crane								
120X30	250	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	400	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	450	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	600	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	750	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Oil								
10K	300	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
30K	800	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
80K	2000	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
120K	3000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Spar (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35 (3000 Tons)	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Shugart								
10X5X2	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
20X10X4	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
40X12X5	100	\$60,000	\$57,196.80	\$55,437	\$44,889.60	\$40,930.80	\$30,931.20	\$30,931.20
Spud								
110x30	250	\$300,000	\$285,984	\$277,185	\$224,448	\$204,654	\$154,656	\$154,656
120X30	250	\$1,400,000	\$1,334,592	\$1,293,530	\$1,047,424	\$955,052	\$721,728	\$721,728
140X40	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
140X45	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
180X54	500	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
200x60	800	\$3,500,000	\$3,336,480	\$3,233,825	\$2,618,560	\$2,387,630	\$1,804,320	\$1,804,320
250X72	900	\$3,800,000	\$3,622,464	\$3,511,010	\$2,843,008	\$2,592,284	\$1,958,976	\$1,958,976
Pile Driver								
120X30	150	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	375	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	450	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	575	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080

Table 703.B.2

## Floating Equipment—Barges (Non-Motorized)

Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Hopper (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Tank								
10K	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
30K	800	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
80K	1700	\$5,200,000	\$4,957,056	\$4,804,540	\$3,890,432	\$3,547,336	\$2,680,704	\$2,680,704
120K	3500	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Pressure								
250X50 (16,000 Barrels)	1500	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
Keyway								
120X30	200	\$200,000	\$190,656	\$184,790	\$149,632	\$136,436	\$103,104	\$103,104
140X40	400	\$360,000	\$343,180.80	\$332,622	\$269,337.60	\$245,584.80	\$185,587.20	\$185,587.20
180X54	500	\$720,000	\$686,361.60	\$665,244	\$538,675.20	\$491,169.60	\$371,174.40	\$371,174.40
250X72 Non Class	400	\$1,440,000	\$1,372,723.20	\$1,330,488	\$1,077,350.40	\$982,339.20	\$742,348.80	\$742,348.80
250X72 Class	600	\$2,320,000	\$2,211,609.60	\$2,143,564	\$1,735,731.20	\$1,582,657.60	\$1,196,006.40	\$1,196,006.40
260X72 Non Class	400	\$1,520,000	\$1,448,985.60	\$1,404,404	\$1,137,203.20	\$1,036,913.60	\$783,590.40	\$783,590.40
260X72 Class	800	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Non Class	1200	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Class	2400	\$5,120,000	\$4,880,793.60	\$4,730,624	\$3,830,579.20	\$3,492,761.60	\$2,639,462.40	\$2,639,462.40
400X100 Non Class	3000	\$4,800,000	\$4,575,744	\$4,434,960	\$3,591,168	\$3,274,464	\$2,474,496	\$2,474,496
400X100 Class	6000	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Industrial								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Pontoon								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
60X15X3	100	\$15,000	\$14,299.20	\$13,859.25	\$11,222.40	\$10,232.70	\$7,732.80	\$7,732.80
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24
Dry Dock								
100'	N/A	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
200'	N/A	\$2,500,000	\$2,383,200	\$2,309,875	\$1,870,400	\$1,705,450	\$1,288,800	\$1,288,800
300'	N/A	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
500'	N/A	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
Quarter								
10 Person	100	\$40,000	\$38,131.20	\$36,958	\$29,926.40	\$27,287.20	\$20,620.80	\$20,620.80
25 Person	250	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
50 Person	300	\$100,000	\$95,328	\$92,395	\$74,816	\$68,218	\$51,552	\$51,552
300 Person	1000	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
500 Person	2000	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Utility								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24



AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506

(March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:

**§705. Tables—Vessels**

A. Table 705.A

Table 705.A Vessels								
Vessel Type/Size	Base Cost	Day Rate	Multiplier	2019-2014	2013-2009	2008-2004	2003-1999	1998 & Earlier
Cost Index				0.86	0.72	0.58	0.44	0.3
Crew								
60'-70'	\$1,450,000	1800	1.1	\$1,371,700	\$1,148,400	\$925,100	\$701,800	\$478,500
71'-99'	\$1,750,000	2000	1.13	\$1,700,650	\$1,423,800	\$1,146,950	\$870,100	\$593,250
100'-119'	\$2,000,000	2200	1.33	\$2,287,600	\$1,915,200	\$1,542,800	\$1,170,400	\$798,000
120'-140'	\$2,500,000	2400	1.23	\$2,644,500	\$2,214,000	\$1,783,500	\$1,353,000	\$922,500
141'-165'	\$3,250,000	2800	1.17	\$3,270,150	\$2,737,800	\$2,205,450	\$1,673,100	\$1,140,750
165'+	\$3,500,000	3000	1.17	\$3,521,700	\$2,948,400	\$2,375,100	\$1,801,800	\$1,228,500
Supply								
140'-159'	\$2,500,000	2500	1.43	\$3,074,500	\$2,574,000	\$2,073,500	\$1,573,000	\$1,072,500
160'-179'	\$2,800,000	3200	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
180'-199'	\$3,300,000	4000	1.43	\$4,058,340	\$3,397,680	\$2,737,020	\$2,076,360	\$1,415,700
200'-219'	\$4,500,000	4800	1.64	\$6,346,800	\$5,313,600	\$4,280,400	\$3,247,200	\$2,214,000
220'-230'	\$6,000,000	5000	2.5	\$12,900,000	\$10,800,000	\$8,700,000	\$6,600,000	\$4,500,000
231'+	\$6,000,000	5000	2.83	\$14,602,800	\$12,225,600	\$9,848,400	\$7,471,200	\$5,094,000
OSV								
110'-139'	\$2,000,000	3000	1.14	\$1,960,800	\$1,641,600	\$1,322,400	\$1,003,200	\$684,000
140'-159'	\$2,200,000	3500	1.14	\$2,156,880	\$1,805,760	\$1,454,640	\$1,103,520	\$752,400
160'-179'	\$2,200,000	3500	1.21	\$2,289,320	\$1,916,640	\$1,543,960	\$1,171,280	\$798,600
180'-199'	\$2,800,000	4000	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
200'-219'	\$3,500,000	5200	1.71	\$5,147,100	\$4,309,200	\$3,471,300	\$2,633,400	\$1,795,500
220'-230'	\$5,000,000	5700	1.93	\$8,299,000	\$6,948,000	\$5,597,000	\$4,246,000	\$2,895,000
231'-279'	\$5,000,000	5700	2.11	\$9,073,000	\$7,596,000	\$6,119,000	\$4,642,000	\$3,165,000
280'-299'	\$6,000,000	9000	2.11	\$10,887,600	\$9,115,200	\$7,342,800	\$5,570,400	\$3,798,000
300'-319'	\$8,000,000	10500	2.11	\$14,516,800	\$12,153,600	\$9,790,400	\$7,427,200	\$5,064,000
320'+	\$9,000,000	10800	2.11	\$16,331,400	\$13,672,800	\$11,014,200	\$8,355,600	\$5,697,000
Utility								
100'-119'	\$2,200,000	2500	1.27	\$2,402,840	\$2,011,680	\$1,620,520	\$1,229,360	\$838,200
120'-139'	\$2,500,000	2800	1.13	\$2,429,500	\$2,034,000	\$1,638,500	\$1,243,000	\$847,500
140'-165'	\$2,800,000	3200	1.17	\$2,817,360	\$2,358,720	\$1,900,080	\$1,441,440	\$982,800
165'+	\$4,000,000	3600	1.17	\$4,024,800	\$3,369,600	\$2,714,400	\$2,059,200	\$1,404,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), amended LR 35:493 (March 2009), LR 47:

**Chapter 9. Oil and Gas Properties**

**§907. Valuation of Oil, Gas, and Other Wells**

A. The cost-new schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing.

Consistent with R.S. 47:1957, the assessor may request additional documentation.

Instructions for Use of Tables 907.A-1, 907.A-2 and 907.A-3 and Procedure for Arriving at Assessed Value

1. Determine if well is located in Region 1 by reference to Table 907.B.1. See note for Region 2 or Region 3 (offshore state waters) wells.
2. Multiply the appropriate percent good factor based on age of the well as found in Table 907.B-2.
3. Use Oil cost-new to assess all active service wells for region where located.
4. See explanations in Section 901.E regarding the assessment of multiple completion wells.

5. For wells recompleted, use new perforation depth to determine fair market value.

6. Adjustments for Allowance of Economic Obsolescence

a. All wells producing 10 bbls oil or 100 mcf gas, or less, per day, as well as, all active service wells (i.e. injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with proper documentation to claim this reduction. Once the 40 percent reduction has been applied and calculated, an additional 60 percent reduction shall be applied for any well producing 1 bbl of oil or 10 mcf of gas or less per day.

i. for wells producing 5 mcf or less of gas per day an additional reduction of 33 percent shall be applied;

ii. for wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. All oil and gas property assessments may be based on an individual cost basis.

e. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 907.A-1, 907.A-2 or 907.A-3.

1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	36.45	152.54	5.47	22.88
1,250-2,499 ft.	32.90	112.16	4.94	16.82
2,500-3,749 ft.	25.86	74.29	3.88	11.14
3,750-4,999 ft.	35.78	74.02	5.37	11.10
5,000-7,499 ft.	42.07	72.25	6.31	10.84
7,500-9,999 ft.	92.22	97.38	13.83	14.61
10,000-12,499 ft.	268.91	118.13	40.34	17.72
12,500-14,999 ft.	437.34	178.38	65.60	26.76
15,000-17,499 ft.	559.75	203.40	83.96	30.51
17,500-Deeper ft.	N/A	568.96	N/A	85.34

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A.2 Oil, Gas and Associated Wells; Region 2—South Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	130.65	151.55	19.60	22.73
1,250-2,499 ft.	96.78	251.88	14.52	37.78
2,500-3,749 ft.	94.50	200.82	14.18	30.12
3,750-4,999 ft.	83.30	160.64	12.50	24.10
5,000-7,499 ft.	113.80	182.48	17.07	27.37
7,500-9,999 ft.	155.25	191.06	23.29	28.66
10,000-12,499 ft.	211.69	249.75	31.75	37.46
12,500-14,999 ft.	277.70	323.10	41.66	48.47
15,000-17,499 ft.	449.82	432.59	67.47	64.89
17,500-19,999 ft.	549.21	612.74	82.38	91.91
20,000-Deeper ft.	293.26	919.92	43.99	137.99

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A.3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters*				
Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 -1,249 ft.	N/A	N/A	N/A	N/A
1,250 -2,499 ft.	1,404.78	1,227.42	210.72	184.11
2,500 -3,749 ft.	722.36	943.32	108.35	141.50
3,750 -4,999 ft.	1,031.08	864.98	154.66	129.75
5,000 -7,499 ft.	513.12	801.16	76.97	120.17
7,500 -9,999 ft.	650.53	758.13	97.58	113.72
10,000 -12,499 ft.	736.46	768.47	110.47	115.27
12,500 -14,999 ft.	640.51	747.87	96.08	112.18
15,000 -17,499 ft.	441.46	775.99	66.22	116.40
17,500 -19,999 ft.	219.90	741.87	32.99	111.28
20,000 - Deeper ft.	N/A	1,166.13	N/A	174.92

B. The determination of whether a well is a Region 2 or Region 3 well is ascertained from its onshore/offshore status as designated on the Permit to Drill or Amended Permit to Drill form (Location of Wells Section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the Permit to Drill or Amended Permit to Drill form on file at the Department of Natural Resources.

1. Parishes Considered to be Located in Region I

Table 907.B.1 Parishes Considered to be Located in Region I			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2020	252171	Higher	97
2019	251497	252170	93
2018	250707	251496	90
2017	249951	250706	86
2016	249476	249950	82
2015	248832	249475	78
2014	247423	248831	74
2013	245849	247422	70
2012	244268	245848	65
2011	242592	244267	60
2010	240636	242591	55
2009	239277	240635	50
2008	236927	239276	45
2007	234780	236926	40

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2006	232639	234779	35
2005	230643	232638	31
2004	229010	230642	27
2003	227742	229009	24
2002	226717	227741	22
2001	225352	226716	21
2000	Lower	225351	20 *
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

C. - C.6. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:

## Chapter 11. Drilling Rigs and Related Equipment

### §1103. Drilling Rigs and Related Equipment Tables

#### A. Land Rigs

Table 1103.A Land Rigs			
Depth "0" to 7,000 Feet			
Depth (Ft.)	Fair Market Value	Assessment	
	\$	\$	
3,000	193,900	29,100	
4,000	287,600	43,100	
5,000	311,000	46,700	
6,000	340,400	51,100	
7,000	424,800	63,700	
Depth 8,000 to 10,000 Feet			
Depth (Ft.)	Fair Market Value	Assessment	
	\$	\$	
8,000	590,700	88,600	
9,000	845,100	126,800	
10,000	1,179,500	176,900	
Depth 11,000 to 15,000 Feet			
Depth (Ft.)	Fair Market Value	Assessment	
	\$	\$	
11,000	1,573,700	236,100	
12,000	1,999,700	300,000	
13,000	2,425,100	363,800	
14,000	2,817,000	422,600	
15,000	3,145,900	471,900	

Table 1103.A Land Rigs			
Depth 16,000 to 20,000 Feet			
Depth (Ft.)	Fair Market Value	Assessment	
	\$	\$	
16,000	3,389,300	508,400	
17,000	3,535,700	530,400	
18,000	3,552,000	532,800	
19,000	3,567,100	535,100	
20,000	3,570,000	535,500	
Depth 21,000 + Feet			
Depth (Ft.)	Fair Market Value	Assessment	
	\$	\$	
21,000	3,534,300	530,100	
25,000 +	3,355,800	503,400	

1. - 2. ...

#### B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 56,600,000	\$ 8,490,000
	200-299 FT.	113,100,000	16,965,000
	300 FT. and Deeper	225,900,000	33,885,000
IS	0-199 FT.	17,000,000	2,550,000
	200-299 FT.	28,300,000	4,245,000
	300 FT. and Deeper	33,900,000	5,085,000
MC	0-199 FT.	5,700,000	855,000
	200-299 FT.	11,300,000	1,695,000
	300 FT. and Deeper	45,200,000	6,780,000
MS	0-249 FT.	11,800,000	1,770,000
	250 FT. and Deeper	23,400,000	3,510,000

IC - Independent Leg Cantilever

IS - Independent Leg Slot

MC - Mat Cantilever

MS - Mat Slot

Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	51,700,000	7,755,000
801-1,800 FT.	92,600,000	13,890,000
1,801-2,500 FT.	169,700,000	25,455,000
2,501FT. and Deeper	532,500,000	79,875,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

C.1. - C.3.b.i. ...

#### D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M#	C-7 50 SERIES 6V71	95,000	14,300
	71' X 150M#			
	72' X 125M#			
	72' X 150M#			
	75' X 150M#			

Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 200M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	C-11 50 SERIES 8V71	135,000	20,300
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	C-11 50 SERIES 8V92	170,000	25,500
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	C-15/C-13 60 SERIES 12V71	200,000	30,000
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

D.1. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:

**Chapter 13. Pipelines**

**§1307. Pipeline Transportation Tables**

**A. Current Costs for Other Pipelines (Onshore)**

Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 187,200	\$ 28,080

Diameter (inches)	Cost per Mile	15% of Cost per Mile
4	221,070	33,160
6	261,070	39,160
8	308,300	46,250
10	364,080	54,610
12	429,960	64,490
14	507,750	76,160
16	599,610	89,940
18	708,100	106,220
20	836,220	125,430
22	987,510	148,130
24	1,166,180	174,930
26	1,377,170	206,580
28	1,626,340	243,950
30	1,920,590	288,090
32	2,268,080	340,210
34	2,678,430	401,760
36	3,163,030	474,450
38	3,735,310	560,300
40	4,411,130	661,670
42	5,209,230	781,380
44	6,090,200	913,530
46	7,010,470	1,051,570
48	8,150,170	1,222,530

NOTE: Excludes river and canal crossings

**B. Current Costs for Other Pipelines (Offshore)**

Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,053,170	\$ 157,980
4	1,057,920	158,690
6	1,063,690	159,550
8	1,081,870	162,280
10	1,104,140	165,620
12	1,136,070	170,410
14	1,171,950	175,790
16	1,217,320	182,600
18	1,272,180	190,830
20	1,336,540	200,480
22	1,410,400	211,560
24	1,493,750	224,060
26	1,586,590	237,990
28	1,688,930	253,340
30	1,800,760	270,110
32	1,922,090	288,310
34	2,052,910	307,940
36	2,193,220	328,980
38	2,343,030	351,450
40	2,489,820	373,470
42	2,644,420	396,660
44	2,806,680	421,000
46	2,976,460	446,470
48	3,153,620	473,040

**C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)**

Actual Age (Yrs)	26.5 Year Life Percent Good
1	98
2	96

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

\* Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016), LR 43:655 (April 2017), LR 44:582 (March 2018), LR 45:535 (April 2019), LR 46:563 (April 2020), LR 47:

**Chapter 15. Aircraft**

**§1503. Aircraft (Including Helicopters) Table**

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	97	.97
2019	1.001	2	93	.93
2018	1.037	3	90	.93
2017	1.073	4	86	.92
2016	1.094	5	82	.90
2015	1.085	6	78	.85
2014	1.095	7	74	.81
2013	1.110	8	70	.78
2012	1.119	9	65	.73
2011	1.150	10	60	.69
2010	1.187	11	55	.65

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2009	1.178	12	50	.59
2008	1.212	13	45	.55
2007	1.259	14	40	.50
2006	1.328	15	35	.46
2005	1.390	16	31	.43
2004	1.494	17	27	.40
2003	1.546	18	24	.37
2002	1.572	19	22	.35
2001	1.582	20	21	.33
2000	1.595	21	20	.32

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:

**Chapter 25. General Business Assets**

**§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity**

A. When the information necessary to use the market and income approaches to value is generally not available, the fair market value of office furniture and equipment, machinery and equipment and other assets used in general business activity can generally best be estimated by the cost approach with consideration of information provided by property owners on annual LAT 5 forms, written and verbal description of valuation factors impacting the property, and other sources. This approach allows the assessors across the State of Louisiana to fairly and uniformly assess business and industrial personal property, while, at the same time, allowing each assessor the discretion that is necessary to accommodate modernization, facelifting of equipment, and obsolescence. However, when market and/or income data is presented or reasonably available, all of the three approaches to value with reliable data should be considered to determine the reconciled fair market value of the assessed property.

B. The following data is required to use the cost approach to value:

1. total acquisition costs of equipment (including freight, installation, taxes and fees, as well as, date of

purchase) indexed to adjust the cost for the effects of inflation;

i acquisition costs can alternatively be determined using market data and/or through a study of current market conditions when actual costs are not available;

2. the average expected economic life of the equipment;

3. a typical depreciation schedule for the equipment; and

4. information to determine external (economic) and/or functional obsolescence, if any.

C. - H.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 42:749 (May 2016), LR 47:

**§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property**

A. - A.1. ...

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B. Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2020 = 100*
2020	1	1736.4	0.996
2019	2	1727.8	1.001
2018	3	1667.7	1.037
2017	4	1612.2	1.073
2016	5	1580.9	1.094
2015	6	1593.7	1.085
2014	7	1578.8	1.095
2013	8	1558.7	1.110
2012	9	1545.9	1.119
2011	10	1503.2	1.150
2010	11	1457.4	1.187
2009	12	1468.6	1.178
2008	13	1427.3	1.212
2007	14	1373.3	1.259
2006	15	1302.3	1.328
2005	16	1244.5	1.390
2004	17	1157.3	1.494
2003	18	1118.6	1.546
2002	19	1100.0	1.572
2001	20	1093.4	1.582
2000	21	1084.3	1.595
1999	22	1065.0	1.624
1998	23	1061.8	1.629
1997	24	1052.7	1.643
1996	25	1036.0	1.669
1995	26	1020.4	1.695
1994	27	985.0	1.756
1993	28	958.0	1.805
1992	29	939.8	1.840
1991	30	928.5	1.863
1990	31	910.2	1.900

\*Reappraisal Date: January 1, 2020 – 1729.4 (Base Year)

C. ...

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D. Composite Multipliers 2021 (2022 Orleans Parish)

Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.35	.54	.59	.69	.79	.83	.88	.93	.96	.99
4	.17	.36	.44	.58	.72	.78	.85	.92	.97	1.00
5		.25	.33	.47	.63	.72	.80	.90	.95	1.00
6		.20	.21	.36	.53	.63	.74	.85	.91	.97
7			.20	.28	.43	.55	.68	.81	.89	.94
8				.24	.33	.48	.61	.78	.87	.93
9				.22	.27	.40	.55	.73	.84	.92
10					.24	.33	.49	.69	.82	.91
11					.24	.28	.44	.65	.81	.90
12						.26	.37	.59	.75	.87
13						.24	.32	.55	.73	.86
14							.29	.50	.71	.86
15							.28	.46	.69	.86
16							.28	.43	.67	.85
17								.40	.66	.87
18								.37	.60	.83
19								.35	.53	.80
20								.33	.47	.74
21								.32	.45	.70
22									.42	.65
23									.39	.60
24									.33	.56
25									.33	.52
26									.34	.47
27										.46
28										.42
29										.39
30										.37
31										.38

1. Data sources for tables are:

- a. Cost Index—Marshall and Swift Publication Co.;
- b. Percent Good—Marshall and Swift Publication Co.;
- c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:

**Chapter 31 Public Exposure of Assessments; Appeals**  
**§3103. Appeals to the Louisiana Tax Commission**

A. - C.1. ...

D.1. All parties shall receive notice of the scheduling of an appeal hearing at least 30 days prior to the scheduled hearing date.

2. In addition to the initial filing of Forms 3103.A and 3103.B, the taxpayer or assessor appealing the Board of Review decision may attach a pleading containing further information concerning the appeal.

3. Either party may request a continuance of a scheduled hearing. Such a request must be made in writing and filed and served on the opposing party at least 15 days prior to the scheduled hearing date, unless good cause can be shown why the fifteen-day requirement should be waived. Requests for continuance must contain the grounds on which the continuance is requested and state whether or not the opposing party objects to the request.

4. A taxpayer or assessor who has appealed the decision of the Board of Review shall file and serve on the opposing party at least 15 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing. The party appealing the decision of the Board of Review must submit evidence that establishes the fair market value of their property or other grounds that would constitute reversal of the Board of Review's decision.

5. The party who has not appealed the Board of Review decision shall file and serve on the opposing party at least eight days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing.

6. Documents and papers offered into evidence for a hearing before the commission shall be marked as exhibits and bound. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. Exhibits offered by a taxpayer shall be marked "Exhibit Taxpayer \_\_\_\_\_" and shall be consecutively numbered. The taxpayer shall at the time an exhibit is offered state whether the exhibit contains information not furnished to the assessor before the end of the period for public exposure of the assessment lists. Exhibits offered by the assessor shall be marked "Exhibit Assessor \_\_\_\_\_" and shall be consecutively numbered. Exhibits offered by the commission or its staff representative shall be marked "Exhibit Tax Commission \_\_\_\_\_" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record proceedings before the commission, but shall not be filed as exhibits offered into evidence for the hearing before the commission.

7. Any party, including the taxpayer, assessor, and/or Tax Commission, may request, in writing, that all parties disclose witnesses that may be called to testify at the appeal hearing. Such a request must be made not less than 20 days prior to the hearing and if such a request is made, all parties must disclose, in writing, all witnesses that may be called to testify as follows: the appellant must make such disclosure at least 15 days prior to the hearing and the appellee must make such disclosure at least 8 days prior to the hearing. The

admissibility of rebuttal witnesses will be evaluated by the commission on a case-by-case basis.

E. - Y. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:

**§3301. Guidelines for Ascertaining the Fair Market Value of Financial Institutions**

A - C. ...

D. For the purposes of determining the fair market value of bank stock, the following criteria shall be used: stockholder equity shall serve as a four times factor, 80 percent and annual net earnings of the individual banking institution shall serve as a onetime factor, 20 percent. Annual net earnings shall be adjusted to remove that portion of earnings based on United States obligations by deducting a percentage of annual net earnings based on the ratio of interest on United States obligations to total operating income. Negative earnings shall be included in this formula, but there shall be no earnings loss carried forward or backward. For the purpose of computing the one time, 20 percent earnings factor, the earnings shall be capitalized by multiplying the annual net earnings or net loss of the banking institution by the average price earnings ratio for such institutions as published by a nationwide recognized bond and securities rating firm.

1. The price earnings ratio to be used for this purpose shall be computed based on the quarterly average of the previous seven years of the index selected by the Tax Commission by dropping the highest and lowest ratio years and averaging the remaining five years.

2. The calculated price earnings ratio, to be used to compute bank shareholders assessments, shall not change, up or down, by more than 1.5 points from the ratio used in the previous year.

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 28:521 (March 2002), LR 47:

Lawrence E. Cherhardy  
Chairman

2101#022

# DECLARATION OF EMERGENCY

## Department of Health Bureau of Health Services Financing

Reimbursement for Vaccine Administration  
during a Declared Public Health Emergency  
(LAC 50:IX.8305, 8505, 15113 and XXIX.Chapter 9)

The Department of Health, Bureau of Health Services Financing amends LAC 50:IX.8305, 8505, 15113, and XXIX.Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring access to vaccines during a declared public health emergency. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2020-2021.

Effective December 23, 2020, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency.

### Title 50

## PUBLIC HEALTH—MEDICAL ASSISTANCE

### Part IX. Professional Services Program

#### Subpart 7. Immunizations

### Chapter 83. Children's Immunizations

#### §8305. Reimbursement Methodology

A. - D.4. ...

E. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### Chapter 85. Adult Immunizations

#### §8505. Reimbursement Methodology

A. - C.4. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the

duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### Chapter 151. Reimbursement Methodology

#### Subchapter B. Physician Services

#### §15113. Reimbursement Methodology

A. - N. ...

O. Administration of treatments related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:

### Part XXIX. Pharmacy

### Chapter 9. Methods of Payment

#### Subchapter H. Vaccines

#### §991. Vaccine Administration Fees

A. ...

B. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1555 (August 2017), LR 46:345 (March 2020), LR 47:

#### §993. Vaccine Reimbursement

A. Vaccines for beneficiaries aged 19 and over shall be reimbursed at wholesale acquisition cost (WAC) or billed charges, whichever is the lesser amount.

B. Vaccines related to a declared public health emergency shall not be reimbursed if furnished at no cost to providers. When providers are responsible for purchasing the vaccine, the Medicaid Program shall reimburse.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:82 (January 2014), amended LR 46:345 (March 2020), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

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



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

Dr. Courtney N. Phillips  
Secretary

2101#009

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

#### Class I-E Permit (LAC 55:IX:Chapter 1 )

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, to amend LAC 55:IX:Chapter 1, as authorized by R.S. 40:1846. Furthermore, the Liquefied Petroleum Gas Commission, hereafter referred to as the "Commission", has found an immediate need to adopt amendments to create an additional Class I permit, the Class I-E permit, the provisions of which are applicable to emergencies and/or disasters.

In August and September 2020, President Donald J. Trump declared a State of Emergency in Louisiana due to the devastation caused by Hurricane Laura and its aftermath. Concurrently, Governor John Bel Edwards declared a State of Emergency in Louisiana for the same reasons. Furthermore, President Donald J. Trump invoked the Stafford Act and declared a national emergency regarding Hurricane Laura and its aftermath, which has caused destruction and devastation to the lives and property of Louisiana residents.

Again, on October 6, 2020, Governor John Bel Edwards declared a State of Emergency ahead of Hurricane Delta. On October 7, 2020, Governor Edwards made a request for presidential emergency disaster to President Donald J. Trump to which President Trump approved said request. On October 9, 2020, Hurricane Delta, the record-tying fourth storm of 2020 to strike Louisiana, made landfall as a Category 2 hurricane near Creole, Louisiana.

As such, the residual effects of the storms present a substantial risk to the health, safety and welfare of a significant number of citizens in our state. Many people were forced to evacuate their homes and businesses, including numerous individuals who own, operate, and work in the liquefied petroleum gas trade, commonly known as the propane industry. From dealers whose businesses are currently inoperable to displaced employees who delivered propane and serviced tanks, the industry now faces a shortage in the workforce.

Liquefied petroleum gas, also referred to as propane or butane, is an efficient energy source used in home and water heating appliances and cooking equipment such as stoves and grills. In times of emergencies and/or disasters, it is also used to operate generators and power temporary/transient housing, such as FEMA trailers. Therefore, it is an imminent

peril to the public health, safety and welfare that the industry supply the necessary propane needed to fulfill the supply and demand necessitated at this time. Due to the shortage of personnel, it is crucial to permit additional, qualified individuals from other jurisdictions.

In particular, the Emergency Rule amends LAC 55:IX:Chapter 1, Section 107, to permit nonresidents in other jurisdictions to enter any phase of the liquefied petroleum gas business during an emergency and/or disaster, only after the Commission has reached a reciprocal agreement with the liquefied petroleum gas regulating authority of the state in which the permit applicant resides. The Class I-E permit is an exception to the Class I permit, as it omits the requirement that holders of the permit provide a storage capacity for liquefied petroleum gas of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana. It also excludes the requirement that the permit holder show evidence of ownership of the storage tank, or in the alternative, a bona fide lease of five years minimum. This requirement is not applicable due to the fact that the Class I-E permit is only valid during an emergency and/or disaster and is issued for a period of 90 days. However, the permit may be renewed, prior to its expiration date, during the course of the emergency and/or disaster that it was initially applied for.

The adoption of this Rule on an emergency basis is also necessary due to the hazardous components of liquefied petroleum gas, which are flammable mixtures of hydrocarbon. As a result of the storm, many propane tanks may have been dislodged or flooded. In haste to evacuate, some may have failed to shut off the main gas supply valve to their homes or on propane tanks. In addition, water and debris may have inundated regulators and controls, causing potential safety issues, requiring a qualified propane dealer or service technician to inspect the propane system to ensure it is leak free. Fallen trees and power lines can create further safety concerns. The Commission finds that an imminent peril to the public health, safety and welfare requires adoption of this Rule. The Emergency Rule was adopted and became effective September 8, 2020, upon the signature of the agency head, John W. Alario, Executive Director. It is necessary to continue the provisions of this Emergency Rule, effective January 6, 2021, until the adoption of the final Rule, or 120 days, whichever comes first.

#### Title 55

#### PUBLIC SAFETY

#### Part IX. Liquefied Petroleum Gas

#### Chapter 1. General Requirements

#### Subchapter A. New Dealers

#### §103. Definitions

A. The following terms, as used in this Part, have the meanings listed below.

\* \* \*

*Disaster*—the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as a hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of

terrorism, hostile military action, and other events related hereto.

\* \* \*

*Emergency*—the actual or threatened condition which has been or may be created by a disaster or; any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident; or

a. any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public;

b. any national or state emergency, including acts of terrorism or a congressional authorization or presidential declaration pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.).

\* \* \*

*State of Emergency or Disaster*—any event declared by the governor of the state by his authority under the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" under R.S. 29:721 et seq.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998), LR 29:2508 (November 2003), LR 31:2556 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007, LR 36:2571 (November 2010), LR 38:1255 (May 2012), LR 47:

### **§107. Requirements**

A. Before any permit or registration may be issued from the office of the director, all applicants shall have complied with or agree to comply with the applicable requirements as follows:

1. Shall deposit filing fee of \$100 for Class I, I-E, IV and VI; \$50 for class VI-X and \$25 for all remaining permits. This fee shall accompany the application.

2. - 5.b. ...

c. Each location of Class I, Class I-E, Class VI and Class VIII dealers, which fill DOT specification cylinders of 200 lbs. or less, liquefied petroleum gas capacity, that are in commerce or transportation, shall provide a suitable weighing device (scales).

6. Applicants shall have paid a permit fee in the amount of \$150, Class I-E and Class III which shall be \$500 and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$150 for each location. For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$150 for each location. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$150, except registrations shall be \$37.50 per year.

6.a. - 10. ...

11. Applicants for change of name shall deposit a filing fee of \$25 with a formal application for a name change. The office of the director shall administratively grant the name change after all commission requirements are met. The commission shall ratify the name change at the next commission meeting after which a minimum of 20 days have elapsed since the administrative granting of the name

change. A representative of the new firm or corporation shall be required to be present when the application is ratified by the commission, except in the cases of Class VI-X, and R-1 and R-2 registrations, when appearance is waived. All certificates of competency shall be changed to new name, except Class VI-X which does not require certificates of competency.

12. ...

13. The commission shall grant Class I and Class I-E Liquefied Petroleum Gas permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

14. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201 (October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 41:395 (February 2015), LR 42:427 (March 2016), LR 42:1671 (October 2016), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 47:

### **§109. Compliance with Rules**

A. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement for all permit holders.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:2567 (October 2005), LR 38:1259 (May 2012), LR 46:188 (February 2020), LR 47:

### **§111. Re-Application**

Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application 90 days after the date of denial, with the exception of a Class I-E permit application. Any person, firm or corporation who has made application for a Class I-E permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application any time during the same disaster and/or emergency that the initial permit application was submitted to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:633 (December 1981), LR 38 1259 (May 2012), LR 47:

### §113. Classes of Permits and Registrations

A. - A.1.f. ...

2. Class I-E. Holders of these permits may enter any phase of the liquefied petroleum gas business. These permits shall only be granted during an emergency and/or disaster. These permits are valid for 90 days from the date of issuance. Permits may be renewed prior to the expiration date of the permit during the course of the emergency and/or disaster that it was initially applied for.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

e. The name of the dealer shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

3. Class II. Holders of these permits may install and service liquefied petroleum gas containers, piping, and appliances but shall not sell nor deliver gas with this permit. This class is also applicable to the installation and service of liquefied petroleum gas containers, piping, and appliances on mobile homes, modular homes, manufactured homes, motor homes, travel trailers homes or any other recreational vehicles.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. motor vehicle liability.

b. Louisiana manufacturers and dealers of mobile homes, manufactured homes, modular homes, motor homes, travel trailers, or any recreational vehicles shall comply with all state and federal safety standards and perform all safety tests on mobile homes, modular homes, manufacture homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

c. Upon delivery of a mobile home, manufactured homes, modular homes, motor home, travel trailer, or any other recreational vehicle, new or used, the required installation report and inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the dealer or any entity performing functions as a dealer using liquefied petroleum gas in the system. An installation report properly completed and signed by the customer or his/her authorized representative shall be sent to the office of

the director verifying that the tests were performed and that the test was eye witnessed by the customer or his/her authorized representative.

d. The mobile home, manufactured homes, modular homes or recreational vehicle dealer or entity performing functions as a dealer shall have a permit with this commission and is responsible to this commission to make the required installation report, perform the required inspection and safety tests, or make arrangements for it to be made by a qualified permit holder.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

4. Class III. Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from dealers who hold a valid liquefied petroleum gas permit and resell the aforementioned purchased liquefied petroleum gas product to end users utilizing floor maintenance machines and/or industrial trucks (forklifts) on their premises. Holders of these permits shall not deliver gas or engage in repairing liquefied petroleum gas containers or systems.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Shall submit a completed "location approval form" for each physical location being served, with a handling fee of \$150 for each location being served.

c. Compliance with all other statutes, rules and regulations is a mandatory requirement.

d. Shall provide 24 hour emergency contact information at each liquefied petroleum gas storage location. The person deemed the emergency contact shall have basic knowledge regarding liquefied petroleum gas emergencies and shall maintain contact information per the servicing liquefied petroleum gas supplier.

e. The Class III permit holder shall post the servicing liquefied petroleum gas supplier's name (name on Louisiana liquefied petroleum gas permit) at each liquefied petroleum gas storage site and each end user's location.

5. Class IV. Resellers (Wholesalers). Holders of these permits may deliver and transport liquefied petroleum gas over the highways of the state; may sell liquefied petroleum gases only to manufacturers of liquefied petroleum gases, or manufacturers of products which liquefied petroleum gases form a component part, or to dealers who hold a permit with this commission; utilize aboveground steel storage and/or approved salt dome, shale and other underground caverns for the storage of liquefied petroleum gases; do general maintenance work on their equipment, using qualified personnel, but shall not sell or install systems and appliances.

a. Shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

6. Class V. Carburetion Permit. Holders of these permits may install equipment, including containers, and

service liquefied petroleum gas equipment used on internal combustion engines. They shall not deliver liquefied petroleum gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

7. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. The name of the dealer shall appear on storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

8. Class VI-X. Holders of these permits may engage in the exchange of approved liquefied petroleum gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit shall be issued.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

9. Class VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per automobile liability coverage.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. The name of the dealer shall appear on all tank trucks which require registration with the commission.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

10. Reserved.

11. Class VIII. Holders of these permits may store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved ASME tanks, ICC or DOT containers used in the metal working industry.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of

\$1,000,000 per products, manufacturers and contractors, and automobile liability coverage.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

12. Class IX. Holders of these permits may inspect, recertify and recondition DOT and ICC cylinders. They shall not sell or deliver liquefied petroleum gas or anhydrous ammonia.

a. Holders of these permits shall obtain from DOT a retesters identification number, and provide proof of such to the commission.

b. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

c. Holders of these permits shall provide drawing and description of equipment to be installed to retest cylinders. Drawing and description shall be submitted to the office of the director for his approval before installation.

d. Holders of these permits shall maintain an accurate log of all cylinders that have been retested by date, size, manufacturer name, and serial number. The commission reserves the right to inspect such logs at any time through its representative.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

13. Registration 1 (R-1). Holders of these registrations shall be a person, firm, or corporation who is engaged in the business of plumbing and holds a master plumber's license issued by the state of Louisiana. They may install liquefied petroleum gas or anhydrous ammonia piping and make alterations or modifications to existing piping systems. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

14. Registration 2 (R-2). Holders of these registrations shall be a person, firm, or corporation engaged in the mechanical contracting business. They may install liquefied petroleum gas and/or anhydrous ammonia appliances and equipment, and make alterations or modifications to existing liquefied petroleum gas and/or anhydrous ammonia appliances and equipment. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products and manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:701 (July 1995), LR 24:461 (March 1998), LR 25:2411 (December 1999), LR 29:2509 (November 2003), LR 33:1141 (June 2007), effective July 1, 2007, LR 38:1259 (May 2012), LR 41:395 (February 2015), LR 43:967 (May 2017), LR 46:188 (February 2020).

### **Subchapter B. Dealers**

#### **§119. Permit Fees**

A. All fees pursuant to R.S. 40:1849 shall be paid before a new permit will be issued each year, with the exception of a Class I-E permit. For a Class I-E permit, all fees shall be paid prior to a renewal permit being issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 38:1262 (May 2012), LR 47:

#### **§131. Compliance with Rules**

A. Compliance with all other statutes, rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 47:

John W. Alario  
Executive Director

2101#013

### **DECLARATION OF EMERGENCY**

#### **Department of Public Safety and Corrections Uniform Construction Code Council**

Storm Shelters (LAC 17:I.101)

The Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency

provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to amend the current building provisions in the *International Building Code* regarding health and safety for the public.

The LSUCCC is promulgating this Emergency Rule to amend the current rule so as to provide greater health and safety for the public and those providing installation of storm shelters. This Rule was first adopted and published in the January 2018 edition of the *Louisiana Register* (Vol. 44, No. 01). The Rule became effective on February 1, 2018. To amend those provisions and by the signature of the agency head, the Emergency Rule was adopted and became effective on September 2, 2020. To continue those provisions, this Emergency Rule shall be in effect until promulgation of the final Rule on January 20, 2021. This Emergency Rule was adopted and became effective on December 29, 2020 by the signature of the agency head, Chief H. "Butch" Browning, Jr., State Fire Marshal.

The adoption of the 2015 *International Building Code*, Section 423, provides for storm shelter requirements in specific parishes in the northern region of the state. These requirements include the construction of new, or the construction of additions to, facilities for schools and essential services such as fire, police, EMS and 911 call centers. Many design professionals, school boards and essential services agencies were unaware of this requirement. They secured funding in their proposed budgets without this requirement being addressed in the plans and specifications. Bonds were secured for funding based on the older edition of the code, without the increased cost for storm shelters factored into the cost projections. Due to the increased cost not being provided for in the budgeting of new schools, essential services projects were being canceled or placed on indefinite hold until new funding could be secured. This Emergency Rule addresses this requirement by providing for a delay in the effective date for enforcement. This delay also allows for more public input into the implementation timeline and any needed amendments to this section of the *International Building Code*.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater safety to existing facilities undergoing renovations and for new proposed facilities to include these storm shelter requirements in securing funding. The public welfare further dictates that these changes are implemented immediately through the adoption of the Emergency Rule because of the health risks these amendments address. Adoption of this Emergency Rule will allow owners and developers to immediately use these new standards in expanding existing facilities or constructing new facilities. Adoption of this Emergency Rule will also provide proven methods for storm shelters and new technology which will ensure the health, safety and welfare of not only school age children but for the public as well.

## Title 17

### CONSTRUCTION

#### Part I. Uniform Construction Code

#### Chapter 1. Uniform Construction Code

#### §101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

1. Projects submitted for permitting prior to January 1, 2020 shall not be required to comply with the 2015 IBC Section 423, Storm Shelters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), LR 47:

Chief H. "Butch" Browning, Jr.  
State Fire Marshal

2011#011

#### DECLARATION OF EMERGENCY

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Shrimp Season Closure in Portions of State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 6, 2020, which authorizes the secretary of the department to close the fall inshore shrimp

season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2020 fall inshore shrimp season shall close on December 23, 2020, at official sunset, except for the following inside waters located east of the Mississippi River: Lake Pontchartrain, Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, Mississippi River Gulf Outlet (MRGO), a section of the Gulf Intracoastal Waterway (GIWW) in Orleans Parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the Inner Harbor Navigation Canal, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet  
Secretary

2101#005

#### DECLARATION OF EMERGENCY

#### Workforce Commission Office of Unemployment Insurance Administration

Emergency Rule—State Income Tax Withholding  
from Unemployment Insurance Benefits  
(LAC 40:IV.383)

The Louisiana Workforce Commission (LWC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., to promulgate a Rule to address the withholding of state income taxes.

This Emergency Rule is necessary to implement Act 33 of the 2020 First Extraordinary Session that created R.S. 23:1693(J), which addresses the withholding of state income taxes from unemployment insurance benefits when a temporary increase in federal emergency unemployment insurance is in effect. A delay in promulgating this Rule would have an adverse impact on the LWC's eligibility for federal funding because R.S. 23:1693(J) is not in conformity with 26 U.S.C. §3304(a)(4)(C) of the Federal Unemployment Tax Act (FUTA) as required under R.S. 23:1664(2). It is imperative that the LWC proceed expediently with this Rule because of the precarious position of the immense number of recently unemployed workers due to COVID-19, which is an imminent peril to public health, safety, and welfare that requires immediate action to provide benefits. Failure to adopt this Rule on an emergency basis may imperil LWC's ability to receive federal funding for failure to meet conformity requirements, which would affect the ability of unemployed workers to receive benefits. This Emergency Rule is being promulgated in order to continue the provisions of the August 29, 2020 Emergency Rule (Louisiana Register, Volume 46, Number 08).

This Emergency Rule is effective December 27, 2020, and shall remain in effect for the maximum period allowed under

the Administrative Procedure Act, R.S. 49:953 (B)(1) et seq., or until adoption of the final Rule, whichever occurs first.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part IV. Employment Security**

**Chapter 3. Employment Security Law**

**§383. Voluntary State Income Tax Withholdings from Unemployment Insurance Benefits**

A. Pursuant to R.S. 23:1693(J), which was created by Act 33 of the 2020 First Extraordinary Session, withholding of state income taxes was made mandatory when any temporary federal emergency increase in benefits or any additional federal base benefit is in effect. However, under 26 U.S.C. §3304(a)(4)(C) of the Federal Unemployment Tax Act (FUTA), withholding from unemployment insurance must be voluntary in order to conform with federal

requirements. R.S. 23:1664(2) requires that the administrator take such actions as may be necessary to meet the requirements of FUTA as interpreted by the U.S. Department of Labor. Therefore, regardless of whether any temporary federal emergency increase in benefits or any additional federal base benefits are in effect, a claimant may voluntarily elect to have state income taxes withheld at a rate of 4 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1664(2), R.S. 23:1693(J), and R.S. 36:310.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 47:

Ava M. Dejoie  
Secretary

2101#008

# Rules

## RULE

### Department of Children and Family Services Division of Child Welfare

#### Extended Foster Care Services (LAC 67:V.3903)

In accordance with the provisions of the Administrative Procedure Act, R. S. 49:953 (B), the Department of Children and Family Services (DCFS) has amended LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Extended Foster Care, Section 3903.

Pursuant to Act 400 of the 2019 Regular Session of the Louisiana Legislature, DCFS has implemented extended foster care services for foster care youth ages 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in an institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least eighty hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition. This Rule is hereby adopted on the day of promulgation, and it is effective on February 1, 2021.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 5. Foster Care

#### Chapter 39. Chafee Foster Care Independence Program and Extended Foster Care

#### §3903. Extended Foster Care Services

A. The DCFS will continue to provide foster care services to young adults age 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least eighty hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition in accordance with R.S. 46:288.1, et seq. They shall be eligible for foster care services until their twenty-first birthday as long as the youth is willing and continues to meet the above stated eligibility criteria. The youth initiates extended foster care services through signing a voluntary placement agreement. The young adult in foster care shall be eligible for all foster care services in accordance with their voluntary placement agreement and case plan; and, their foster parents, custodian or other placement provider continued services and benefits for the period of time the young adult is eligible and participating in the extended foster care program.

B. The DCFS will notify all foster children and their foster parents/custodians/placement provider in writing of the availability of extended foster care services; eligibility for the services; and, the benefits at the foster child's seventeenth birthday. The written notifications will continue

every 90 days unless the foster child and foster parents/custodian/placement provider consent to participate in extended foster care, or the child becomes ineligible for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 400 of the 2019 Regular Session and R.S. 46:288.1, et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare, LR 45:508 (April 2019), effective May 1, 2019, amended LR 47:36 (January 2021), effective February 1, 2021.

Marketa Garner Walters  
Secretary

2101#017

## RULE

### Department of Children and Family Services Economic Stability Section

#### Vulnerable Communities and Peoples Initiative (LAC 67:III.5553)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) has amended LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5553 Vulnerable Communities and Peoples Initiative.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, amendment of Section 5553 adopted provisions necessary to establish the Vulnerable Communities and Peoples Initiative to stabilize families and improve their economic opportunities.

This action was made effective by an Emergency Rule dated and effective August 1, 2020. This Rule is hereby adopted on the day of promulgation, and it is effective February 1, 2021.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Economic Stability

#### Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

#### Chapter 55. TANF Initiatives

#### §5553. Vulnerable Communities and Peoples Initiative

A. Effective August 1, 2020, the department shall enter into an agreement with the Southern University Law Center to establish the Vulnerable Communities and Peoples Initiative to stabilize families and improve their economic opportunities by reducing and/or eliminating disparities.

B. Services include, but are not limited to, research and development, community networking and partnership referrals, employment assistance, and direct and indirect legal services.

C. These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by identifying direct and indirect



barriers to resources and providing a network of supportive services through governmental agencies and community partnerships, such as application assistance, legal services, and referrals.

D. Eligibility for services is limited to needy, low-income family members identified and served by the Southern University Law Center.

E. Services are considered non-assistance by the department.

F. Services are subject to the availability of funds as approved and designated by the secretary.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231; and R.S. 36:474.

HISTORICAL NOTE: Promulgated by Department of Children and Family Services, Economic Stability Section, LR 47:36 (January 2021), effective February 1, 2021.

Marketa Garner Walters  
Secretary

2101#018

## RULE

### Department of Economic Development Office of the Secretary

#### Angel Investor Tax Credit Program (LAC 13:I.Chapter 33)

Under the authority of R.S.47:6020 through 6020.4 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development has amended the rules for the administration of the Angel Investor Tax Credit Program.

The purpose of this regulation is to implement legislative changes to the Angel Investor Tax Credit program under R.S. 47:6020 as enacted by Act 22 of the 2020 Special Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 33. Angel Investor Tax Credit Program

#### §3303. Accredited Investor

A.1. - 3. ...

4. the investment in the Louisiana Entrepreneurial Business must be maintained for three years unless otherwise approved by the Department of Economic Development;

5. persons, including corporations, partnerships, limited liability partnerships and limited liability corporations composed of persons meeting the qualifications of Paragraphs A.2 and 3 above, provided that the person's share of the tax credits of the entrepreneurial business shall not exceed that person's share of the profits of the entrepreneurial business or a person's share of the tax credits as a partner or a member of a limited liability corporation or partnership shall not exceed that person's share of the profits of the LLC.

B.1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:228 (February 2006), amended LR 32:1594 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3495 (December 2011), amended by Department of Economic Development, Office of the Secretary, LR 47:37 (January 2021).

#### §3307. The Amount, Allocation and Limitations of the Angel Investor Tax Credits

A. ...

1. For calendar year 2011, the department will begin accepting applications on September 1, and for all other calendar years, the department will begin accepting applications on January 1. The allocation of credits for all years will be administered on a first come, first serve basis until the annual three million six hundred thousand dollar cap has been reached. However, on the day that the cap is reached, all applications received that day will be treated as received at the same time and the credits remaining for allocation that day will be prorated.

a. - e. ...

f.i. Any returned reservation credits whose businesses could not provide proof of investment within 120 days, will be allocated when available on a first come, first serve basis until the annual cap has been reached. However, on the day that the cap is reached, all applications received that day will be treated as received at the same time and the credits remaining for allocation that day will be prorated. Returned reservation credits will be made available the sooner of:

(a) the day returned reservation credits exceed the amount of credits requested in applications in line to receive credits the next day; or

(b) the day all 120-day proof of investment periods have expired.

ii. ...

g. A business that fails to provide proof of investment on the full reservation amount within 120 days will not be allowed to apply for angel investor credits again for a three-month period. The three-month period will begin on the day following the end of the 120 day period for proof of investment.

B. - E. ...

F. The Angel Investor Tax Credit Program has a program cap of three million six hundred thousand dollars in tax credits granted per calendar year. If the department does not grant the entire three million six hundred thousand dollars in tax credits in any calendar year, the amount of residual unused tax credits shall carry forward to subsequent calendar years and may be granted in any year without regard to the three million six hundred thousand dollar per year limitation. No tax credit shall be granted to an investor until the investment has been made in the Louisiana Entrepreneurial Business.

G. For purposes of receiving angel investor tax credits, an investor may not invest more than seven hundred twenty thousand dollars per year per business or more than one

million four hundred forty thousand dollars total per business over the life of the program. The credit shall be allowed against the income tax for the taxable period in which the credit is earned and the franchise tax for the taxable period following the period in which the credit is earned. The credits approved by the department shall be granted at the rate of twenty-five percent of the amount of the investment with the credit divided in equal portions for two years.

1. Except as provided in Paragraph 4 of this Subsection, applications received on or after July 1, 2020, for investments that meet the requirements of Subsection C of this Section and the requirements of 26 U.S.C. 1400Z-1, 1400Z-2, and applicable federal regulations shall be entitled to an enhanced credit in accordance with the provisions of this Subsection.

2. The amount of the credit granted by the department shall be 35 percent of the amount of the investment with the credit divided in equal portions for two years,

3. In addition to the credit cap provided for in Subsection A, the total amount of credits granted under this Subsection shall not exceed \$3,600,000 per year for a total program cap of \$7,200,000 per year. If the department does not grant the entire \$3,600,000 in tax credits in any calendar year authorized pursuant to this Subsection, the amount of unused tax credits shall carry forward to subsequent calendar years and may be granted in any year without regard to the \$3,600,000 annual cap provided for in this Subsection.

4. To the extent that federal laws and regulations relative to opportunity zones require that business revenues be derived from within the opportunity zone, otherwise eligible business shall be exempt from the requirement that 50 percent or more of sales shall come from out of state as specified in Subsection A.

H. No credits shall be granted or reserved under this program for reservation applications received by the department on or after July 1, 2025.

I. The department has the authority to change the administration of the Angel Investor Tax Credit Program when it is deemed necessary for the effective administration of the program. Notice of any change in administration will be done with 10-day prior notice published on the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006), amended LR 32:1595 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3196 (December 2011), amended by the Department of Economic Development, Office of Business Development, LR 42:35 (January 2016), amended by Department of Economic Development, Office of the Secretary, LR 47:37 (January 2021).

Anne G. Villa  
Undersecretary

2101#030

## RULE

### Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs—2020 Regular Session of the Louisiana Legislature and TOPS 5.0 Grading Scale: AP Psychology (LAC 28:IV.509, 703, 705, 803, and 805)

The Louisiana Board of Regents has amended the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking implements Act 225, Act 245, and (HB870) of the 2020 Regular Session of the Louisiana Legislature and adds AP Psychology as a course that may be graded on a 5.0 scale for high school graduates of 2018 and later. SG21192R) 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 5. Applications, Federal Grant Aid and ACT Test

#### §509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is September 30, 2020. A student may qualify for an initial award or a higher award based on such test. The

award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:38 (January 2021).

**Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

**§703. Establishing Eligibility**

A. - A.5.a.ii.(e). ...

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

A.5.a.ii.(f)(ii). - B.2.b. ...

3. under §703.A.5.a and b in academic year (high school) 2021-2022 must have attained a TOPS cumulative high school grade point average, based on a 4.00 maximum scale, of at least:

- a. a 2.50 for the Opportunity Award; or
- b. a 3.25 for the Performance Award; or
- c. a 3.50 for the Honors Award;

B.4. - J.4.b.ii. ...

**K. Public Health Emergency Initial Eligibility Requirements**

1. An affected student shall not be required to meet the home study requirements set forth in §703.A.5.d.i.-iii. if it is determined by the administering agency that the student's failure to meet the requirements was, more likely than not, due solely to consequences of measures taken to mitigate the public health emergency.

2. For purposes of this Subsection, an *affected student* is a student who:

a. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

b. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

c. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

d. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021).

### **§705. Maintaining Eligibility**

A. - E.3. ...

F. Public Health Emergency Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, an affected student must meet all of the criteria in §705.A-D above, except as follows.

a. An affected student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6.

b. An affected student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

c. An affected student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

d. The period of suspension of a TOPS Award for an affected student due to the student not meeting the requirement to maintain minimum academic progress or to make steady academic progress shall be extended on a one-for-one basis for each semester or term the student is unable to complete or in which the student does not enroll on a full-time basis due to measures taken to mitigate the public health emergency.

2. For the purposes of this Subsection, *affected student* shall mean:

a. a student who was enrolled full time as of the census date at an eligible college or university during the spring semester of 2020;

b. a student who was enrolled full time at an out-of-state college or university as of the census date during the spring semester of 2020; or

c. a student who was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

G.1. A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:40 (January 2021).

## **Chapter 8. TOPS-Tech Award**

### **§803. Establishing Eligibility**

A. - B.4.b.ii. ...

C. Public Health Emergency Initial Eligibility Requirements

1. An affected student shall not be required to meet the home study requirements set forth in §803.A.5.d.i.-iii. if it is determined by the administering agency that the student's failure to meet the requirements was, more likely than not, due solely to consequences of measures taken to mitigate the public health emergency.

2. An affected student who was pursuing the JumpStart core curriculum set forth in §803.A.6.a.ii. will not be required to complete any JumpStart course, experience, or credential that was waived by the student's high school for high school graduation purposes.

3. For purposes of this Subsection, an *affected student* is a student who:

a. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

b. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of

this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

c. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

d. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §803.A.2.

D. Military Veterans Initial Eligibility Requirements

1. Effective for the 2020-2021, 2021-2022, and 2022-2023 academic years, a veteran may qualify for a TOPS Tech Award in accordance with the provisions of this Subsection.

2. To qualify for an award under the provisions of this subsection, a veteran must:

a. submit a copy of his DD-214 evidencing that:

i. he was honorably discharged from a military installation in Louisiana;

ii. he served in a branch of the United States Armed Forces for a period of at least 3 years;

b. be a citizen of the United States;

c. have established domicile in Louisiana within one year of discharge from active duty, provided that such domicile was established on or after January 1, 2020;

e. submit a copy of his standardized test score(s) evidencing the following was achieved prior to high school graduation:

i. 17 on the ACT; or

ii. the equivalent concordant value to an ACT score of 17 on the SAT; or

iii. the Silver level score on the assessments of the ACT WorkKeys system;

f. have filed a free application for Federal Student Aid (FAFSA) no more than one year subsequent to discharge from active duty;

g. have enrolled full time in an eligible program of study no later than one year after notification of eligibility for a TOPS Tech Award under the provisions of this Subsection;

h. have no criminal conviction other than misdemeanor traffic violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of

Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:40 (January 2021).

**§805. Maintaining Eligibility**

A. - D.3. ...

E. Public Health Emergency Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, an affected student must meet all of the criteria in §805.A-C. above, except as follows.

a. An affected student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

b. An affected student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

c. An affected student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

d. The period of suspension of a TOPS Tech Award for an affected student due to the student not meeting the requirement to maintain minimum academic progress or to make steady academic progress shall be extended on a one-for-one basis for each semester or term the student is unable to complete or in which the student does not enroll on a full-time basis due to measures taken to mitigate the public health emergency.

2. For the purposes of this Subsection, *affected student* shall mean:

a. a student who was enrolled full time as of the census date at an eligible college or university during the spring semester of 2020;

b. a student who was enrolled full time at an out-of-state college or university as of the census date during the spring semester of 2020; or

c. a student who was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

F. A student who successfully completes a vocational or technical certificate or diploma program or a non-academic degree program without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in another program of study leading to a vocational or technical certificate or diploma or to a non-academic degree no later than the fall semester immediately following the first anniversary of the student's completion of a vocational or technical certificate or diploma program or of a non-academic degree program and has met the requirements for continued eligibility set forth in §805.A.

G. The provisions of §805.A, B, C and F shall be applicable to a veteran who qualifies for an initial program award under the provisions of §803.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781

(April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 47:41 (January 2021).

Robyn Rhea Lively  
Senior Attorney

2101#007

**RULE**

**Tuition Trust Authority  
Office of Student Financial Assistance**

START Saving Program  
(LAC 28:VI.311)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.).

This rulemaking implements Act 56 of the 2020 Regular Session of the Louisiana Legislature. (ST21191R) This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part VI. Student Financial Assistance—Higher  
Education Savings**

**Chapter 3. Education Savings Account**

**§311. Termination, Refund, and Rollovers of an  
Education Savings Account**

A. - E.4.c. ...

5. For the 2020 calendar year only, and beginning on August 1, 2020, an account owner may request a refund in order to pay the tuition expenses related to the beneficiary's enrollment in kindergarten through twelfth grade as follows:

- a. the amount requested to be refunded is less than or equal to the balance of the account;
- b. the amount requested to be refunded does not exceed \$10,000;
- c. no earnings enhancements or interest thereon shall be included in such a refund.

6. Refunds made under §311.E.3 and 4 are currently exempt from additional federal taxes.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 47:42 (January 2021).

Robyn Rhea Lively  
Senior Attorney

2101#021

**RULE**

**Department of Health  
Board of Dentistry**

CDC Inspection Violation Expungement;  
Nitrous Oxide Analgesia  
(LAC 46:XXXIII.322 and 1502)

Editor's Note: This Rule is being repromulgated to correct a manifest typographical error. The original Rule may be viewed in its entirety on page 1676 of the December 20, 2020 *Louisiana Register*.

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.322 and 1502. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Professions**

**Chapter 3. Dentists**

**§322. Expungement of Disciplinary Actions**

A1. - A.4. ...

B. A dentist may apply for the expungement of a first time CDC inspection violation provided:

- 1. a period of three years has elapsed from the date the consent decree was executed by the board president or order issued after a disciplinary hearing;
- 2. the dentist has not had any subsequent disciplinary actions of any kind taken against him by the board or any other licensing or certifying agency since the initial CDC inspection violation in question;
- 3. has no disciplinary actions or investigations pending at the time of request;
- 4. the board will retain all records relative to the first violation, and it may use same in connection with future disciplinary proceedings, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 33:2562 (December 2007), amended by Department of Health, Board of Dentistry, LR 46:0000 (December 2020), repromulgated LR 47:42 (January 2021).

**Chapter 15. Anesthesia/Analgesia Administration**

**§1502. Types of Permits**

A.1. - 2. ...

B. In order for anyone to perform any type of sedation or general anesthesia beyond minimal sedation or nitrous oxide analgesia in conjunction with dental procedures in a dental office or in any facility in which dentistry is being performed, an office permit must have been issued by the board for that location, subject to the exceptions in R.S. 37:793(H). The office permit must be for the level of sedation or general anesthesia equal to or higher than the

level to be performed. No office or personal permit is required for minimal sedation and no office permit is required for nitrous oxide analgesia.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:53 (January 2016), amended by Department of Health, Board of Dentistry, LR 46:0000 (December 2020), repromulgated LR:47 42 (January 2021).

Arthur Hickham, Jr.  
Executive Director

2101#020

## RULE

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

#### Act 421 Children's Medicaid Option (LAC 50:XXII.Chapters 81-85)

Editor's Note: This Rule is being repromulgated to correct manifest typographical errors. The original Rule can be viewed in its entirety on pages 1676-1680 of the December 20, 2020 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have adopted LAC 50:XXII.Chapters 81-85 in the Medical Assistance Program as authorized by R.S. 36:254, 46:977.21-977.25 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXII. 1115 Demonstration Waivers

#### Subpart 9. Act 421 Children's Medicaid Option

#### Chapter 81. General Provisions

#### §8101. Purpose

A. The purpose of the Act 421 Children's Medicaid Option (421-CMO) program is to provide Medicaid State Plan services to children with disabilities who meet the eligibility criteria set forth in this Subpart, despite parental or household income that would otherwise exclude them from Medicaid eligibility.

B. The Department of Health (LDH) has expenditure authority under section 1115 of the Social Security Act (Act) to claim as medical assistance the costs of services provided under a risk contract to eligible individuals. Through this section 1115 demonstration, the State is allowed to permit Medicaid managed care organizations (MCOs) to provide Medicaid State Plan services to children with disabilities regardless of their parents' and/or household income. LDH shall, subject to the approval of the Centers for Medicare and Medicaid Services (CMS), institute a program to provide health care services via the State's Medicaid program for the population contemplated under Section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248),

subject to additional terms and conditions set forth in this Subpart.

C. 421-CMO enrollees are eligible for all medically necessary Medicaid State Plan services.

D. The number of enrollees in the 421-CMO program is contingent upon the amount appropriated by the Louisiana legislature annually for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:43 (January 2021).

#### §8103. Effective Date and Administration

A. Services provided under the 421-CMO program shall begin upon approval of expenditure authority under section 1115 of the Act by CMS.

B. Upon approval by CMS, enrollment and start of services will commence at the beginning of the first calendar quarter after conclusion of the initial registration period.

C. The 421-CMO program shall be administered as a section 1115 demonstration waiver under the authority of LDH, in collaboration with the Healthy Louisiana MCOs.

D. The 421-CMO program is a demonstration waiver that will span five years. LDH may request approval for an extension of this section 1115 demonstration from CMS prior to the expiration date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:43 (January 2021).

#### §8105. Enrollee Qualifications and Admissions Criteria

A. In order to qualify for the 421-CMO program, an individual must meet both programmatic eligibility and clinical eligibility criteria as set forth in this Subpart.

B. Programmatic eligibility. In order to be programmatically eligible for the 421-CMO program, an individual must meet all of the following criteria:

1. Is 18 years of age or younger (under 19 years of age).
2. Is a U.S. Citizen or qualified alien.
3. Is a Louisiana resident.
4. Has or has applied for a Social Security Number.
5. Has countable resources of \$2,000 or less (parental/household resources not considered).
6. Has care needs that can be safely met at home at a lower cost than the cost of services provided in an institutional setting.
7. Maintains pre-existing private health insurance for major medical coverage, either through employer sponsored insurance, the federal marketplace, or other independently purchased commercial health insurance, unless a hardship exception is applied for and granted by LDH.

a. LDH will employ a look-back period of one 180 days to determine pre-existing private health insurance.

b. Lock-out period. If LDH determines that a family or responsible adult has discontinued pre-existing private health insurance, either during the look-back period or at any time during the enrollee's enrollment in the 421-CMO program, LDH will impose a lock-out.

c. During the lock-out period, the enrollee will be unable to receive services, but will retain his or her enrollment in the 421-CMO program.

d. The lock-out period will end when the enrollee demonstrates new or former pre-existing private health insurance has been re-instated.

e. The lock-out period will extend up to 180 days from discontinuation of pre-existing private health insurance or 421-CMO program offer, whichever date is later.

f. At the conclusion of the 180-day lock-out period, if the enrollee has not re-instated the pre-existing private health insurance, the enrollee will be terminated from the 421-CMO program.

g. If terminated, the individual can re-register for the 421-CMO program and be placed on the 421-CMO registry as a new applicant.

h. Hardship Exception. The enrollee can apply for a hardship exception at any time, including during a lock-out period.

i. A hardship exists when:

(a). private health insurance premiums and any additional deductibles and co-payments or out of pocket healthcare costs for the individual obtaining coverage equal or exceed 5 percent of the household income;

(b). unemployment resulting in loss of employer-sponsored private insurance for the child; or

(c). an exemption period of 90 days for transition to new employment, after which the enrollee must resume private health insurance.

ii. LDH's grant of a hardship exception will end the lock-out period.

8. Is not otherwise eligible for Medicaid or CHIP.

C. Clinical eligibility. In order to be clinically eligible for the 421-CMO program, an individual must meet all of the following criteria:

1. Has a disability, defined as a medically determinable physical or mental impairment (or combination of impairments) that:

a. results in marked and severe functional limitations; and

b. has lasted or is expected to last for at least one year or to result in death.

2. Meets the medical necessity requirement, assessed on an annual basis, for institutional placement in an intermediate care facility for individuals with intellectual disabilities (ICF/IID), a nursing facility, or a hospital.

a. An individual meets ICF/IID level of care when he/she:

i. has obtained a statement of approval from the Office for Citizens with Developmental Disabilities, confirming that he has a developmental disability as defined in R.S. 28:451.2; and

ii. meets the requirements for active treatment of a developmental disability under the supervision of a qualified developmental disability professional, as prescribed on Form 90-L.

b. An individual meets nursing facility level of care when he demonstrates the following, assessed in accordance with the Act 421 Children's Medicaid Option Assessment Tool:

i. the need for skilled nursing and/or therapeutic interventions on a regular and sustained basis; and

ii. substantial functional limitations as compared to same age peer group in two of the following areas: learning, communication, self-care, mobility, social competency, money management (for children 18 and older), work, and meal preparation.

c. An individual meets hospital level of care when he demonstrates the following, assessed in accordance with the Act 421 Children's Medicaid Option Assessment Tool:

i. frequent and complex medical care that requires the use of equipment to prevent life-threatening situations, with skilled medical care required multiple times during each 24-hour period;

ii. complex skilled medical interventions that are expected to persist for at least six months; and

iii. overall health condition that is highly unstable and presents constant potential for complications or rapid deterioration, with the result that the child requires continuous assessment by professional nurses, parents, or other properly instructed individuals, in order to detect unstable and life-threatening condition and respond promptly with appropriate care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:43 (January 2021).

#### **§8107. Admission Denial or Discharge Criteria**

A. Individuals shall be denied admission to or discharged from 421-CMO program if any of the following criteria is met:

1. the individual does not meet the programmatic eligibility requirements for the 421-CMO program;

2. the individual does not meet the clinical eligibility requirements for the 421-CMO program;

3. the individual is incarcerated or placed under the jurisdiction of penal authorities, courts or state juvenile justice authorities;

4. the individual resides in another state or has a change of residence to another state;

5. the individual or responsible adult fails to cooperate in the eligibility determination/re-determination process; or

6. the 421-CMO enrollee is admitted to an ICF/IID, nursing facility, or hospital with the intent to not return to 421-CMO services;

a. the enrollee is deemed to intend to return to 421-CMO services when documentation is received from the treating physician that the admission is temporary and shall not exceed ninety (90) days;

b. the enrollee will be discharged from 421-CMO on the ninety-first (91st) day after admission if the enrollee is still in the ICF/IID, nursing facility, or hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:44 (January 2021).

#### **§8109. Allocation of Act 421 Children's Medicaid Option Opportunities**

A. The Act 421 Children's Medicaid Option request for services registry, hereafter referred to as the 421-CMO



registry, shall be used to identify persons who meet ICF/IID, nursing facility, or hospital level of care who are waiting for a 421-CMO program slot. Individuals who are found eligible and who request 421-CMO program services will be added to the 421-CMO registry. Funded 421-CMO program slots will be offered in accordance with this Subpart.

#### B. Initial Registration

1. There will be an initial registration period lasting one month, during which time registration will occur in two pathways:

a. Online registration forms will be taken from individuals who are not currently on the intellectual/developmental disabilities (I/DD) request for services registry or otherwise enrolled in Medicaid.

b. Children 18 years of age and under (under 19) who are on the I/DD request for services registry and are not currently enrolled in Medicaid or CHIP will be automatically registered for participation.

i. Individuals receiving automatic placement on the 421-CMO registry will receive a preprinted mailed form explaining the 421-CMO program and that they are automatically registered. The form will provide them with the opportunity to opt out of participation, and if they do not opt out, attest to prioritization needs per the process set forth in this Subpart.

2. LDH will create a numerically ordered 421-CMO registry based on individuals that registered during the initial registration period, placing them in random order.

3. Individuals registered during the initial registration period will receive 421-CMO program offers according to the prioritization process established in this Subpart first. Once priority offers are complete, 421-CMO program offers will then be made in numeric order of the 421-CMO registry.

4. Individuals who do not receive 421-CMO program offers will remain on the 421-CMO registry in the numeric order assigned, with a protected registry date corresponding to the close of the initial registration period.

C. Ongoing Registration. After the initial registration period and slot allocation, subsequent registrants for the 421-CMO program will be assigned a 421-CMO registry date based on the date on which they register and will receive an offer on a first-come, first-served basis unless otherwise prioritized as provided for in this Subpart. 421-CMO program offers will be made upon availability.

#### D. Prioritization

1. In order to ensure individuals with the most urgent needs receive services, LDH will prioritize 421-CMO program offers to individuals who meet either of the following criteria:

a. The individual has been institutionalized in an ICF/IID, nursing facility, or hospital for 30 of the preceding 90 days. Institutional days do not have to be consecutive.

b. On three or more separate occasions in the preceding 90 days, the individual has been admitted to an ICF/IID, nursing facility, or hospital and remained institutionalized for at least 24 hours.

2. An individual newly registering for 421-CMO program during ongoing registration may request and, if the individual qualifies, receive prioritization in order to receive the next available 421-CMO program offer. In addition, at any time an individual currently on the 421-CMO registry

may request and, if the individual qualifies, receive prioritization.

3. Prioritization will be considered valid for a period of 180 days from the date that prioritization is approved while waiting for a 421-CMO program offer. At the expiration of the 180 days, if no 421-CMO program offer has been made, the individual loses prioritization but retains his or her original protected registry date for purposes of receiving a 421-CMO program offer.

a. If an individual's priority period has expired with no 421-CMO program offer available during that time period, he or she may request to requalify for prioritization.

i. If the individual qualifies without a break in the two priority periods (they are consecutive), he/she shall retain the original prioritization date.

ii. If the individual qualifies with a break in the priority periods, he/she shall receive a new prioritization date.

b. There is no limit on the number of times an individual may qualify for prioritization prior to receiving a 421-CMO program offer.

c. If more than one individual has received prioritization at one time, the next available 421-CMO program offer will be made to the individual with the earliest prioritization date.

4. Once enrolled in the 421-CMO program, enrollees will not be required to demonstrate ongoing need for prioritization. Prioritization is only a method of fast-tracking initial entry into the 421-CMO program for families with the highest urgency of need.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:44 (January 2021).

#### §8111. Eligibility and Enrollment

A. Upon extension of a 421-CMO program offer to an individual, the individual will need to establish programmatic and clinical eligibility by showing he or she meets all eligibility criteria. When eligibility is determined, the individual will be enrolled in the 421-CMO program and with a health and dental plan of their choice.

B. Louisiana Health Insurance Premium Payment Program (LaHIPP)

1. Enrollees in the 421-CMO program shall be enrolled in LaHIPP when cost-effective health plans are available through the individual's employer or a responsible party's employer-based health plan or other health insurance if the individual is enrolled or eligible for such a health plan.

2. All requirements and coverage through the LaHIPP program shall follow the provisions set forth in LAC 50:III.2311 except that 421-CMO program enrollees enrolled in LaHIPP shall receive their Medicaid benefits through managed care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:45 (January 2021).

## Chapter 83. Services

### §8301. Covered Services

A. The coverage of 421-CMO services under the scope of this demonstration are all services offered under the Louisiana Medicaid State Plan.

B. All 421-CMO services must be medically necessary. The medical necessity for services shall be determined by a licensed professional or physician who is acting within the scope of his/her professional license and applicable state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:46 (January 2021).

### §8303. Service Delivery

A. Louisiana's Act 421 Children's Medicaid Option delivery system is based on an integrated managed care model for physical and behavioral health services. Under this demonstration, Healthy Louisiana will continue to operate as approved in Section 1932(a) state plan authority for managed care and concurrent 1915(b) demonstration.

B. Enrollees in the 421-CMO program shall be mandatorily enrolled in Healthy Louisiana and in a dental benefits prepaid ambulatory health plan. They shall have the opportunity to choose a health and dental plan upon application. If they do not choose a plan, one will be automatically assigned to them upon enrollment per the current methodology outlined in the Medicaid State Plan.

C. Enrollees shall be designated as a special health care needs group, entitling recipients to receive case management and enhanced care coordination through their managed care plan.

D. All of the covered services under the 421-CMO program shall be delivered in accordance with the Medicaid State Plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:46 (January 2021).

## Chapter 85. Reimbursement

### §8501. Reimbursement Methodology

A. For 421-CMO program enrollees, LDH or its fiscal intermediary shall make monthly capitation payments to the managed care organizations (MCOs) and dental benefits prepaid ambulatory health plans for the provision of all covered services. The capitation rates paid to the MCOs and dental benefits prepaid ambulatory health plans shall be actuarially sound rates, and the MCOs and dental benefits prepaid ambulatory health plans will determine the rates paid to its contracted providers. No payment shall be less than the minimum Medicaid fee-for-service fee schedule on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for

Citizens with Developmental Disabilities, LR 46:0000 (December 2020), repromulgated LR 47:46 (January 2021).

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

Dr. Courtney N. Phillips  
Secretary

2101#046

## RULE

### Department of Health Bureau of Health Services Financing

Federally Qualified Health Centers  
(LAC 50:XI.10301, 10303, 10503 and 10701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10301, §10303, §10503 and §10701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et sec. This Rule is hereby adopted on the day of promulgation.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XI. Clinic Services

#### Subpart 13. Federally-Qualified Health Centers

### Chapter 103. Services

#### §10301. Scope of Services

##### [Formerly §10501]

A. - A.5. ...

B. The department shall provide coverage of diabetes self-management training services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

1. Repealed.

C. The department shall provide coverage for fluoride varnish applications performed in the FQHC.

1. - 2.b.Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2487 (November 2004), amended LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1520 (September 2016), LR 47:46 (January 2021).

#### §10303. Service Limits

##### [Formerly §10503]

A. There shall be no limits placed on the number of federally qualified health center visits (encounters) payable by the Medicaid program for eligible beneficiaries.

B. - B.1. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 41:2637 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:46 (January 2021).

**Chapter 105. Provider Participation**

**§10503. Standards for Participation**

**[Formerly §10303]**

A. Federally qualified health centers must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If a FQHC wishes to initiate participation, it shall be responsible for meeting all of the enrollment criteria of the program. The FQHC provider shall:

1. ...
  2. retain all records necessary to fully disclose the extent of services provided to beneficiaries for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and
- A.3. - B. ...  
C. - D.3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1901 (October 2006), amended LR 37:2630 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), LR 47:47 (January 2021).

**Chapter 107. Reimbursement Methodology**

**§10701. Prospective Payment System**

A. - B.4. ...

a. Fluoride varnish applications shall only be reimbursed to the FQHC when performed on the same date of service as an office visit or preventive screening. Separate encounters for fluoride varnish services are not permitted and the application of fluoride varnish does not constitute an encounter visit.

C. - G.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), LR 47:47 (January 2021).

Dr. Courtney N. Phillips  
Secretary

2101#051

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Home and Community-Based Services Providers  
Licensing Standards (LAC 48:I.5038)

The Department of Health, Bureau of Health Services Financing has adopted LAC 48:I.5038 as authorized by R.S. 36:254 and R.S. 40:2120.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 50. Home and Community-Based Services  
Providers Licensing Standards**

**Subchapter C. Admission, Transfer and Discharge  
Criteria**

**§5038. Provisions for Services to Clients Outside of  
Licensed Geographic Area in Event of a  
Gubernatorial Declared State of Emergency or  
Disaster**

A. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving personal care services and respite services and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider's licensed region due to the declared state of emergency or disaster;
2. the client shall have been a client of the HCBS provider as of the date of the declared emergency or disaster, with an approved plan of care;
3. the client's existing caregiver(s) go with the client or provide services to the client at the client's temporary location;
4. the provider is responsible for ensuring that all essential care and services, in accordance with the plan of care, are provided to the client, and the provider shall have sufficient staff and back-up caregivers available to provide services; and
5. the provider shall not interfere with the client's right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client's selection.

B. The provisions of this Section shall not apply to providers of center based respite services.

C. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving supervised independent living services (SIL) and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider's licensed region due to the declared state of emergency or disaster;

2. the client shall have been a client of the HCBS provider as of the declared state of emergency or disaster, with an approved plan of care;

3. the provider has sufficient and qualified staff to provide SIL services at the client's temporary location;

4. the provider is responsible for ensuring that all essential SIL services, in accordance with the plan of care, are provided to the client; and

5. the provider shall not interfere with the client's right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client's selection.

D. Under the provisions of this Section, the department's initial written notice to licensed HCBS providers to authorize these allowances shall be for a period not to exceed 45 days. The department may extend this initial period, not to exceed an additional 45 days, upon written notice sent electronically to the licensed HCBS providers.

E. Under the provisions of this Section, the department in its discretion may authorize these allowances statewide or to certain affected parishes.

F. An HCBS provider who wants to provide services to a client that has temporarily relocated out of state must contact that state's licensing/certification department to obtain any necessary licensing and/or certification before providing services in that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 47:47 (January 2021).

Dr. Courtney N. Phillips  
Secretary

2101#052

## **RULE**

### **Department of Health Bureau of Health Services Financing**

#### **Professional Services Program (LAC 50:IX.Chapters 3-9)**

The Department of Health, Bureau of Health Services Financing has repealed LAC 50:IX.Chapter 3 and Chapter 5 and amended LAC 50:IX.Chapter 6 through Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part IX. Professional Services Program**

##### **Subpart 1. General Provisions**

##### **Chapter 3. Concurrent Care**

##### **§305. Inpatient Concurrent Care**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

##### **Chapter 5. Inpatient Physician Services**

##### **§501. Inpatient Physician Services**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:68 (January 2010), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

##### **Chapter 6. Outpatient Physician Services**

##### **§601. General Provisions**

A. The Medicaid Program provides coverage and reimbursement for outpatient physician visits. There shall be no limits placed on the number of physician visits payable by the Medicaid Program for eligible beneficiaries.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2652 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

##### **Chapter 7. Diabetes Education Services**

##### **§701. General Provisions**

A. Effective for dates of service on or after February 20, 2011, the Medicaid Program provides coverage of diabetes self-management training (DSMT) services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2509 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

##### **§703. Scope of Services**

A. DSMT shall consist of individual and group instruction on diabetes self-management.

B. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2509 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

##### **§705. Provider Participation**

A. To receive reimbursement, members of the DSMT instructional team must be either employed by or have a contract with, a Medicaid-enrolled professional services provider that will submit the claims for reimbursement of DSMT services rendered by the team.

A.1. - C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2510 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:48 (January 2021).

**Chapter 9. Fluoride Varnish Application Services**

**§901. General Provisions**

A. Effective for dates of service on or after December 1, 2011, the Medicaid Program provides coverage of fluoride varnish application services to beneficiaries under the age of 21.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:49 (January 2021).

**§903. Scope of Services**

A. ...

B. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:49 (January 2021).

**§905. Provider Participation**

A. The entity seeking reimbursement for fluoride varnish application services must be an enrolled Medicaid provider.

A.1. - C.2. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1524 (September 2016), LR 47:49 (January 2021).

Dr. Courtney N. Phillips  
Secretary

2101#053

**RULE**

**Department of Health  
Bureau of Health Services Financing**

**Professional Services Program—Immunizations  
(LAC 50:IX.Chapter 83 and Chapter 85)**

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.Chapter 83 and Chapter 85 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part IX. Professional Services Program**

**Subpart 7. Immunizations**

**Chapter 83. Children’s Immunizations**

**§8301. General Provisions**

A. The Medicaid Program shall provide coverage for the administration of childhood and adolescent vaccines recommended by the Advisory Committee on Immunization Practices and available through the Louisiana Immunization Program/Vaccines for Children Program.

B. To qualify for Medicaid reimbursement for vaccine administration, a provider must be:

1. a licensed health care provider who has the authority under Louisiana state law to administer childhood and adolescent vaccines;

2. ...

3. an enrolled Louisiana Immunization Program/Vaccines for Children Program provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009) amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021).

**§8305. Reimbursement Methodology**

A. There shall be no reimbursement for the cost of vaccines that are available from the Louisiana Immunization Program/Vaccines for Children Program.

1. Repealed.

B. For vaccine administration, providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

C. The reimbursement for the administration of childhood and adolescent vaccines shall be 90 percent of the 2008 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated. The reimbursement shall not exceed the maximum regional charge for vaccine administration as determined by the Centers for Medicare and Medicaid Services (CMS).

1. The reimbursement shall remain the same for those vaccine administration services that are currently being reimbursed at a rate that is between 90 percent and 120 percent of the 2008 Louisiana Medicare Region 99 allowable, but not to exceed the maximum regional charge for vaccine administration as determined by CMS.

C.2. - D.4. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015),

amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021).

## **Chapter 85. Other Immunizations**

### **§8501. General Provisions**

A. The Medicaid Program shall provide coverage for vaccines recommended by the Advisory Committee on Immunization Practices for beneficiaries age 19 and older.

1. - 3. Repealed.

B. To qualify for Medicaid reimbursement for the vaccine and vaccine administration, a provider must be a licensed health care provider who has the authority under Louisiana state law to administer vaccines and be an enrolled Medicaid provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1035 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 47:50 (January 2021).

### **§8503. Coverage Restrictions**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1035 (June 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:50 (January 2021).

### **§8505. Reimbursement Methodology**

A. For the vaccine and vaccine administration, providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

B. The reimbursement methodology for the vaccine is as a physician-administered drug under the provisions of LAC 50:XXIX.949.

B.1. - B.3.a. Repealed.

C. The reimbursement methodology for vaccine administration for beneficiaries age 19 and older is the same as for beneficiaries younger than 19 years old under the provisions of §8305 of this part.

C.1. - C.4. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:50 (January 2021).

Dr. Courtney N. Phillips  
Secretary

2101#054

## **RULE**

### **Department of Health Bureau of Health Services Financing**

Rural Health Clinics  
(LAC 50:XL16301, 16303, 16503, and 16701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XL16301, §16303, §16503, and §16701 in the Medical Assistant Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XI. Clinic Services**

#### **Subpart 15. Rural Health Clinics**

#### **Chapter 163. Services**

#### **§16301. Scope of Services**

**[Formerly §16501]**

A. - A.5. ...

B. The department shall provide coverage of diabetes self-management training services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

1. Repealed.

C. The department shall provide coverage for fluoride varnish applications performed in the RHC.

1. - 2.b. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2631 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1524 (September 2016), LR 47:50 (January 2021).

#### **§16303. Service Limits**

**[Formerly §16503]**

A. There shall be no limits placed on rural health clinic visits (encounters) payable by the Medicaid program for eligible beneficiaries.

B. - B.1. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632

(September 2011), LR 41:2653 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:50 (January 2021).

**Chapter 165. Provider Participation**  
**[Formerly Chapter 163]**

**§16503. Standards for Participation**  
**[Formerly §16303]**

A. - A.1. ...

2. retain all records necessary to fully disclose the extent of services provided to beneficiaries for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

A.3. - B. ...

C. - D.3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 47:51 (January 2021).

**Chapter 167. Reimbursement Methodology**

**§16701. Prospective Payment System**

A. - B.4. ...

a. Fluoride varnish applications shall only be reimbursed to the RHC when performed on the same date of service as an office visit or preventive screening. Separate encounters for fluoride varnish services are not permitted and the application of fluoride varnish does not constitute an encounter visit.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:51 (January 2021).

Dr. Courtney N. Phillips  
Secretary

2101#055

**RULE**

**Department of Health**  
**Office of Public Health**

Public Health—Sanitary Code  
Disease Reporting Requirements  
(LAC 51:II.105 and 107)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended §105 and

107 of Part II of Title 51 (Public Health-Sanitary Code) of the Louisiana Administrative Code. This Rule is amended to include COVID-19 in the list of diseases and conditions hereby declared reportable as a Class A Disease or Condition.

For the reasons set forth above, the following additions and amendments to Title 51 (Public Health—Sanitary Code) are hereby adopted. This Rule is hereby adopted on the day of promulgation.

**Title 51**

**PUBLIC HEALTH—SANITARY CODE**

**Part II. The Control of Diseases**

**Chapter 1. Disease Reporting Requirements**

**§105. Reportable Diseases and Conditions**  
**[formerly paragraph 2:003]**

A. - D.1.a.x. ...

xi. Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;

xii. diphtheria;

xiii. Enterobacteriaceae, carbapenem-resistant;

xiv. fish or shellfish poisoning (domoic acid poisoning, neurotoxic shellfish poisoning, ciguatera, paralytic shellfish poisoning, scombroid);

xv. food-borne illness;

xvi. glanders (*Burkholderia mallei*);

xvii. *Haemophilus influenzae* (invasive infection);

xviii. influenza-associated mortality;

xix. measles (rubeola, imported or indigenous);

xx. melioidosis (*Burkholderia pseudomallei*);

xxi. *Neisseria meningitidis* (invasive infection);

xxii. outbreaks of any infectious diseases;

xxiii. pertussis;

xxiv. plague (*Yersinia pestis*);

xxv. poliomyelitis (paralytic and non-paralytic);

xxvi. *Pseudomonas aeruginosa*, carbapenem-resistant;

xxvii. Q fever (*Coxiella burnettii*);

xxviii. rabies (animal and human);

xxix. ricin poisoning;

xxx. rubella (congenital syndrome);

xxxi. rubella (German measles);

xxxii. SARS (SARS-CoV-1 infection);

xxxiii. *Staphylococcus aureus*, vancomycin intermediate or resistant (VISA.VRSA);

xxxiv. staphylococcal enterotoxin B (SEB) pulmonary poisoning;

xxxv. smallpox;

xxxvi. tularemia (*Francisella tularensis*);

xxxvii. viral hemorrhagic fever (Ebola, Lassa, Marburg, Crimean Congo, etc.); and

xxxviii. yellow fever.

D.2. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008), LR 36:1014 (May 2010), repromulgated LR 36:1253 (June 2010), amended LR 39:1053 (April 2013), LR 41:2653 (December 2015), amended by the Department of Health, Office of Public Health, amended LR 45:667 (May 2019), LR 47:51 (January 2021).

**§107. Laboratory and Healthcare Facility Reporting Requirements [formerly §113]**

A. - E. ...

F. Electronic reporting by a laboratory/facility shall include any results, negative or positive, for all components of testing indicative of the following conditions:

1. Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;
2. hepatitis C virus;
3. human immunodeficiency virus (HIV), including nucleotide sequences; and
4. syphilis.

G. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 32:1052 (June 2006), LR 39:1054 (April 2013), LR 41:2655 (December 2015), amended by Department of Health, Office of Public Health, LR 45:669 (May 2019), LR 47:52 (January 2021).

Joseph Kanter, MD, MPH  
State Health Officer  
and  
Dr. Courtney N. Phillips  
LDH Secretary

2101#039

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 39—Statement of Actuarial Opinion  
(LAC 37:XIII.705)**

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. has amended Regulation 39—Statement of Actuarial Opinion by amending the definition of “qualified actuary.”

The purpose of the amendment to Regulation 39 is to amend the definition of “qualified actuary” to be in accordance with the definition contained in the NAIC’s Property/Casualty Annual Statement Instructions. This Rule is hereby adopted on the day of promulgation.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 7. Regulation 39—Statement of Actuarial Opinion**

**§705. Definitions**

A. ...

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*Qualified Actuary*—a person who:

- a. meets the basic education, experience and continuing education requirements of the Specific Qualification Standard for Statements of Actuarial Opinion,

NAIC Property and Casualty Annual Statement, as set forth in the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States (U.S. Qualifications Standards), promulgated by the American Academy of Actuaries (Academy) and as adopted in Chapter 161 of this Part;

b. has obtained and maintains an Accepted Actuarial Designation; and

c. is a member of a professional actuarial association that requires adherence to the same Code of Professional Conduct promulgated by the Academy, requires adherence to the U.S. Qualification Standards, and participates in the Actuarial Board for Counseling and Discipline when its members are practicing in the U.S.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), amended LR 47:52 (January 2021).

James J. Donelon  
Commissioner

2101#041

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 42—Group Self-Insurance Funds  
(LAC 37:XIII.1101)**

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., has amended Regulation 42—Group Self-Insurance Funds by amending the definition of “qualified actuary.”

The purpose of the amendment to Regulation 42 is to amend the definition of “qualified actuary” to be in accordance with the definition contained in the NAIC’s Property/Casualty Annual Statement Instructions. This Rule is hereby adopted on the day of promulgation.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 11. Regulation 42—Group Self-Insurance Funds**

**§1101. Definitions**

A. ...

\*\*\*

*Qualified Actuary*—a person who:

- a. meets the basic education, experience and continuing education requirements of the Specific Qualification Standard for Statements of Actuarial Opinion, NAIC Property and Casualty Annual Statement, as set forth in the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States (U.S. Qualifications Standards), promulgated by the American



Academy of Actuaries (Academy) and as adopted in Chapter 161 of this Part;

b. has obtained and maintains an Accepted Actuarial Designation; and

c. is a member of a professional actuarial association that requires adherence to the same Code of Professional Conduct promulgated by the Academy, requires adherence to the U.S. Qualification Standards, and participates in the Actuarial Board for Counseling and Discipline when its members are practicing in the U.S.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1195.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 47:52 (January 2021).

James J. Donelon  
Commissioner

2101#042

## RULE

### Department of Natural Resources Office of Conservation

#### Class VI Injection Wells (LAC 43:XVII.Chapter 6)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, the Department of Natural Resources, Office of Conservation has adopted Statewide Order No. 29-N-6 (LAC 43:XVII. Subpart 6, Chapter 6), to facilitate the permitting, siting, construction, operation, monitoring, and site closure of Class VI injection wells, which are used to injection carbon dioxide for the purposes of geologic sequestration.

The Department of Natural Resources, Office of Conservation has adopted provisions governing the oversight of the Class VI carbon sequestration program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program is currently applying for primary enforcement authority from the United States Environmental Protection Agency (US EPA), modifying the UIC Program oversight to include Class VI well in addition to current oversight authority for Class I, II, III, IV, and V wells. Promulgation of Statewide Order 29-N-6 is required in order to obtain primary enforcement authority from the US EPA.

With the adoption of a new federal tax credit (IRS Section 45-Q), a large number of companies from oil and gas, utility, petrochemical, and other industries plan to construct and operate Class VI injection wells at new and existing sites in Louisiana to take advantage of 45-Q and mitigate carbon dioxide emissions. Currently, companies must submit Class VI permit applications to the US EPA. The promulgation of this Rule will enable the UIC Program to obtain primary

enforcement authority from the US EPA so that permitting and compliance for Class VI wells will be incorporated into the UIC Program's current oversight authority for all other categories of injection wells. This Rule is hereby adopted on the day of promulgation.

## Title 43

### NATURAL RESOURCES

#### Part XVII. Office of Conservation—Injection and Mining

##### Subpart 6. Statewide Order No. 29-N-6

##### Chapter 6. Class VI Injection Wells

##### §601. Definitions

A. The following definitions apply to all regulations in this Chapter. Terms not defined in this Section for Class VI wells have the meaning given by R.S. (1950) Title 30, section 1103.

*Abandoned Well*—a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

*Act*—Part I, Chapter 1 of Title 30 of the Louisiana Revised Statutes.

*Act 517*—Act 517 of the 2009 Louisiana regular legislative session. See *Louisiana Geologic Sequestration of Carbon Dioxide Act*.

*Application*—the filing by a person on the Office of Conservation forms for an underground injection permit, including any additions, revisions or modifications to the forms.

*Aquifer*—a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

*Area of Review*—the region surrounding the *geologic sequestration project* where USDWs may be endangered by the injection activity, and is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected *carbon dioxide stream* and displaced fluids, and is based on available site characterization, monitoring, and operational data as set forth in §§615.B. and 615.C.

*Carbon Dioxide*—naturally occurring, geologically sourced, or anthropogenically sourced carbon dioxide including its derivatives and all mixtures, combinations, and phases, whether liquid or gaseous, stripped, segregated, or divided from any other fluid stream thereof.

*Carbon Dioxide Plume*—the extent underground, in three dimensions, of an injected *carbon dioxide stream*.

*Carbon Dioxide Stream*—the carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This meaning does not apply to any carbon dioxide stream meeting the definition of a hazardous waste under Title 40, Code of Federal Regulations, Part 261.

*Casing*—a metallic or nonmetallic tubing or pipe of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas or other fluid from entering or leaving the hole.

*Catastrophic Collapse*—the sudden and utter failure of overlying *strata* caused by removal of underlying materials.

*Cementing*—the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

*Cesspool*—a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

*Commissioner*—the Assistant Secretary of the Office of Conservation, Department of Natural Resources.

*Confining Bed*—a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

*Confining Zone*—a geological formation, group of formations, or part of a formation stratigraphically overlying the *injection zone* that acts as a barrier to fluid movement above an *injection zone*.

*Contaminant*—any physical, chemical, biological, or radiological substance or matter in water.

*Corrective Action*—the use of UIC program-approved methods to ensure that wells within the area of review do not serve as conduits for the movement of fluids into USDWs.

*Disposal Well*—a well used for the disposal of waste into a subsurface stratum.

*Drilling Mud*—heavy suspension used in drilling an injection well introduced down the drill pipe and through the drill bit.

*Draft Permit*—a document prepared under §611.C.1 indicating the commissioner's decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit and a notice of intent to deny a permit as discussed in §§613.E.2 and 611.C are types of *draft permits*. A denial of request for modification, revocation and reissuance, or termination, as discussed in §613.B.4 is not a draft permit.

*Drywell*—a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

*Effective Date*—the date that the Louisiana State UIC Program is approved by the Environmental Protection Agency.

*Emergency Permit*—a UIC permit issued in accordance with §115 or §515.

*Exempted Aquifer*—an aquifer or its portion that meets the criteria of the definition of underground source of drinking water but which has been exempted according to the procedures set forth in §603.F.

*Existing Injection Well or Project*—an injection well or project other than a new injection well or project.

*Experimental Technology*—a technology which has not been proven feasible under the conditions in which it is being tested.

*Facility or Activity*—any facility or activity, including land or appurtenances thereto, that is subject to these regulations.

*Fault*—a surface or zone of rock fracture along which there has been displacement.

*Flow Rate*—the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

*Fluid*—any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

*Formation*—a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity revealingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

*Formation Fluid*—fluid present in a formation under natural conditions as opposed to introduced fluids, such as drilling muds.

*Generator*—any person, by site location, whose act or process produces hazardous waste identified or listed in the Louisiana Hazardous Waste Management Program; or any person or entity who generates or causes to be generated any fluid for well injection.

*Geologic Sequestration*—the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.

*Geologic Sequestration Project*—an injection well or wells used to emplace a *carbon dioxide stream* beneath the lowermost formation containing a USDW; or wells used for *geologic sequestration* of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to §603.F of this chapter. It includes the subsurface three-dimensional extent of the *carbon dioxide plume*, associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.

*Geologic Sequestration Site*—the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the sequestration or storage operation, including pipelines owned or operated by the sequestration or storage operator used to transport the carbon dioxide from one or more capture facilities or sources to the sequestration or storage and injection site. The underground reservoir component of the sequestration or storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the commissioner for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape, or migration of carbon dioxide.

*Geologic Storage*—the long or short-term underground storage of carbon dioxide in subsurface geologic formations.

*Geologic Storage Facility*—see *Geologic Sequestration Site*.

*Geologic Storage Site*—see *Geologic Sequestration Site*.

*Ground Water*—water below the land surface in a zone of saturation.

*Hazardous Waste*—a hazardous waste as defined in the Louisiana Hazardous Waste Management Program.

*Hazardous Waste Management (HWM) Facility*—all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste.

*Improved Sinkhole*—a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

*Injection Well*—a well into which fluids are being injected other than fluids associated with active drilling operations.

*Injection Interval*—that part of the *injection zone* in which the well is screened or perforated or in which injected fluids are directly emplaced.

*Injection Zone*—a geological formation, group of formations or part of a formation receiving fluids through a well. For Class VI projects, it must also be of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.

*Ionizing Radiation*—any electromagnetic or particulate radiation capable of producing ions, directly or indirectly, in its passage through matter. It includes any or all of the following: alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

*Lithology*—the description of rocks on the basis of their physical and chemical characteristics.

*Louisiana Geologic Sequestration of Carbon Dioxide Act*—Act 517 of 2009 at Chapter 11 of Title 30 of the Louisiana Revised Statutes of 1950,

*Major Facility*—any Class I or IV hazardous waste injection well facility or activity.

*Manifest*—the shipping document originated and signed by the generator which contains the information required by the Hazardous Waste Management Program.

*New Injection Well*—a well which began injection after the Louisiana Underground Injection Control program is approved and the applicable (Office of Conservation) rules and regulations are promulgated.

*Operator*—the person recognized as being responsible to the Office of Conservation for the well, site, facility, or activity subject to regulatory authority under these rules and regulations. The *operator* can, but need not be, the *owner* of the well, site, facility, or activity.

*Owner*—the person that owns any well, site, facility, or activity subject to regulation under the UIC program. The *owner* can, but need not be, the *operator* of the well, site, facility, or activity.

*Packer*—a device lowered into a well to produce a fluid tight seal within the casing.

*Permit*—an authorization, license, or equivalent control document issued by the commissioner to implement the requirements of these regulations. Permit includes, but it is not limited to, area permits and emergency permits. Permit does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a draft permit.

*Person*—any natural person, individual, association, corporation, partnership, limited liability company, or other entity, receiver, tutor, curator, executor, administrator, fiduciary, municipality, state or federal agency, or an agent or employee of the aforementioned thereof.

*Plugging*—the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

*Plugging Record*—a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

*Point of Injection*—the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box, the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

*Post-Injection Site Care*—the appropriate monitoring and other actions (including corrective action) needed following cessation of geologic sequestration injection to ensure that USDWs are not endangered, as required under §633.

*Pressure*—the total load or force per unit area acting on a surface.

*Pressure Front*—the zone of elevated pressure in the subsurface created by injection where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.

*Project*—a group of wells in a single operation.

*Public Water System*—a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. Such term includes:

a. any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

b. any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

*Radiation*—any electromagnetic or ionizing radiation including gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not sound waves. Unless specifically stated otherwise, these regulations apply only to ionizing radiation.

*Radioactive Material*—any material, whether solid, liquid, or gas, which emits radiation spontaneously.

*Radioactive Waste*—any waste which contains radioactive material for which no use or reuse is intended and which is to be discarded.

*RCRA*—the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 as amended by P.L. 95-609, 42 U.S.C. 6901 et seq.).

*Reservoir*—that portion of any underground geologic stratum, formation, or aquifer, including oil and gas reservoirs, or other saline formations, and coal and coalbed methane seams, suitable for or capable of being made suitable for injection or storage of fluids.

*Sanitary Waste*—liquid or solid wastes originating solely from humans and human activities, such as wastes

collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

*Schedule of Compliance*—a schedule or remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the act and these regulations.

*Septic System*—a well that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

*Site*—the land or water area where any facility or activity is physically located or conducted including adjacent land used in connection with the facility or activity.

*Site Closure*—the point or time, as determined by the UIC program following the requirements under §633, at which the owner or operator of a geologic sequestration site is released from *post-injection site care* responsibilities.

*Skin Effect*—the blockage or plugging of the well perforations or near wellbore formation face from solids in the waste stream that results in increased injection pressures and can be measured by accepted engineering test procedures.

*Sole or Principal Source Aquifer*—an aquifer which is the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

*State*—the state of Louisiana.

*Stratum* (plural *Strata*) —a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

*Subsurface Fluid Distribution System*—an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

*Surface Casing*—the first string of casing to be installed in the well, excluding conductor casing.

*Third Party*—a party who is not within the corporate structure of the owner or operator.

*Total Dissolved Solids*—the total dissolved filterable solids as determined by use of the method specified in the 14th edition, pp. 91-92, of *Standard Methods for the Examination of Water and Waste Water*.

*Transmissive Fault or Fracture*—a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

*UIC*—the Louisiana State Underground Injection Control Program.

*Underground Injection*—a well injection.

*Underground Source of Drinking Water* (USDW)—an aquifer or its portion:

- a. which supplies any public water system; or
- b. which contains a sufficient quantity of ground water to supply a public water system; and

- i. currently supplies drinking water for human consumption; or

- ii. contains fewer than 10,000 mg/l total dissolved solids; and which is not an exempted aquifer.

*USDW*—Underground Source of Drinking Water.

*USEPA*—the United States Environmental Protection Agency.

*Well*—a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

*Well Injection*—the subsurface emplacement of fluids through an injection well.

*Well Plug*—a fluid-tight seal installed in a borehole or well to prevent movement of fluids.

*Well monitoring*—the measurement by on-site instruments or laboratory methods, of the quality of water in a well.

*Well Stimulation*—several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for fluids to move more readily into the formation, and includes, but may not be limited to:

- a. surging;
- b. jetting;
- c. blasting;
- d. acidizing; or
- e. hydraulic fracturing.

*Workover*—to perform one or more of a variety of remedial operations on an injection well, such as cleaning, perforation, change tubing, deepening, squeezing, plugging back, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:53 (January 2021).

### §603. General Provisions

A. Applicability. These rules and regulations apply to all owners and operators of proposed and existing Class VI injection wells and projects in the state of Louisiana.

1. The commissioner shall administer the provisions of Act 517 and these regulations promulgated thereunder for geologic sequestration of carbon dioxide.

2. The provisions of this Chapter only apply to geologic sequestration of carbon dioxide in underground reservoirs as defined in §601 above. The geologic sequestration of carbon dioxide is not permitted in solution-mined salt caverns under these provisions.

3. This provisions of this Chapter also apply to owners or operators of permit- or rule-authorized Class I, Class II, or Class V experimental carbon dioxide injection projects who seek to apply for a Class VI geologic sequestration permit for their well or wells. Owners or operators seeking to convert existing Class I, Class II, or Class V experimental wells to Class VI geologic sequestration wells must demonstrate to the commissioner that the wells were engineered and constructed to meet the requirements at §617.A.1 and ensure protection of USDWs, in lieu of requirements at §§617.A.2 and 617.B.1 By

December 10, 2011, owners or operators of either Class I wells previously permitted for the purpose of geologic sequestration or Class V experimental technology wells no longer being used for experimental purposes that will continue injection of carbon dioxide for the purpose of GS must apply for a Class VI permit. A converted well must still meet all other requirements under this Chapter.

B. Prohibition of Unauthorized Injection. Any underground injection, except as authorized by a permit or rule, is prohibited after the effective date of these regulations. Construction or operation of any well required to have a permit under these regulations is prohibited until the permit has been issued.

1. Any underground injection that violates any rule of this Chapter is subject to enforcement action.

C. Classification of Injection Wells

1. Class VI. Wells not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to the appropriate parts of §603.F.

a. During initial Class VI program development, the commissioner shall not expand the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells, and the USEPA shall not approve a program that applies for aquifer exemption expansions of Class II to Class VI exemptions as part of the program description. All Class II to Class VI aquifer exemption expansions previously issued by USEPA must be incorporated into the Class VI program descriptions pursuant to requirements at 40 CFR 145.23(f)(9).

2. Prohibition of Non-Experimental Class V Wells for Geologic Sequestration. The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.

D. Prohibition of Movement of Fluid into Underground Sources of Drinking Water

1. No authorization by permit or rule shall allow the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or of the Louisiana Drinking Water Regulations, Chapter VIII of the State Sanitary Code or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this Section are met.

2. For Class VI wells, if any water quality monitoring of a USDW indicates the movement of any contaminant into the USDW, except as authorized under §603.F, the commissioner shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §613.C, or the permit may be terminated under §613.E if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §603.E.1.

3. If at any time the commissioner learns that a Class VI well may cause a violation of the Louisiana Drinking Water Regulations, Chapter XII of the State Sanitary Code or may be otherwise adversely affecting the health of persons, he shall:

- a. require the injector to obtain a permit;
- b. order the injector to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation or adverse effect; or
- c. take enforcement action.

4. Notwithstanding any other provision of this Section, the commissioner may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health or safety of persons.

E. Authorization of Underground Injection by Rule

1. Class VI wells cannot be authorized by rule to inject carbon dioxide. Owners or operators of Class VI wells must obtain a permit.

a. Any authorization by rule for an existing Class II enhanced recovery or hydrocarbon storage well shall expire upon the effective date of a Class VI permit issued pursuant to §603.G, or well plug and abandonment according to an approved plug and abandonment plan, or upon well conversion.

F. Identification of Underground Sources of Drinking Water and Exempted Aquifers

1. The commissioner may identify (by narrative description, illustrations, maps, or other means) and shall protect as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an underground source of drinking water, except where there is an applicable aquifer exemption under §§603.F.2 and 4, or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under §603.F.4. Other than approved aquifer exemption expansions that meet the criteria set forth in §603.F.2.d, new aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the commissioner, it is an underground source of drinking water if it meets the definition.

2. After notice and opportunity for a public hearing the commissioner may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the commissioner proposes to designate as exempted aquifers if they meet the following criteria:

- a. the aquifer does not currently serve as a source of drinking water; and
- b. the aquifer cannot now and will not in the future serve as a source of drinking water because:

- i. it is mineral, hydrocarbon or geothermal energy producing or can be demonstrated by a permit applicant as part of a permit application for a Class III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible;

ii. it is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

iii. it is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

iv. it is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

c. the total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system;

d. the areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §103.F.4 if it meets the following criteria:

i. it does not currently serve as a source of drinking water; and

ii. the total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and

iii. it is not reasonably expected to supply a public water system.

3. No designation of an exempted aquifer submitted as part of the state's UIC program shall be final until approved by the USEPA. No designation of an expansion to the areal extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration shall be final until approved by the USEPA as a substantial revision of the state's UIC program in accordance with 40 CFR 145.32.

4. Expansion to the Areal Extent of Existing Class II Aquifer Exemptions for Class VI Wells. Operators of Class II enhanced oil recovery or enhanced gas recovery wells may request that the commissioner approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. Such requests are treated as a substantial program revision to the state's UIC program and will not be final until approved by USEPA.

a. The operator of a Class II enhanced oil recovery or enhanced gas recovery well that requests an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts thereof that are requested to be designated as exempted using the criteria in §603.F.2.d.

b. In evaluating a request to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the commissioner must determine that the request meets the criteria for exemptions. In making the determination, the commissioner shall consider:

i. current and potential future use of the USDWs to be exempted as drinking water resources;

ii. the predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in

degradation of water quality, over the lifetime of the project, as informed by computational modeling, in order to ensure that the proposed injection operation will not at any time endanger USDWs including non-exempted portions of the injection formation; and

iii. whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review.

#### G. Transitioning from Class II to Class VI

1. Operators of wells used to inject carbon dioxide for the primary purpose of long-term storage into an oil or gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. The factors specified in §603.G.2 below must be considered in determining if there is an increased risk to USDWs.

2. The commissioner shall determine when there is an increased risk to USDWs compared to Class II operations and when a Class VI permit is required. The commissioner must consider the following in order to make this determination:

a. increase in reservoir pressure within the injection zone(s);

b. increase in carbon dioxide injection rates;

c. decrease in reservoir production rates;

d. distance between the injection zone(s) and USDWs;

e. suitability of the Class II enhanced oil or gas recovery area of review delineation;

f. quality of abandoned well plugs within the area of review;

g. the owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;

h. the source and properties of injected carbon dioxide; and

i. any additional site-specific factors as determined by the commissioner.

#### H. Additional Requirements

1. All tests, reports, logs, surveys, plans, applications, or other submittals whether required by these rules and regulations or submitted for informational purposes are required to bear the Louisiana Office of Conservation serial number of any Class VI carbon dioxide sequestration well associated with the submittal.

2. All applications, reports, plans, requests, maps, cross-sections, drawings, opinions, recommendations, calculations, evaluations, or other submittals including or comprising geoscientific work as defined by La. R.S. 37:711.1 et seq. must be prepared, sealed, signed, and dated by a licensed Professional Geoscientist (P.G.) authorized to practice by and in good standing with the Louisiana Board of Professional Geoscientists.

3. All applications, reports, plans, requests, specifications, details, calculations, drawings, opinions, recommendations, evaluations or other submittals including or comprising the practice of engineering as defined by La. R.S. 37:681 et seq. must be prepared, sealed, signed, and dated by a licensed Professional Engineer (P.E.) authorized to practice by and in good standing with the Louisiana Professional Engineering and Land Surveying Board.

4. The commissioner may prescribe additional requirements for Class VI wells or projects in order to protect USDWs and the health, safety, and welfare of the public.

I. Confidentiality of Information. Information obtained by any rule, regulations, order, or permit term or condition adopted or issued hereunder, or by any investigation authorized thereby, shall be available to the public, unless nondisclosure is requested in writing and such information is determined by the commissioner to require confidentiality to protect trade secrets, processes, operations, style of work, apparatus, statistical data, income, profits, losses, or in order to protect any plan, process, tool, mechanism, or compound; provided that such nondisclosure shall not apply to information that is necessary for use by duly authorized officers or employees of state or federal government in carrying out their responsibilities under these regulations or applicable federal or state law. If no claim is made at the time of submission, the commissioner may make the information available to the public without further notice. Claims of confidentiality for the following information shall be denied:

1. the name and address of any permit applicant or permittee; and
2. information which deals with the existence, absence, or level of contaminants in drinking water or zones other than the approved injection zone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:56 (January 2021).

#### **§605. Permit Requirements, Application, Signatories**

A. Applicability. The rules and regulations of this Section apply to all Class VI injection wells or project applications required to be filed with the Department of Natural Resources (Office of Conservation) for authorization under R.S. 1950 Title 30.

B. The commissioner cannot issue a permit on an area basis for a Class VI well or permit.

##### **C. Application Required**

1. Permit Application. New applicants, permittees, and any person required to have a permit shall complete, sign, and submit an application to the commissioner as described in this Section.

a. the applicant shall submit one signed paper version of the application and an exact duplicate of the application in an electronic format approved by the commissioner. The commissioner may request additional paper copies of the application, either in its entirety or in part, as needed.

b. the electronic version of the application shall contain the following certification statement:

This document is an electronic version of the application titled *(Insert Document Title)* dated *(Insert Application Date)*. This electronic version is an exact duplicate of the paper copy submitted in *(Insert the Number of Volumes Comprising the Full Application)* to the Louisiana Office of Conservation.

c. The applicant shall submit the application identified in §605.C.1 above to the USEPA in an electronic format approved by the USEPA.

2. Time to Apply. Any person who performs or proposes an underground injection for which a permit is or

will be required shall submit an application to the commissioner.

a. for new Class VI injection wells, a reasonable time before construction is expected to begin.

D. Who Applies. It is the duty of the owner of a facility or activity to submit an application for permit. When a facility is owned by one person and operated by another, it is the operator's duty to obtain a permit.

E. Signature Requirements. All permit applications shall be signed as follows.

1. Corporations. By a principal executive officer of at least the level of vice-president, or duly authorized representative of that person if the representative performs similar policy making functions for the corporation. A person is a duly authorized representative only if:

a. the authorization is made in writing by a principle executive officer of at least the level of vice-president;

b. the authorization specifies either an individual or position having responsibility for the overall operation of a sequestration well, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. the written authorization is submitted to the Office of Conservation.

2. Limited Liability Company (LLC). By a member if the LLC is member-managed, by a manager if the LLC is manager-managed, or by a duly authorized representative only if:

a. the authorization is made in writing by an individual who would otherwise have signature authority as outlined in §605.E.2 above;

b. the authorization specifies either an individual or position having responsibility for the overall operation of a sequestration well, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. the written authorization is submitted to the Office of Conservation.

3. Partnership or Sole Proprietorship. By a general partner or proprietor, respectively; or

4. Public Agency. By either a principal executive officer or a ranking elected official of a municipality, state, federal, or other public agency.

F. Signature Reauthorization. If an authorization under §605.E is no longer accurate because a different individual or position has responsibility for the overall operation of a sequestration well, a new authorization satisfying the signature requirements must be submitted to the Office of Conservation before or concurrent with any reports, information, or applications required to be signed by an authorized representative.

G. Certification. Any person signing a document under §605.E shall make the following certification on the application:

"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 submitted 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. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:59 (January 2021).

### §607. Application Content

A. The following minimum information required in §607 shall be submitted with a permit application to construct a new Class VI well or convert any existing well for Class VI service. The applicant shall also refer to the appropriate application form for any additional information that may be required. For information already on file with the office of conservation, the commissioner may accept the required information by reference provided they are current, readily available to the commissioner, and sufficiently identified to be retrieved.

B. Administrative information:

1. all required state application form(s);
2. the nonrefundable application fee(s) as per LAC 43:XIX.Chapter 7 or successor document;
3. the name and mailing address of the applicant and the physical address of the sequestration well facility;
4. the operator's name, address, telephone number, and email address;
5. ownership status, and status as federal, state, private, public, or other entity;
6. a brief description of the nature of the business associated with the activity;
7. the activity or activities conducted by the applicant which require the applicant to obtain a permit under these regulations;
8. up to four SIC Codes which best reflect the principal products or services provided by the facility;
9. a listing of all permits or construction approvals that the applicant has received or applied for under any of the following programs or which specifically affect the legal or technical ability of the applicant to undertake the activity or activities to be conducted by the applicant under the permit being sought:
  - a. the Louisiana Hazardous Waste Management;
  - b. this or any other underground injection control program;
  - c. NPDES program under the Clean Water Act;
  - d. prevention of significant deterioration (PSD) program under the Clean Air Act;
  - e. nonattainment program under the Clean Air Act;
  - f. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;
  - g. ocean dumping permit under the Marine Protection Research and Sanctuaries Act;
  - h. dredge or fill permits under section 404 of the Clean Water Act; and
  - i. other relevant environmental permits including, but not limited to any state permits issued under the Louisiana Coastal Resources Program, the Louisiana Surface

Mining Program or the Louisiana Natural and Scenic Streams System;

10. acknowledgment as to whether the facility is located on Indian lands or other lands under the jurisdiction or protection of the federal government, or whether the facility is located on state water bottoms or other lands owned by or under the jurisdiction or protection of the state of Louisiana;

11. documentation of financial responsibility or documentation of the method by which proof of financial responsibility will be provided as required in §609.C. Before making a final permit decision, final (official) documentation of financial responsibility must be submitted to and approved by the Office of Conservation;

12. names and addresses of all property owners within the area of review of the Class VI well or project.

C. Application Contents: An application submitted to construct a new Class VI well or convert any existing well to Class VI shall contain the following geological and technical information:

1. Maps and Related Information

a. map(s) showing property boundaries of the facility, the location of the proposed Class VI well, and the applicable area of review consistent with §§615.B and 615.C. USGS topographic maps with a scale of 1:24,000 may be used. The map boundaries must extend at least two miles beyond the area of review and include as applicable:

i. the section, township and range of the area where the activity is located and any parish, city, municipality, state, and tribal boundaries.

ii. within the area of review, the map(s) must identify all injection wells, producing wells, abandoned wells, plugged wells or dry holes, deep stratigraphic boreholes, State- or USEPA-approved subsurface cleanup sites, surface bodies of water, springs, surface and subsurface mines, quarries, water wells, other pertinent surface features including structures intended for human occupancy, and roads.

iii. only information of public record is required to be included on the map(s), however, the applicant is required to make a diligent search to locate all wells not listed in the public record.

iv. for water wells on the facility property and adjacent property, submit a tabulation of well depth, water level, owner, chemical analysis, and other pertinent data. If these wells do not exist, submit this information for a minimum of three other wells in the area of review or a statement why this information was not included.

v. the protocol followed to identify, locate, and ascertain the condition of all wells within the area of review that penetrate the injection or confining zone.

b. information on the geologic structure and hydrogeologic properties of the proposed sequestration site and overlying formations, to include:

i. geologic and topographic maps and cross-sections illustrating regional geology, geologic structure, and hydrology.

ii. maps and cross-sections to a scale needed to detail the local geology, geologic structure, and hydrology. The maps and cross-sections must extend at least two miles beyond the area of review;



iii. the location, orientation, and properties of known or suspected faults and fractures that may transect the confining zone(s) in the area of review and a determination that they would not interfere with containment;

iv. maps and stratigraphic cross-sections showing the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their position relative to the injection zone(s) and the direction of water movement, if known.

v. in areas with limited subsurface well control or where the subsurface geology is in doubt and cannot be described adequately, the commissioner may request the applicant to provide geophysical seismic data of the project area.

c. any other maps required by the commissioner to evaluate the proposed project.

## 2. Application Technical Information

a. data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zone(s); including geology/facies changes based on field data which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;

b. geomechanical information on fractures, stress, ductility, rock strength, and in situ fluid pressures within the confining zone(s);

c. information on the region's seismic history including the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and

d. a tabulation of all wells within the area of review that penetrate the base of the USDW. Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any other information the commissioner may require;

e. baseline geochemical data on subsurface formations, including injection zones, confining zones and all USDWs in the area of review;

f. proposed operating data:

i. average and maximum daily rate and volume and/or mass and total anticipated volume and/or mass of the carbon dioxide stream;

ii. average and maximum injection pressure;

iii. source(s) of the carbon dioxide stream; and

iv. analysis of the chemical and physical characteristics of the carbon dioxide stream.

g. proposed pre-operational formation testing program to obtain an analysis of the chemical and physical characteristics of the injection zone(s) and confining zone(s) and that meets the requirements at §617.B;

h. proposed stimulation program, a description of stimulation fluids to be used and a determination that stimulation will not interfere with containment;

i. proposed injection operation procedures;

j. schematics or other appropriate drawings of the surface (wellhead and related appurtenances) and subsurface construction details of the well;

k. injection well construction procedures that meet the requirements of §617.A;

l. proposed area of review and corrective action plan that meets the requirements under §§615.B and 615.C;

m. demonstration, satisfactory to the commissioner, that the applicant has met the financial responsibility requirements under §609.C;

n. proposed testing and monitoring plan required by §625;

o. proposed injection well plugging plan required by §631;

p. proposed post-injection site care and site closure plan required by §633.A.3;

q. at the commissioner's discretion, a demonstration of an alternative post-injection site care timeframe required by §633.A.3;

r. proposed emergency and remedial response plan required (contingency plans for well failures or breaches) by §623;

s. a list of contacts, submitted to the commissioner for those states and tribes identified to be within the area of review based on information provided in §607.C.1.a.i; and

t. any additional information required by the commissioner to evaluate the proposed project.

3. The commissioner shall notify in writing, any states or tribes within the area of review based on information provided by the applicant in §§607.C.1.a.i and 607.C.2.s.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:60 (January 2021).

## §609. Legal Permit Conditions

A. Applicability. The rules and regulations of this Section set forth legal conditions for Class VI well permits. Permits for owners or operators of Class VI injection wells shall include conditions meeting applicable requirements of §§609, 615, 617, 619, 621, 623, 625, 627, 629, and 631. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit

B. Signatories. All reports required by permits and other information requested by the commissioner shall be signed as in applications by a person described in §605.D.

### C. Financial Responsibility

1. The permit shall require the permittee to maintain financial responsibility and resources to close, plug, and abandon the underground injection wells and, where necessary, related surface facility, and for post-injection site care and site closure in a manner prescribed by the commissioner. Class VI well operators must also comply with §609.C.4. The permittee must show evidence of financial responsibility to the commissioner by the submission of:

a. a certificate of deposit issued in sole favor of the Office of Conservation in a form prescribed by the commissioner. A certificate of deposit may not be withdrawn, canceled, rolled over or amended in any manner without the approval of the commissioner;

b. a performance bond (surety bond) in sole favor of the Office of Conservation in a form prescribed by the commissioner;

c. a letter-of-credit in sole favor of the Office of Conservation in a form prescribed by the commissioner;

d. site-specific trust account, or

e. any other instrument of financial assurance acceptable to the commissioner.

2. The amount of funds available in the financial instrument shall be no less than the amount identified in the cost estimate of the closure plan and any required post-injection site care and site closure, and must be approved by the commissioner.

3. Any financial instrument filed in satisfaction of the financial responsibility requirements shall be issued by and drawn on a bank or other financial institution authorized under state or federal law to operate in the State of Louisiana.

4. Class VI well owners, operators, or applicants shall comply with these additional requirements of financial responsibility.

a.i. Qualifying financial responsibility instruments must be sufficient to cover the cost of meeting the requirements of:

(a). corrective action of §615.C;

(b). injection well plugging of §631;

(c). post-injection site care and site closure of §633; and

(d). emergency and remedial response of §623.

ii. The owner/operator shall maintain third party insurance at a sufficient level to respond to any emergency or to perform any remedial action that meets the requirements of §623.

b. Financial responsibility instruments must be sufficient to address endangerment of underground sources of drinking water.

c. Qualifying financial responsibility instruments must comprise protective conditions of coverage. Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation provisions, specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable:

i. cancellation: an owner or operator must provide that their financial mechanism may not cancel, terminate or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the commissioner. The cancellation must not be final for 120 days after receipt of the cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable or possible, any funds from the instrument being cancelled must be released within 60 days of notification by the commissioner;

ii. renewal: owners or operators must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed as long as the owner or

operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument;

iii. cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that on or before the date of expiration the commissioner deems the facility abandoned; or the permit is terminated or revoked or a new permit is denied; or closure is ordered by the commissioner or a court of competent jurisdiction; or the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the amount due is paid.

d. Qualifying financial responsibility instruments must be approved by the commissioner:

i. the commissioner shall consider and approve the financial responsibility demonstration for all the phases of the geologic sequestration project before issuing any authorization to begin geologic sequestration of carbon dioxide in a Class VI well;

ii. the owner or operator must provide any updated information related to their financial responsibility instrument(s) annually and if there are any changes, the commissioner must evaluate the financial responsibility demonstration to confirm that the instrument(s) used remain adequate. The owner or operator must maintain financial responsibility requirements regardless of the status of the commissioner's review of the financial responsibility demonstration;

iii. the commissioner may disapprove the use of a financial instrument if he determines it is not sufficient to meet the financial responsibility requirements.

e. The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project:

i. in the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance, for example trust funds, certificates of deposit, surety bonds guaranteeing payment into a trust fund, and letters of credit. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.

f. The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit. The owner or operator must maintain financial responsibility and resources until:

i. the commissioner receives and approves the completed post-injection site care and site closure plan; and

ii. the commissioner approves site closure.

g. The owner or operator may be released from a financial instrument in the following circumstances:

i. the owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the commissioner, including

obtaining financial responsibility for the next phase of the geologic sequestration project, if required; or

ii. the owner or operator has submitted a replacement financial instrument and received written approval from the commissioner accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.

h. The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection well(s), post-injection site care and site closure, and emergency and remedial response:

i. the cost estimate must be performed for each phase separately and must be based on the costs to the Office of Conservation of contracting a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator;

ii. during the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days before the anniversary date of the establishment of the financial instrument(s) and provide this adjustment to the commissioner. The owner or operator must also provide the commissioner written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan, the injection well plugging plan, the post-injection site care and site closure plan, and the emergency and remedial response plan;

iii. the commissioner must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after the commissioner has approved the request to modify the area of review and corrective action plan, the injection well plugging plan, the post-injection site care and site closure plan, and the emergency and response plan, if the change in the plan increases the cost. If the change to the plans decreases the cost, any withdrawal of funds must be approved by the commissioner. Any decrease to the value of the financial assurance instrument must first be approved by the commissioner. The revised cost estimate must be adjusted for inflation as specified at §609.C.4.h.ii. above;

iv. whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the commissioner, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the commissioner.

i. The owner or operator must notify the commissioner by certified mail of adverse financial conditions such as bankruptcy that may affect the ability to carry out injection well plugging and post-injection site care and site closure:

i. in the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must

notify the commissioner by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

ii. An owner or operator who fulfills the financial responsibility requirements by obtaining an approved instrument of financial assurance will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the financial assurance instrument. The owner or operator must establish other financial assurance within 60 days after such an event.

j. The owner or operator must provide the commissioner with an adjustment of the cost estimate within 60 days of notification by the commissioner, if the commissioner determines during the annual evaluation of the qualifying financial responsibility instrument(s) that the most recent demonstration is no longer adequate to cover the cost of corrective action, injection well plugging, post-injection site care and site closure, and emergency and remedial response.

k. The commissioner must approve the use and length of pay-in-periods for trust funds or escrow accounts.

5. The permit shall require the permittee to maintain financial responsibility as specified at §609.C.1 until:

a. the well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §631 and submitted a plugging and abandonment report pursuant to §631.A.5;

b. the well has been converted in compliance with the requirements of §609.L.7; or

c. the transferor of a permit has received notice from the commissioner that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.

D. Duty to Comply. The permittee must comply with all conditions of a permit. Any permit noncompliance constitutes a violation of the act and is grounds for enforcement action or permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application if the commissioner determines that such noncompliance endangers underground sources of drinking water.

E. Duty to Reapply. If the permittee wishes to continue an activity regulated by a permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

F. Duty to Halt or Reduce Activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment such as the contamination of underground sources of drinking water resulting from noncompliance with this permit.

H. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities

and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of his permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operation staffing and training, and adequate laboratory process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I. Inspection and Entry. Inspection and entry shall be allowed as prescribed in R.S. of 1950, Title 30, Section 4.

J. Compliance. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the act and these regulations.

K. Property Rights. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege or servitude.

#### L. Notification Requirements

1. Planned Changes. The permittee shall give notice to the commissioner as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Notice of Well Completion. A new injection well injection well may not commence injection until construction is complete, a notice of completion has been submitted to the commissioner, the commissioner has inspected or otherwise reviewed the injection well and finds it is in compliance with the conditions of the permit, and the commissioner has given approval to begin injection.

3. Anticipated Noncompliance. The permittee shall give advance notice to the commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

4. Transfers. A permit is not transferable to any person except after notice to the commissioner. The commissioner 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 Safe Drinking Water Act. (See §613.)

5. Compliance Schedules. Report of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in these regulations shall be submitted to the commissioner no later than 14 days following each schedule date.

#### 6. Twenty-Four Hour Reporting

a. The permittee shall report to the commissioner any noncompliance which may endanger health or the environment. Any information pertinent to the noncompliance shall be reported by telephone at (225) 342-5515 within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances and shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.

b. The following additional information must be reported within the 24-hour period provided above:

i. any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW;

ii. any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

7. The permittee shall notify the commissioner at such times as the permit requires before conversion or abandonment of the well or before closure of the project.

8. Other Noncompliance. The permittee shall report all instances of noncompliance not reported under §§609.L.5 and 609.L.6, at the time quarterly reports are submitted. The reports shall contain the information listed in §609.L.6.

9. Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the commissioner, it shall promptly submit such facts or information.

#### M. Duration of Permits

1. UIC permits for Class VI wells shall be issued for the operating life of the facility and the post-injection site care period. The commissioner shall review each issued Class VI well permit at least once every five years to determine whether it should be modified, revoked and reissued, terminated, or a minor modification made.

2. The term of a permit shall not be extended by modification beyond the maximum duration specified in this Section, except as provided in §609.M.4 below.

3. The commissioner may issue, for cause, any permit for a duration that is less than the full allowable term under this Section.

4. The conditions of an expired permit may continue in force until the effective date of a new permit if the permittee has submitted a timely and a complete application for a new permit, and the commissioner, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (e.g., when issuance is impracticable due to time or resource constraints).

a. Permits continued under this Section remain fully effective and enforceable.

b. When the permittee is not in compliance with the conditions of the expiring or expired permit, the commissioner may choose to do any or all of the following:

i. initiate enforcement action based upon the permit which has been continued;

ii. issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

iii. issue a new permit under the requirements of these rules for issuing a new permit with appropriate conditions; or

iv. take other actions authorized by these regulations.

N. Schedules of Compliance. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the act and these regulations.

1. Time for Compliance. Any schedules of compliance under this Section shall require compliance as soon as

possible but not later than three years after the effective date of the permit.

2. Interim Dates. Except as provided in §609N.2.b, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

a. The time between interim dates shall not exceed one year.

b. If the time necessary for completion of any interim requirements (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

3. Reporting. The permit shall be written to require that progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

O. Additional Conditions. The commissioner shall impose on a case-by-case basis such additional conditions as are necessary to protect underground sources of drinking water.

P. Duty to Establish and Maintain Mechanical Integrity. The permittee of a Class VI injection well shall establish mechanical integrity prior to commencing injection and on a schedule determined by these rules or the commissioner. Thereafter, the owner or operator of Class VI injection wells must maintain mechanical integrity as defined in §627. The Class VI injection well owner or operator shall give notice to the commissioner when it is determined the injection well is lacking mechanical integrity. Upon receiving such notice, the operator shall immediately cease injection into the well. The well shall remain out of injection service until such time as well mechanical integrity is restored to the satisfaction of the commissioner. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to §627.

Q. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

R. In addition to conditions required in all permits the commissioner shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and 40 CFR Parts 144, 145, 146 and 124.

S. New permits, and to the extent allowed under §613 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in this section. An applicable requirement is a State statutory or regulatory requirement that takes effect prior to final administrative disposition of the permit. An applicable requirement is also any requirement that takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in §613.

T. Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:61 (January 2021).

### **§611. Permitting Process**

A. Applicability. This Section contains procedures for issuing all Class VI permits.

B. Application Submission and Review

1. Any person required to have a UIC permit shall submit an application to the Office of Conservation, UIC Section, as outlined in §605.

2. Check for completeness:

a. the commissioner shall not issue a permit before receiving an application form and any required supplemental information which are completed to his satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity;

b. each application for a permit submitted for a new UIC injection well will be reviewed for completeness by the commissioner and the applicant will be notified of the commissioner's decision within 30 days of its receipt. Each application for a permit submitted for an existing injection well will be reviewed for completeness and the applicant will be notified of the commissioner's decision within 60 days of receipt. Upon completing the review, the commissioner shall notify the applicant in writing whether the application is complete.

3. Incomplete Applications

a. If the application is incomplete, the commissioner shall list in the notification in §611.B.2.b above, the information necessary to make the application complete. When the application is for an existing UIC injection well, the commissioner shall specify in the notice a date for submitting the necessary information. The commissioner shall notify the applicant that the application is complete upon receiving this information. The commissioner may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

b. If an applicant fails or refuses to correct deficiencies found in the application, the permit may be denied and, for existing wells, appropriate enforcement actions may be taken under the applicable statutory provision.

4. If the commissioner decides that a site visit is necessary for any reason in conjunction with the processing of an application, he shall notify the applicant, state the reason for the visit, and a date shall be scheduled.

C. Draft Permits

1. Once an application is complete, the commissioner shall prepare a draft permit or deny the application.

2. The applicant may appeal the decision to deny the application in a letter to the commissioner who may then call a public hearing through §611.G.1.

3. If the commissioner prepares a draft permit, it shall contain the following information where appropriate:

- a. all conditions under §§609, 615, 617, 619, 621, 623, 625, 627, 629, and 631;
- b. all compliance schedules under §609.N; and
- c. all monitoring requirements under applicable Paragraphs in §625.

4. All draft permits prepared under this Section may be accompanied by a fact sheet pursuant to §611.D, and shall be publicly noticed in accordance with §611.E, and made available for public comment pursuant to §611.F.

D. Fact Sheet

1. A fact sheet shall be prepared for every draft permit for all major UIC facilities or activities and for every draft permit which the commissioner finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permits. The commissioner shall send this fact sheet to the applicant and, on request, to any other person.

2. The fact sheet shall include, when applicable:

- a. a brief description of the type of facility or activity which is the subject of the draft permit;
- b. the type and quantity of wastes, fluids, or pollutants which are proposed to be or are being injected;
- c. a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;
- d. reasons why any requested variances or alternatives to required standards do or do not appear justified;
- e. a description of the procedures for reaching a final decision on the draft permit including:
  - i. the beginning and ending dates of the comment period under §611.F and the address where comments will be received;
  - ii. procedures for requesting a hearing and the nature of that hearing; and
  - iii. any other procedures by which the public may participate in the final decision;
- f. name and telephone number of a person to contact for information.

3. All persons identified in §§611.E.3.a.i, ii, iii, and iv shall be mailed or emailed a copy of the fact sheet, the draft permit, and a notice that the permit application will be available online.

E. Public Notice of Permit Actions and Public Comment Period

1. Scope

- a. The commissioner shall give public notice (including a notice of intent to deny a permit application) that the following actions have occurred:
  - i. a draft permit has been prepared under §611.C; and
  - ii. a hearing has been scheduled under §611.G.
- b. No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under §613. Written notice of that denial shall be given to the requester and to the permittee.
- c. Public notices may describe more than one permit or permit action.

2. Timing

a. Public notice of the preparation of a draft permit required under §611.E.1 shall allow 30 days for public comment.

b. Public notice of a public hearing shall be given 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined).

3. Methods. Public notice of activities described in §611.E.1.a shall be given by the following methods:

a. by electronic mailing (emailing) or by mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this Section may waive his rights to receive notice for any classes and categories of permits):

- i. the applicant;
- ii. any other agency which the commissioner knows has issued or is required to issue a permit for the same facility or activity (including EPA);
- iii. federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, the State Archeological Survey and Antiquities Commission, the Director of the Public Water Supply Supervision program in the State, the Department of Natural Resource, and other appropriate government authorities, including any unit of local government having jurisdiction over the area where the facility is proposed to be located, any affected states or Indian Tribes; and
- iv. persons on a UIC mailing list developed by:
  - (a) including those who request in writing to be on the list;
  - (b) soliciting persons for “area lists” from participants in past permit proceedings in that area; and
  - (c) notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The commissioner may update the mailing list from time to time by requesting written indication of continued interest from those listed. The commissioner may delete from the list the name of any person who fails to respond to such a request.)

b. publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity;

c. in a manner constituting legal notice to the public under state law; and

d. any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other form or medium to elicit public participation.

4. Contents

a. All Public Notices. Public notices issued under this Section shall contain the following information:

- i. name and address of the Division of the Office of Conservation processing the permit action for which notice is being given;
- ii. name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

iii. a brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

iv. name, address, and telephone number of a person from whom interested persons may obtain copies of the draft permit, the fact sheet, the application, and further information concerning the application;

v. a brief description of the comment procedures required by §611.F and the time and place of any hearing that will be held, including a brief statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision; and

vi. any additional information considered necessary or proper.

b. Public Notices for Hearings. In addition to the general public notice described in §611.E.4.a, the public notice of a hearing under §611.G shall contain the following information:

i. reference to the date of previous public notices relating to the permit;

ii. date, time, and place of the hearing; and

iii. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

F. Public Comments and Requests for Public Hearings. During the public comment period provided under §611.G, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in §611.H.

#### G. Public Hearings

1. The commissioner shall hold a public hearing whenever he finds, on the basis of requests, a significant degree of public interest in (a) draft permit(s). The commissioner also may hold a public hearing at his discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in §611.G.

2. Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under §611.G shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.

3. A tape recording or written transcript of the hearing shall be made available to the public.

#### H. Response to Comments

1. At the time that any final permit is issued the commissioner shall issue a response to comments. This response shall:

a. specify which provisions; if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

b. briefly describe and respond to all significant comments on the draft permit or the permit application

raised during the public comment period, or during any hearing.

2. The response to comments shall be available to the public.

#### I. Permit Issuance and Effective Date

1. After closure of the public comment period, including any public hearing, under §611.G on a draft permit, the commissioner shall issue a final permit decision within 30 days. The commissioner shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedure for appealing a decision on a UIC permit under La. Title 30 R.S. §30:15. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

2. A final permit decision shall become effective on the date of issuance.

3. Approval or the granting of a permit to construct a Class VI well shall be valid for a period of one year and if not begun in that time, the permit shall be null and void. The permittee may request an extension of this one-year requirement; however, the commissioner shall approve the request for extenuating circumstances only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:65 (January 2021).

### §613 Permit Modification, Revocation and Reissuance, Termination, Transfer or Renewal

A. Applicability. The rules of this Section set forth the standards and requirements for applications and actions concerning modification, revocation and reissuance, termination, transfer and renewal of permits.

#### B. Permit Actions

1. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2. The permittee shall furnish to the commissioner, within 30 days, any information which the commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with the permit. The permittee shall also furnish to the commissioner, upon request, copies of records required to be kept by the permit.

3. The commissioner may, upon his own initiative or at the request of any interested person, review any permit to determine if cause exists to modify, revoke and reissue, or terminate the permit for the reasons specified in §§613.C, D, and E. All requests shall be in writing and shall contain facts or reasons supporting the request.

4. If the commissioner decides the request is not justified, he shall send the person making the request a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.

5. If the commissioner decides to modify or revoke and reissue a permit under §§613.C, D, and E, he shall prepare a draft permit under §611.C incorporating the proposed changes. When a permit is modified, the entire permit is reopened and is subject to revision. The commissioner may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the commissioner shall require, if necessary, the submission of a new application.

6. In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

#### C. Modification or Revocation and Reissuance of Permits

1. The following are causes for modification and may be causes for revocation and reissuance of permits.

a. Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

b. Information. The commissioner has received information pertinent to the permit that would have justified the application of different permit conditions at the time of issuance.

##### c. New Regulations

i. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits for Class VI wells may be modified during their terms when:

(a). the permit condition requested to be modified was based on a promulgated regulation or guideline;

(b). there has been a revision, withdrawal, or modification of that portion of the regulation or guideline on which the permit condition was based; and

(c). a permittee requests modification within 90 days after *Louisiana Register* notice of the action on which the request is based.

ii. When standards or regulations on which the permit was based have been changed by withdrawal of standards or regulations or by promulgation of amended standards or regulations which impose less stringent requirements on the permitted activity or facility and the permittee requests to have permit conditions based on the withdrawn or revised standards or regulations deleted from his permit.

iii. For judicial decisions, a court of competent jurisdiction has remanded and stayed Office of Conservation regulations or guidelines and all appeals have been exhausted, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee to have permit

conditions based on the remanded or stayed standards or regulations deleted from his permit.

d. Compliance Schedules. The commissioner determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonable available remedy.

e. Additional Modification of Class VI Permits. For Class VI wells, whenever the commissioner determines that permit changes are necessary based on:

i. area of review reevaluations under §615.C.2;

ii. any amendments to the testing and monitoring plan under §625.A.10;

iii. any amendments to the injection well plugging plan under §631.A.3;

iv. any amendments to the post-injection site care and site closure plan under §633.A.1.c;

v. any amendments to the emergency and remedial response plan under §625.A.4; or

vi. a review of monitoring and testing results conducted in accordance with permit requirements.

2. Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

a. cause exists for termination under §613.E, and the commissioner determines that modification or revocation and reissuance is appropriate;

b. the commissioner has received notification of a proposed transfer of the permit and the transfer is determined not to be a minor modification (see §613.D.4). A permit may be modified to reflect a transfer after the effective date (§613.F.2.b) but will not be revoked and reissued after the effective date except upon the request of the new permittee; or

c. a determination that the waste being injected is a hazardous waste as defined in §601 either because the definition has been revised, or because a previous determination has been changed; or

d. to incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

3. Facility Siting. Suitability of an existing facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that continued operations at the site pose a threat to the health or safety of persons or the environment which was unknown at the time of permit issuance. A change of injection site or facility location may require modification or revocation and issuance as determined to be appropriate by the commissioner.

4. If a permit modification satisfies the criteria of this Section, a draft permit must be prepared and other applicable procedures must be followed.

D. Minor Modifications of Permits. Upon the consent of the permittee, the commissioner may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section without issuing a draft permit and providing for public comment. Minor modifications may only:

1. correct typographical errors;

2. require more frequent monitoring or reporting by the permittee;



3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

4. allow for a change in ownership or operational control of a facility where the commissioner 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 the current and new permittees has been submitted to the commissioner (see §613.F);

5. change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the commissioner, would not interfere with the operation of the facility or its ability to meet conditions prescribed in the permit, and would not change its classification;

6. change construction requirements or plans approved by the commissioner provided that any such alteration shall comply with the requirements of this Section and §617. No such changes may be physically incorporated into construction of the well prior to approval; or

7. amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the commissioner.

#### E. Termination of Permits

1. The commissioner may terminate a permit during its term for the following causes:

a. noncompliance by the permittee with any condition of the permit;

b. the permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

c. a determination that the permitted activity endangers the health or safety of persons or the environment which activity cannot be regulated to acceptable levels by permit modification and can only be regulated to acceptable levels by permit termination.

2. If the commissioner decides to terminate a permit, he shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under §611.C.

3. The commissioner may alternatively decide to modify or revoke and reissue a permit for the causes in §613.E.1 (see §613.C.2.a).

#### F. Transfers of Permits

1. A permit may be transferred to a new owner or operator upon approval by the commissioner.

2. The current permittee shall submit an application for transfer at least 30 days before the proposed transfer date. The application shall contain the following:

a. name and address of the transferee;

b. date of proposed transfer; and

c. a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them. The agreement should also demonstrate to the satisfaction of

the commissioner that the financial responsibility requirements of §609.C will be met by the new permittee.

3. If the commissioner does not notify the existing permittee and the proposed new permittee of his intent to modify or revoke and reissue the permit under §613.C.2.b the transfer is effective on the date specified in the agreement mentioned in §613.F.2.c.

4. If no agreement described in §613.F.2.c is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation will shift from the existing permittee to the new permittee on the date the transfer is approved.

5. If a person attempting to acquire a permit causes or allows operation of the facility before approval by the commissioner, it shall be considered a violation of these rules for operating without a permit or other authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:67 (January 2021).

### §615. Siting Criteria, AOR, and Corrective Action

A. Minimum Criteria for Siting. Applicants, owners, or operators of Class VI wells must demonstrate to the satisfaction of the commissioner that the wells will be sited in areas with a suitable geologic system. The demonstration must show that the geologic system comprises:

1. an injection zone of sufficient areal extent, thickness, porosity, and permeability to receive the total anticipated volume of the carbon dioxide stream;

2. confining zone(s) free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids, and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zone(s).

a. The commissioner may require owners or operators of Class VI wells to identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation, and provide additional opportunities for monitoring, mitigation, and remediation.

#### B. Area of Review (AOR)

1. The area of review is the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and is based on available site characterization, monitoring, and operational data.

2. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan to delineate the area of review for the proposed geologic sequestration project, periodically reevaluate the delineation, and perform corrective action that meets the requirements of these regulations and is acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application, the owner or operator must submit an area of review and

corrective action plan that includes the following information:

a. the method for delineating the area of review that meets the requirements of §615.B.3, including the model to be used, assumptions that will be made, and the site characterization data on which the model will be based;

b. a description of:

i. the minimum fixed frequency—not to exceed five years—at which the owner or operator proposes to reevaluate the area of review;

ii. the monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established in §615.B.2.b.i.

iii. how monitoring and operational data (e.g., injection rate and pressure) will be used to inform an area of review reevaluation; and

iv. how corrective action will be conducted to meet the requirements of §615.C, including what corrective action will be performed prior to injection and what, if any, portions of the area of review the operator proposes to have corrective action addressed on a phased basis and how the phasing will be determined; how corrective action will be adjusted if there are changes in the area of review; and how site access will be guaranteed for future corrective action.

3. Area of Review Boundary Delineation. Owners or operators of Class VI wells must perform the following actions to delineate the area of review and identify all wells that require corrective action:

a. predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period as determined by the commissioner. The model must:

i. be based on detailed geologic data collected to characterize the injection zone(s), confining zone(s) and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;

ii. take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and

iii. consider potential migration through faults, fractures, and artificial penetrations.

b. using methods approved by the commissioner, the owner or operator shall at a minimum, identify all penetrations, including active and abandoned wells and underground mines, in the area of review that penetrate the confining and injection zone(s). (See §603.H.4.) Provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the commissioner may require; and

c. determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may

endanger USDWs, including use of materials compatible with the carbon dioxide stream.

#### C. Corrective Action

1. Owners or operators of Class VI wells must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.

2. At the minimum fixed frequency—not to exceed five years—as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, owners or operators must:

a. reevaluate the area of review in the same manner specified in §615.B.3.a;

b. identify all wells in the reevaluated area of review that require corrective action in the same manner specified in §615.B.3;

c. perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in §615.C.1; and

d. submit an amended area of review and corrective action plan or demonstrate to the commissioner through monitoring data and modeling results that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate.

3. The emergency and remedial response plan (as required by §623) and the demonstration of financial responsibility (as described by §609.C must account for the area of review delineated as specified in §615.B.3.a or the most recently evaluated area of review delineated under §615.C.2, regardless of whether or not corrective action in the area of review is phased.

4. All modeling inputs and data used to support area of review reevaluations under §615.C.2 shall be retained for at least 10 years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:69 (January 2021).

#### §617. Well Construction and Completion

##### A. Injection Well Construction Requirements

1. General. All phases of Class VI well construction shall be supervised by a person knowledgeable and experienced in practical drilling engineering and is familiar with the special conditions and requirements of injection well construction. All materials and equipment used in the construction of the well and related appurtenances shall be designed and manufactured to exceed the operating requirements of the specific project, including flow induced vibrations. The owner or operator must ensure that all wells are constructed and completed to:

a. prevent the movement of fluids into or between USDWs or into any unauthorized zones;

b. allow the use of appropriate testing devices and workover tools; and

c. allow for continuous monitoring of the annulus space between the injection tubing and long string casing.

## 2. Casing and Cementing of Class VI Wells

a. Casing and cement or other materials used in the construction of each Class VI well must have sufficient structural strength and be designed for the life of the geologic sequestration project. All well materials must be compatible with fluids that the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the commissioner. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the commissioner to evaluate casing and cementing requirements, the owner or operator must provide the following information:

- i. depth to the injection zone(s);
- ii. injection pressure, external pressure, internal pressure, and axial loading;
- iii. hole size;
- iv. size and grade of all casing strings (wall thickness, external diameter, nominal weight, length, joint specification, and construction material);
- v. corrosiveness of the carbon dioxide stream and formation fluids;
- vi. down-hole temperatures;
- vii. lithology of injection and confining zone(s);
- viii. type or grade of cement and cement additives including slurry weight (lb/gal) and yield (cu. ft./sack); and
- ix. quantity, chemical composition, and temperature of the carbon dioxide stream.

b. The surface casing of any Class VI well must extend into a confining bed—such as a shale—below the base of the deepest formation containing a USDW. The casing shall be cemented with a sufficient volume of cement to circulate cement from the casing shoe to the surface. The commissioner will not grant an exception or variance to the surface casing setting depth.

c. At least one long string casing, using a sufficient number of centralizers, shall be utilized in the well. If the casing is to be perforated for injection, then the approved casing shall extend through the base of the injection zone. If an approved alternate construction method is used, such as the setting of a screen, the casing shall be set to the top of the injection interval. Regardless of the construction method utilized, the casings shall be cemented by circulating cement from the casing shoe to the surface in one or more stages.

d. Circulation of cement may be accomplished by staging. Circulated to the surface shall mean that actual cement returns to the surface were observed during the primary cementing operation. A copy of the cementing company's job summary or cementing tickets indicating returns to the surface shall be submitted as part of the pre-operating requirements.

i. The commissioner may approve an alternative method of cementing in cases where the cement cannot be circulated to the surface. If cement returns are lost during cementing, the owner or operator shall have the burden of showing—using wireline logs—that sufficient cement isolation is present to prevent the movement of fluid behind the well casing.

ii. Remedial cementing shall be done before proceeding with further well construction, completion, or conversion if adequate cement isolation of the USDW or the

injection zone within the casing-formation annulus cannot be demonstrated.

e. Cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement shall be verified using technology capable of evaluating cement quality radially and identifying the location of channels to ensure that USDWs are not endangered.

3. Casing and Casing Seat Tests. The owner or operator shall monitor and record the tests using a surface readout pressure gauge and a chart or a digital recorder. All instruments shall be calibrated properly and in good working order. If there is a failure of the required tests, the owner or operator shall take necessary corrective action to obtain a passing test.

a. Casing. After cementing each casing, but before drilling out the respective casing shoe, all casings shall be hydrostatically pressure tested to verify casing integrity and the absence of leaks. For surface casing, the stabilized test pressure applied at the surface shall be a minimum of 500 pounds per square inch gauge (PSIG). The stabilized test pressure applied at the surface for all other casings shall be a minimum of 1,000 PSIG. All casing test pressures shall be maintained for one hour after stabilization. Allowable pressure loss is limited to five percent of the test pressure over the stabilized test duration.

i. Casing test pressures shall never exceed the rated burst or collapse pressures of the respective casings.

b. Casing Seat. The casing seat and cement of any intermediate and injection casings shall be hydrostatically pressure tested after drilling out the casing shoe. At least 10 feet of formation below the respective casing shoes shall be drilled before the test. The test pressure applied at the surface shall be a minimum of 1,000 PSIG. The test pressure shall be maintained for one hour after pressure stabilization. Allowable pressure loss is limited to five percent of the test pressure over the stabilized test duration.

i. Casing seat test pressures shall never exceed the known or calculated fracture gradient of the appropriate subsurface formation.

## 4. Tubing and Packer

a. Tubing and packer materials used in the construction of each Class VI well must be compatible with fluids that the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the commissioner.

b. Injection into a Class VI well must be through tubing with a packer set at a depth opposite an interval of cemented casing at a location approved by the commissioner.

c. In order for the commissioner to determine and specify requirements for tubing and packer, the owner or operator must submit the following information:

- i. depth of setting;
- ii. characteristics of the carbon dioxide stream (chemical content, corrosiveness, temperature, and density) and formation fluids;
- iii. maximum proposed injection pressure;

- iv. maximum proposed annular pressure;
- v. proposed injection rate (intermittent or continuous) and volume and/or mass of the carbon dioxide stream;
- vi. size of tubing and casing; and
- vii. tubing tensile, burst, and collapse strengths.

**B. Logging, Sampling, and Testing Prior to Injection Well Operation**

1. During the drilling and construction of a Class VI well, appropriate logs, surveys and tests must be run to determine or verify the depth, thickness, porosity, permeability, and lithology of, and the salinity of formation fluids in all relevant geologic formations to ensure conformance with the injection well construction requirements of §617 and to establish accurate baseline data against which future measurements may be compared. The well operator must submit to the commissioner a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of such logs and tests. At a minimum, such logs and tests must include:

- a. deviation checks during drilling of all boreholes constructed by drilling a pilot hole, which is enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine the location of the borehole and to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling;
- b. before and upon installation of the surface casing:
  - i. resistivity, gamma-ray, spontaneous potential, and caliper logs before the casing is installed; and
  - ii. a cement bond and variable density log to evaluate cement quality radially, and a temperature log after the casing is set and cemented.
- c. before and upon installation of intermediate and long string casing:
  - i. resistivity, gamma-ray, spontaneous potential, porosity, caliper, fracture finder logs, and any other logs the commissioner requires for the given geology before the casing is installed; and
  - ii. a cement bond and variable density log, and a temperature log after the casing is set and cemented.
- d. a series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include:
  - i. a pressure test with liquid or gas;
  - ii. a tracer-type survey to detect fluid movement behind casing such as a radioactive tracer or oxygen-activation logging, or similar tool;
  - iii. a temperature or noise log;
  - iv. a casing inspection log.
- e. any alternative methods that provide equivalent or better information and that are required by and approved by the commissioner.

2. The owner or operator must take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from the injection zone(s), and must submit to the commissioner a detailed report prepared by a log analyst that includes: well log analyses (including well logs), core analyses, and formation fluid sample information. The commissioner may accept information on cores from nearby wells if the owner or operator can

demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The commissioner may require the owner or operator to core other formations in the borehole.

3. The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of the injection zone(s).

4. At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zone(s):

- a. fracture pressure;
- b. other physical and chemical characteristics of the injection and confining zone(s); and
- c. physical and chemical characteristics of the formation fluids in the injection zone(s).

5. Upon completion, but before operating, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of the injection zone(s):

- a. a pressure fall-off test; and,
- b. a pump test; or
- c. injectivity tests.

6. The owner or operator must notify the Office of Conservation at least 72 hours before conducting any wireline logs, well tests, or reservoir tests.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:70 (January 2021).

**§619. Pre-Operations—Completion Report and Site Reassessment**

A. Pre-Operating Requirements. The owner or operator of the well shall submit the following information to the commissioner. The commissioner shall consider the information before granting final approval for the operation of a Class VI well:

- 1. the final area of review based on modeling, using data obtained during logging and testing of the well and subsurface formations as required by §619.A.2, 3, 4, 6, 7, and 10;
- 2. any relevant updates—based on data obtained during logging and testing of the well and subsurface formations as required by §619.A.3, 4, 6, 7, and 10—to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted to satisfy the requirements of §607.C.1.b;
- 3. information on the compatibility of the carbon dioxide stream:
  - a. with fluids in the injection zone(s);
  - b. with minerals in both the injection and the confining zone(s), based on the results of the formation testing program; and
  - c. with the materials used to construct the well;
- 4. the results of the formation testing program required at §607.C.2.g;
- 5. final injection well construction procedures that meet the requirements of §617.A;
- 6. the status of corrective action on wells in the area of review;
- 7. all available logging and testing program data on the well required by §617.B;

8. a demonstration of mechanical integrity pursuant to §627;

9. any updates to the proposed area of review and corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, or the emergency and remedial response plan submitted under §623, that are necessary to address new information collected during logging and testing of the well and the formation as required by §617.B, and any updates to the alternative post-injection site care timeframe demonstration submitted under §633, that are necessary to address new information collected during the logging and testing of the well and the formation as required by; and

10. any additional information requested by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:72 (January 2021).

## §621. Operations

### A. Injection Well Operating Requirements

1. Injection Pressure. Except during stimulation, the injection well shall be operated so that the injection-induced pressure in the injection zone(s) does not exceed 90 percent of the fracture pressure of the injection zone(s). This shall ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case may injection pressure initiate fractures in the confining zone(s) or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to requirements at §607.C.2.h, all stimulation programs must be approved by the commissioner as part of the permit application and incorporated into the permit.

2. Injection between the outermost casing protecting USDWs and the wellbore is prohibited.

3. The owner or operator must fill the annulus between the tubing and the long string casing with a non-corrosive fluid approved by the commissioner or a fluid containing a corrosion inhibitor approved by the commissioner.

4. Annulus Pressure. The owner or operator shall maintain a tubing-casing annulus pressure that exceeds the operating injection pressure, unless the commissioner determines that such requirement might harm the integrity of the well or endanger a USDW. A request to operate the well at a reduced annulus pressure must be in writing and approved by the commissioner.

5. The owner or operator must maintain mechanical integrity of the injection well at all times, except when doing well workovers, well maintenance, or well remedial work approved by the commissioner.

6. Continuous recording devices shall be installed, used, and maintained in proper working order for each well.

a. continuous recording devices shall monitor:

i. surface injection or bottom-hole pressure;

ii. flow rate, volume and/or mass, and temperature of the carbon dioxide stream;

iii. tubing-casing annulus pressure and annulus fluid volume; and

iv. any other data specified by the commissioner.

b. continuous recordings shall consist of digital recordings. Instruments shall be weatherproof or housed in

weatherproof enclosures when located in areas exposed to climatic conditions.

### 7. Alarms and Automatic Shutdown Systems

a. Alarms and automatic shutdown systems designed to actuate on exceedance of a predetermined monitored condition shall be installed and maintained in proper working order as follows:

i. for onshore wells, alarms and automatic surface shut-off valves or—at the discretion of the commissioner—down-hole shut-off systems (e.g., automatic shut-off, check valves) or, other mechanical devices that provide equivalent protection; and

ii. for offshore wells, alarms and automatic down-hole shut-off systems designed to alert the operator and shut-in the well when operating parameters such as annulus pressure, injection rate, or other parameters diverge beyond permitted ranges or gradients specified in the permit.

iii. all alarms must be integrated with any automatic shutdown system.

b. If a shutdown (i.e., down-hole or at the surface) is triggered or a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify as expeditiously as possible the cause of the shutoff. If, upon such investigation, the well is lacking mechanical integrity, or if monitored well parameters indicate that the well may be lacking mechanical integrity, the owner or operator must:

i. immediately cease injection;

ii. take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;

iii. notify the commissioner within 24 hours;

iv. restore and demonstrate mechanical integrity to the satisfaction of the commissioner prior to resuming injection; and

v. notify the commissioner when injection can be expected to resume.

c. All emergency shutdown systems shall be fail-safe. The operator shall function-test all critical systems of control and safety at least once every six months. This includes testing of alarms, test tripping of emergency shutdown valves ensuring their closure times are within design specifications, and ensuring the integrity of all electrical, pneumatic, and hydraulic circuits. Test dates and results shall be documented and be available for inspection by an agent of the Office of Conservation.

### 8. Wellhead Identification and Protection

a. A protective barrier shall be installed and maintained around the wellheads, piping, and above ground structures that may be vulnerable to physical or accidental damage by mobile equipment or trespassers.

b. An identifying sign shall be placed at the wellhead of each injection well and shall include at a minimum the operator's name, well name and number, well serial number, section-township-range, and any other information required by the commissioner. The sign shall be of durable construction with all lettering kept in a legible condition.

9. Well Workovers. No well remedial work, well maintenance or repair, well or injection formation stimulation, well plug and abandonment or temporary

abandonment, any other test of the injection well conducted by the permittee, or well work of any kind, shall be done without prior written authorization from the commissioner. The operator shall submit a work permit request form (Form UIC-17 or successor) to seek well work authorization.

10. Pressure gauges that show pressure on the injection tubing and tubing-casing annulus shall be installed at each wellhead. Gauges shall be designed to read in increments of 10 PSIG. All gauges shall be properly calibrated and be maintained in good working order. The pressure valves onto which the pressure gauges are affixed shall have one-half inch female fittings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:73 (January 2021).

### **§623. Emergency Response**

#### **A. Emergency and Remedial Response.**

1. As part of the permit application, the owner or operator must provide the commissioner with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids that may cause an endangerment to a USDW during construction, operation, and post-injection site care periods. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

2. If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must:

- a. immediately cease injection;
- b. take all steps reasonably necessary to identify and characterize any release;
- c. notify the commissioner within 24 hours; and
- d. implement the emergency and remedial response plan approved by the commissioner.

3. The commissioner may allow the operator to resume injection prior to remediation if the owner or operator demonstrates that the injection operation will not endanger USDWs.

4. The owner or operator shall review the emergency and remedial response plan developed under §623.A.1 at least once every five years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the commissioner that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate. Amended plans or demonstrations shall be submitted to the commissioner as follows:

- a. within one year of an area of review reevaluation;
- b. following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the commissioner; or
- c. when required by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:74 (January 2021).

### **§625. Testing and Monitoring**

A. Testing and Monitoring Requirements. The owner or operator of a Class VI well must prepare, maintain, and comply with a testing and monitoring plan to verify that the geologic sequestration project is operating as permitted and is not endangering USDWs. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The testing and monitoring plan must be included with the permit application and must include a description of how the owner or operator will meet these requirements—including accessing sites for all necessary monitoring and testing during the life of the project. Testing and monitoring associated with geologic sequestration projects must include, at a minimum:

1. analysis of the carbon dioxide stream with sufficient frequency to yield data representative of its chemical and physical characteristics;

2. installation and use of continuous recording devices to monitor injection pressure, rate, and volume; the pressure on the tubing-casing annulus; and the annulus fluid volume added. Continuous monitoring is not required during well workovers as defined in §621.A.5;

3. corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components meet the minimum standards for material strength and performance set forth in §617.A.2, by:

a. analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream; or

b. routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or

c. using an alternative method approved by the commissioner;

4. periodic monitoring of the ground water quality and geochemical changes above the confining zone(s) that may be a result of carbon dioxide movement through the confining zone(s) or additional identified zones including:

a. the location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and

b. the monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected under §607.C.2.e and on any modeling results in the area of review evaluation required by §615.B.3.

5. a demonstration of external mechanical integrity pursuant to §627.A.3 at least once every 12 months until the injection well is permanently plugged and abandoned; and, if required by the commissioner, a casing inspection log

pursuant to requirements at §627.A.4 at a frequency established in the testing and monitoring plan;

6. a pressure fall-off test at least once every five years unless more frequent testing is required by the commissioner based on site-specific information;

7. testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using:

a. direct methods in the injection zone(s); and  
b. indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the commissioner determines that such methods are not appropriate, based on site-specific geology;

8. The commissioner may require surface air monitoring and/or soil gas monitoring to detect movement of carbon dioxide that could endanger a USDW.

a. Design of Class VI surface air and/or soil gas monitoring must be based on potential risks to USDWs within the area of review;

b. The monitoring frequency and spatial distribution of surface air monitoring and/or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation and/or compliance with standards under §603.D;

c. If an owner or operator demonstrates that monitoring employed under 40 CFR 98.440 to 98.449 accomplishes the goals of §§625.A.8.a. and b., and meets the requirements pursuant to §629.A.1.v, a regulatory agency that requires surface air/soil gas monitoring must approve the use of monitoring employed under 40 CFR 98.440 to 98.449. Compliance with 40 CFR 98.440 to 98.449 pursuant to this provision is considered a condition of the Class VI permit;

9. Any additional monitoring, as required by the commissioner, necessary to support, upgrade, and improve computational modeling of the area of review evaluation required under §615.B.3 and to determine compliance with standards under §619;

10. The owner or operator shall periodically review the testing and monitoring plan to incorporate monitoring data collected under §625, operational data collected under §621, and the most recent area of review reevaluation performed under §615.C.2. In no case shall the owner or operator review the testing and monitoring plan less often than once every five years. Based on this review, the owner or operator shall submit an amended testing and monitoring plan or demonstrate to the commissioner that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate. Amended plans or demonstrations shall be submitted to the commissioner as follows:

a. within 12 months of an area of review reevaluation;

b. following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells within the area of review, on a schedule determined by the commissioner; or

c. when required by the commissioner.

11. a quality assurance and surveillance plan for all testing and monitoring requirements.

#### B. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information, including the following:

a. calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the commissioner at any time; and

b. the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under §629. The commissioner may require the owner or operator to deliver the records to the commissioner at the conclusion of the retention period.

3. Records of monitoring information shall include:

a. the date, exact place, and time of sampling or measurements;

b. the individual(s) who performed the sampling or measurements;

c. the date(s) analyses were performed;

d. the individual(s) who performed the analyses;

e. the analytical techniques or methods used; and

f. the results of such analyses.

4. Owners or operators of Class VI wells shall retain records as specified in §§615.C.4, 629.A.4, 631.A.5, 633.A.6, and 633.A.8 of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:74 (January 2021).

### §627. Mechanical Integrity

#### A. Mechanical Integrity

1. A Class VI well has mechanical integrity if:

a. there is no significant leak in the casing, tubing, or packer; and

b. there is no significant fluid movement into a USDW through channels adjacent to the injection wellbore.

2. To evaluate the absence of significant leaks, owners or operators must:

a. perform an annulus pressure test:

i. after initial well construction or conversion as part of the pre-operating requirements;

ii. at least once every 12 months witnessed by an agent of the Office of Conservation; and

iii. after performing any well remedial work that involves unseating the tubing or packer.

b. continuously monitor injection pressure, rate, injected volumes; pressure on the annulus between tubing and long-string casing; and annulus fluid volume as specified in §621.A.6.

3. At least once every 12 months, use one of the following methods to determine the absence of significant fluid movement:

- a. an approved tracer-type survey such as a radioactive tracer, oxygen-activation log, or similar tool; or
  - b. a temperature or noise log.
4. If required by the commissioner, run a casing inspection log at a frequency specified in the testing and monitoring plan at §625 to determine the presence or absence of corrosion in the long-string casing.

5. The commissioner may require other tests to evaluate well mechanical integrity.

a. The commissioner may allow the use of a test to demonstrate mechanical integrity other than those listed above with written approval of the USEPA. To obtain approval for the use of a new mechanical integrity test, the owner or operator must submit a written request to the commissioner with details of the proposed test and all technical data supporting its use, and the commissioner will submit a written request to the USEPA.

6. In conducting and evaluating the tests enumerated in this section to be allowed by the commissioner, the owner or operator and the commissioner must apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the commissioner, a description of the test(s) and the method(s) used must be included. In making the evaluation, the commissioner must review monitoring and other test data submitted since the previous evaluation.

7. The commissioner may require additional or alternative tests if the mechanical integrity test results presented are not satisfactory to the commissioner to demonstrate that there is no significant leak in the casing, tubing, or packer, or to demonstrate that there is no significant movement of fluid into a USDW resulting from the injection activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:75 (January 2021).

## §629. Reporting

### A. Reporting Requirements

1. The owner or operator must provide, at a minimum, the following reports to the commissioner, and the USEPA as specified in §629.A.3, for each permitted Class VI well:

- a. semi-annual reports containing:
  - i. any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;
  - ii. monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;
  - iii. a description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;
  - iv. a description of any event which triggers a shut-off device required by §621 and the response taken;
  - v. the monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;
  - vi. monthly annulus fluid volume added;
  - vii. the results of monitoring prescribed under §625; and

viii. the raw operating data from the continuous recording devices prescribed by §621.A.6 submitted in digital format;

b. report, within 30 days or as specified by permit, the results of:

- i. periodic tests of mechanical integrity;
- ii. any well workover; and
- iii. any other test of the injection well conducted by the permittee if required by the commissioner;

c. report, within 24 hours:

- i. any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;
- ii. any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;
- iii. any triggering of a shut-off system (i.e., down-hole or at the surface);
- iv. any failure to maintain mechanical integrity; or
- v. any release of carbon dioxide to the atmosphere or biosphere pursuant to compliance with the requirement at §625.A.8 for surface air/soil gas monitoring or other monitoring technologies, if required by the commissioner;

2. Owners or operators must notify the commissioner in writing in advance of doing any well work or formation testing as required in §621.A.9.

3. Regardless of whether the State of Louisiana has primary permit and enforcement authority (primacy) for Class VI wells, owners or operators of Class VI wells, or applicants for Class VI wells must submit all required submittals, reports, and notifications under §§605, 607, 615, 617, 619, 621, 623, 625, 627, 629, 631, and §633 to the USEPA in an electronic format approved by the USEPA.

4. Records shall be retained by the owner or operator as follows:

- a. all data collected for Class VI permit applications in §§607 and 619 shall be retained throughout the life of the geologic sequestration project and at least 10 years following site closure.
- b. data on the nature and composition of all injected fluids collected under §625.A.1.a shall be retained at least 10 years after site closure. The commissioner may require the owner or operator to deliver the records to the commissioner at the conclusion of the retention period.
- c. monitoring data collected under §§625.A.2 through 625.A.9 shall be retained at least 10 years after it is collected.
- d. well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at §§633.A.6 and 633.A.8 shall be retained at least 10 years following site closure.
- e. The commissioner may require the owner or operator to retain any records required under these regulations for longer than 10 years after site closure.

B. Recordkeeping. Owners or operators of Class VI wells shall retain records as specified in §§615.C.4, 629.A.2, 631.A.5, 633.A.6, and 633.A.8.



AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:76 (January 2021).

### §631. Plugging and Abandonment

#### A. Well Plugging and Abandonment.

1. A Class VI permit shall include conditions that meet the requirements set forth in this subsection and shall be incorporated into the permit as a permit condition. For purposes of this subsection, temporary or intermittent cessation of injection operations is not abandonment.

2. Before well plugging, the owner or operator must flush each Class VI well with a buffer fluid, determine bottomhole reservoir pressure, and perform a final external mechanical integrity test.

3. Well Plugging Plan. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The well plugging plan must be submitted as part of the permit application, must be designed in a way that will prevent the movement of fluids into or between USDWs or outside the injection zone, and must include the following minimum information:

- a. appropriate tests or measures for determining bottomhole reservoir pressure;
- b. appropriate testing methods to ensure external mechanical integrity as specified in §627;
- c. a description of the size and amount of casing, tubing, or any other well construction materials to be removed from the well before well closure;
- d. that prior to the placement of plugs, the well shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method;
- e. the type and number of plugs to be used;
- f. the placement of each plug, including the elevation of the top and bottom of each plug;
- g. the type, grade, yield, and quantity of material, such as cement, to be used in plugging. The material must be compatible with the carbon dioxide stream;
- h. the method of placement of the plugs;
- i. pre-closure and proposed post-closure well schematics;
- j. that each plug shall be appropriately tagged and tested for seal and stability;
- k. that the well casings shall be cut at least five feet below ground surface for land-based wells, and at least 15 feet below the mud line for wells at a water location.
- l. that upon successful completion of well closure of a land-based well, a one-half (½) inch steel plate shall be welded across all casings and inscribed with the well's state serial number and date plugged and abandoned, and
- m. any addition information that the commissioner may require.

4. Notice of Intent to Plug. The owner or operator must submit the Form UIC-17, or successor form, to the commissioner and receive written approval from the commissioner before beginning actual well plugging operations. The form must contain information on the

procedures to be used in the field to plug and abandon the well.

5. Well Closure Report. The owner or operator shall submit a closure report to the commissioner within 30 days after well plug and abandonment. The report shall be certified as accurate by the owner or operator and by the person charged with overseeing the closure operation (if other than the owner or operator). The owner or operator shall retain the well closure report at least 10 years following site closure. The report shall contain the following information:

- a. detailed procedures of the closure operation. Where actual closure differed from the approved plan, the report shall include a written statement specifying the differences between the previous plan and the actual closure;
- b. all state regulatory reporting forms relating to the closure activity; and
- c. any information pertinent to the closure activity including schematics, tests, or monitoring data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:77 (January 2021).

### §633. Closure and Post-Closure

#### A. Post-Injection Site Care and Site Closure.

1. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan for post-injection site care and site closure that meets the requirements of §633.A.1.b and is acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

a. The owner or operator must submit the post-injection site care and site closure plan as a part of the permit application.

b. The post-injection site care and site closure plan must include the following information:

- i. the pressure differential between pre-injection and predicted post-injection pressures in the injection zone(s);
- ii. the predicted position of the carbon dioxide plume and associated pressure front at site closure as demonstrated in the area of review evaluation required under §615.B.3.a;
- iii. a description of post-injection monitoring location, methods, and proposed frequency;
- iv. a proposed schedule for submitting post-injection site care monitoring results to the commissioner and to the USEPA pursuant to §629.A.3; and,
- v. the duration of the post-injection site care timeframe and, if approved by the commissioner, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.

c. Upon cessation of injection, owners or operators of Class VI wells must either submit an amended post-injection site care and site closure plan or demonstrate to the commissioner through monitoring data and modeling results that no amendment to the plan is needed. Any amendments to the post-injection site care and site closure plan must be approved by the commissioner, be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate.

d. At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for the commissioner's approval within 30 days of such change.

2. The owner or operator shall monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that USDWs are not being endangered.

a. Following the cessation of injection, the owner or operator shall continue to conduct monitoring as specified in the commissioner-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the commissioner pursuant to requirements in §633.A.3, unless the owner or operator makes a demonstration under §633.A.2.b. The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under §633.A.2.b is submitted and approved by the commissioner.

b. If the owner or operator can demonstrate to the satisfaction of the commissioner before 50 years or prior to the end of the approved alternative timeframe based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to USDWs, the commissioner may approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or may authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe, where the owner or operator has substantial evidence that the geologic sequestration project no longer poses a risk of endangerment to USDWs.

c. Prior to authorization for site closure, the owner or operator must submit to the commissioner for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs.

d. If the demonstration in §633.A.2.c cannot be made (i.e., additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs) at the end of the 50-year period or at the end of the approved alternative timeframe, or if the commissioner does not approve the demonstration, the owner or operator must submit to the commissioner a plan to continue post-injection site care until a demonstration can be made and approved by the commissioner.

3. Demonstration of Alternative Post-Injection Site Care Timeframe. The commissioner may approve, in consultation with the USEPA, an alternative post-injection site care timeframe other than the 50-year default, if an owner or operator can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non-endangerment of USDWs. The demonstration must be based on significant, site-specific data and information including all data and information collected pursuant to §607 and §615, and must contain substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.

a. A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:

i. the results of computational modeling performed pursuant to delineation of the area of review under §615.B and §615.C;

ii. the predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;

iii. the predicted rate of carbon dioxide plume migration within the injection zone, and the predicted timeframe for the cessation of migration;

iv. a description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;

v. the predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;

vi. the results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information required in clauses iv. and v. above;

vii. a characterization of the confining zone(s) including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability, and integrity to impede fluid (e.g., carbon dioxide, formation fluids) movement;

viii. the presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;

ix. a description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;

x. the distance between the injection zone and the nearest USDW above the injection zone; and

xi. any additional site-specific factors required by the commissioner.

b. Information submitted to support the demonstration in §633.A.3.a must meet the following criteria:

i. all analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;

ii. estimation techniques must be appropriate and USEPA-certified test protocols must be used where available;

iii. predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;

iv. predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental technology well sites) where sufficient data are available;

v. reasonably conservative values and modeling assumptions must be used and disclosed to the commissioner whenever values are estimated on the basis of known, historical information instead of site-specific measurements;

vi. an analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.

vii. an approved quality assurance and quality control plan must address all aspects of the demonstration; and

viii. any additional criteria required by the commissioner.

4. Notice of Intent for Site Closure. The owner or operator must notify the commissioner in writing at least 120 days before site closure. At this time, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The commissioner may allow for a shorter notice period.

5. After the commissioner has authorized site closure, the owner or operator must plug all monitoring wells in a manner which will not allow movement of injection or formation fluids that endangers a USDW.

6. The owner or operator must submit a site closure report to the commissioner within 90 days after site closure, which must also be retained by the owner or operator for at least 10 years. The report must include:

a. documentation of appropriate injection and monitoring well plugging as specified in §631 and §633.A.5. The owner or operator must provide a copy of a survey plat which has been submitted to the local zoning authority designated by the commissioner. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to the USEPA as in §629.A.3;

b. documentation of appropriate notification and information to such State, local and Tribal authorities that have authority over drilling activities to enable such State, local, and Tribal authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zone(s); and

c. records reflecting the nature, composition, and volume of the carbon dioxide stream.

7. Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:

a. the fact that land has been used to sequester carbon dioxide;

b. the name of the State agency, local authority, and/or Tribe with which the survey plat was filed, as well as the address of the USEPA Regional Office to which it was submitted; and

c. the volume of fluid injected, the injection zone or zones into which it was injected, and the period over which injection occurred.

8. The owner or operator must retain for at least 10 years following site closure, records collected during the post-injection site care period. The owner or operator must deliver the records to the commissioner at the conclusion of the retention period, and the records must thereafter be retained in a form and manner and at a location designated by the commissioner.

B. Certificate of Completion. The commissioner shall not issue a certificate of completion pursuant to R.S. 1109 unless the operator has sufficient financial surety with the Office of Conservation to adequately close the facility, plug all existing wells, and provide for post-injection site care and site closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 47:77 (January 2021).

Richard P. Ieyoub  
Commissioner

2101#036

## RULE

### Department of Public Safety and Corrections Office of the State Fire Marshal

#### Storm Shelters (LAC 17:I.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC), hereafter referred to as the "LSUCCC" or the "Council", has amended LAC 17:I.Chapter 1 in the State Uniform Construction Code, as authorized by R.S. 40:1730.28, to provide greater health and safety for the public and those providing installation of storm shelters.

This amendment to the 2015 *International Building Code*, Section 423, provides for storm shelter requirements in specific parishes in the northern region of the state. These requirements include the construction of new, or the construction of additions to, facilities for schools and essential services such as fire, police, EMS and 911 call centers. Many design professionals, school boards and essential services agencies were unaware of this requirement. They secured funding in their proposed budgets without this requirement being addressed in the plans and specifications. Bonds were secured for funding based on the older edition of the code, without the increased cost for storm shelters factored into the cost projections. Due to the increased cost not being provided for in the budgeting of new schools, essential services projects were being canceled or placed on indefinite hold until new funding could be secured. This Rule amendment addresses this requirement by providing for a delay in the effective date for enforcement. This delay also allows for more public input into the implementation timeline and any needed amendments to this section of the *International Building Code*. This Rule is hereby adopted on the day of promulgation.

**Title 17**

**CONSTRUCTION**

**Part I. Uniform Construction Code**

**Chapter 1. Uniform Construction Code**

**§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)**

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

B. Projects submitted for permitting prior to January 1, 2020 shall not be required to comply with the 2015 IBC Section 423, Storm Shelters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), LR 47:80 (January 2021).

Chief H. "Butch" Browning, Jr  
State Fire Marshal

2101#012

**RULE**

**Department of Revenue  
Office of Alcohol and Tobacco Control**

**Direct Delivery of Alcohol Public Safety Regulations  
(LAC 55:VII.Chapter 8)**

Under the authority of R.S. 26:153, 26:307(E), 308(I), and in accordance with the provisions of the Administrative Procedure Act. R.S. 49:950, et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has adopted LAC 55:VII.801-807, relative to the regulation of direct delivery of alcoholic beverages within the state of Louisiana.

The enactment of the above-referenced rule is enacted under the authority delegated in R.S. 26:307(E) and 26:308(I) to allow ATC the ability to properly permit, authorize, and regulate the sale and distribution of alcoholic beverages. The Rule will address direct delivery matters not otherwise addressed by existing law or regulations. This Rule is hereby adopted on the day of promulgation.

**Title 55**

**PUBLIC SAFETY**

**Part VII. Alcohol and Tobacco Control**

**Chapter 8. Direct Delivery of Alcohol Public Safety Regulations**

**§801. General Direct Delivery Requirements**

A. Prior to any alcohol retailer or third party alcohol delivery service engaging in the delivery of alcoholic beverages, same shall obtain an alcoholic beverage delivery permit from the commissioner of the Office of Alcohol and Tobacco Control and shall adhere to the following requirements.

1. Only alcoholic beverages intended for personal consumption and delivered in a manufacturer sealed container may be offered for delivery. *Manufacturer sealed container* as used in this chapter shall mean the original sealed container that is filled with the alcoholic beverage at the permitted facility by the manufacturer as defined in R.S. 26:2(12) and 241(10). The delivery of an *open alcoholic beverage container* as defined by R.S. 32:300 is prohibited;

2. Delivery shall be permitted only in those areas where the sale of alcoholic beverages is permitted. Delivery shall be prohibited in any area where it has been prohibited by a referendum vote or the local governing authority.

3. Delivery by a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located and shall be made only to a residential or commercial address. Third party delivery radius shall be determined by the parish population. For any parish having a population of less than 100,000 according to the latest federal decennial census, no alcoholic beverages shall be delivered more than 25 miles from the place of purchase. For any parish having a population of greater than 100,000 according to the latest federal decennial census, no alcoholic beverages shall be delivered more than 10 miles from the place of purchase.

4. Orders for alcohol delivery of any type may only be accepted and processed if the permitted premises receiving the order has actual physical possession of the alcoholic beverage being ordered on the physical premises at the time the order is accepted and can fulfilled the order from stock on-hand.

5. The alcoholic beverages of all deliveries which are refused by a third party or incapable of being delivered for any reason shall be returned to the place of purchase.

6. Alcohol beverage delivery permit holders must verify that a consumer placing an order for alcohol delivery is of legal drinking age.

7. Alcoholic beverages shall not be delivered:
- a. to an address on the campus of any elementary school, secondary school, university, college, technical college, or institute;
  - b. to any public playground or building used primarily as a church, synagogue, mosque, or public library;
  - c. outside of the hour that the retailer's physical premises are open to the public;
  - d. without verifying that the recipient is not visibly intoxicated;

e. without obtaining the signature of the recipient verifying that the receipt of the delivery of alcohol and their age.

8. Alcoholic beverage delivery permit holders shall keep and retain a record of all deliveries of alcoholic beverages for a period of three years from the date of delivery and shall make such records available to the commissioner of Alcohol and Tobacco Control, and her agents and assigns, upon request. The record of each delivery shall include:

a. the retail dealers name, address, and permit number;

b. the name of the person who placed the order and the date, time, and method of order;

c. the name of the employee or delivery agent making the delivery and the date, time, and address of the delivery;

d. the type, brand, and quantity of each alcoholic beverage delivered; and

e. the name, date of birth, and signature of the person that received the delivery.

9. Parishes and municipalities may require and issue local direct delivery of alcohol permits similar to those issued by the Commissioner of Alcohol and Tobacco Control.

10. All persons delivering alcoholic beverages under an alcoholic beverage permit shall be 21 years of age or older, be the permittee or their employee or agents for which the permittee is required to file an Internal Revenue Service Form W-2 or 1099.

11. Persons delivering alcoholic beverages under an alcoholic beverage delivery permit shall refuse delivery and return the alcoholic beverages to the place of purchase if:

a. the recipient does not produce a valid and current form of identification as identified in Paragraph G.5 of this Section;

b. there is reason to doubt the authenticity or correctness of the recipient's identification;

c. the recipient refuses to sign for the receipt of the delivery; or

d. the recipient is intoxicated.

12. If an alcohol retailer's alcohol permit is revoked, suspended, or lapsed, then that retailer's alcoholic beverage delivery permit shall also be considered to be revoked, suspended, or lapsed and delivery of alcohol beverages shall immediately cease for that particular retailer until permit is deemed valid and current.

13. Third party delivery company or the third party platform shall maintain a commercial general liability insurance policy with a liquor liability endorsement with a minimum coverage amount of \$1,000,000 for the duration of the alcoholic beverage delivery permit and they shall provide proof of coverage to the retail dealer and commissioner of Alcohol and Tobacco Control upon request.

14. The permittee shall require all delivery drivers to maintain vehicle general liability insurance on any and all vehicles permittee or its agent may use for deliveries as required by state law for the duration of the alcoholic beverage delivery permit and they shall provide proof of coverage to the commissioner of the Office of Alcohol and Tobacco Control upon request.

15. Class B or class AR retailers who engage the services of third party alcohol delivery service to deliver alcohol for them, must notify the commissioner of the Office of Alcohol and Tobacco Control in writing within 10 days of executing or terminating an agreement with a third party alcohol delivery service to deliver alcohol by providing a copy of the agreement and/or termination notice directly to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:307(E).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:80 (January 2021).

### **§803. Package Store Retail Alcohol Delivery Permit**

A. Retailers holding a valid class B retail liquor permit, retailers holding a valid class C retail liquor permit, and retailers holding a valid retail liquor permit that allows for off-premises consumption shall be allowed to apply for, obtain, and maintain a class P retail alcohol delivery permit pursuant to this particular regulation (§803) and they shall adhere to the following requirements in addition to the general requirements otherwise enumerated in this Chapter:

B. The commissioner of Alcohol and Tobacco shall collect the initial and annual licensure fee for class P retail alcohol delivery permits in the amount of \$250 and same shall expire and be renewable at the same time as the holder's alcohol permit.

C. Each and every order for the delivery of alcoholic beverages received by a class P retail alcohol delivery permit holder shall include food with each order.

D. All alcohol delivery transactions initiated by a consumer shall be processed, assembled, packaged, and fulfilled at the retailer's permitted physical premises wherein the order was received. All transactions can be processed, assembled, packaged, and fulfilled by the permittee, a W-2 employee of the permittee, a third party, a third party platform, or an authorized agent.

E. Deliveries to consumers shall only be made by the permittee, a W-2 employee of the permittee, a third party, a third party platform, or an authorized agent.

F. Alcoholic beverages shall not be delivered without verifying the identity and age of the recipient by reading a valid state-issued photo identification card, valid military identification card, valid passport of the person, or through the use of a real-time electronic age verification device or application shall be approved by the commissioner of Alcohol and Tobacco Control.

G. Notwithstanding any law, rule, or regulation to the contrary, the permittee may use electronic means to market, receive, and process orders for alcohol products.

H. The permittee may market, receive, and process orders for alcohol products using electronic means owned, operated, and maintained by a third party, provided that:

1. the permittee maintains ultimate control and responsibility over the sales transaction, the transfer of the physical possession of the alcoholic beverages, and the collection and remittance of all applicable state and local taxes;

2. the permittee retains the sole discretion to determine whether to accept and complete an order or reject it and the permittee, or a W-2 employee of the permittee, reviews, and accepts or rejects each order;

3. the permittee retains the independence to determine which alcoholic beverages are made available through electronic means and which alcoholic beverages are made available for delivery to the consumer either at their licensed physical premises itself or at another address designated by the consumer;

4. the permittee independently sets the price of alcoholic beverages being offered for delivery;

5. any credit or debit card information provided by a consumer to the third party for the purpose of transacting a purchase is automatically directed to the permittee such that the transaction takes place between the consumer and the permittee and the permittee appears as the retail dealer at the time of purchase and the receipt;

6. the permittee, or a W-2 employee of the permittee, shall process at the physical premises that accepted the orders and payments initiated by a consumer;

7. the relationship between the permittee and the third party shall be one of independent contractors and neither party shall be deemed the employee, or joint venture of the other party under any circumstances or for any purposes;

8. the third party shall not deal, handle, sell, offer for sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:307(E).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:81 (January 2021).

#### **§805. Restaurant Retail Alcohol Delivery Permit**

A. Retailers holding a class AR retail liquor permit shall be allowed to apply for and obtain a class R retail alcohol delivery permit pursuant to this particular regulation (§805) and they shall adhere to the following requirements in addition to the general requirements otherwise enumerated in this Chapter.

B. The commissioner of Alcohol and Tobacco shall collect an initial and annual licensure fee for class R retail alcohol delivery permits in the amount of \$250 and same shall expire and be renewable at the same time as the holder's alcohol permit.

C. Only malt beverages, sparkling wine, and still wine, as defined in R.S. 26:2 and 241 may be offered for delivery. No alcohol beverages shall be offered for curbside pickup unless otherwise authorized under law, a separate rule, or guidance. All deliveries containing alcoholic beverages shall also include food. Alcohol and food purchased from a class AR retailer for delivery shall be included in its gross average monthly sales figures for purposes ensuring that an AR retailer meets its 50 percent food or food items requirement under R.S. 26:73(C)(1)(a). However, pursuant to R.S. 26:73(C)(2), sparkling or still wine delivered by the bottle in conjunction with food shall not be considered an alcoholic beverage when determining gross revenue for purposes of R.S. 26:73(C)(1)(a).

D. No alcohol shall be delivered more than 10 miles from the place of purchased for any parish having a population greater than 100,000 according to the latest federal decennial census. Additionally, no alcohol shall be delivered more than 25 miles from the place of purchase for any parish having a population of less than 100,000 according to the latest federal decennial census.

E. All alcohol delivery transactions initiated by a consumer shall be processed, assembled, packaged, and fulfilled at the retailer's permitted physical premises wherein the order was received by the permittee or a W-2 employee of the permittee.

F. Deliveries to consumers shall be made by the permittee or agents for which the permittee is required to file an Internal Revenue Service Form W-2 or 1099.

G. At the time of delivery of alcoholic beverages, the permittee shall obtain the recipient's signature and verify the age of the recipient through the use of an electronic age verification device or combination of devices that shall be approved by the commissioner of Alcohol and Tobacco Control. Such devices shall be capable of all of the following:

1. verifying proof of age through technology of a magnetic card reader or an alternative technology capable of verifying proof of age;

2. reading a valid state-issued driver's license, a valid state-issued identification card, a valid military identification card, or a valid passport;

3. storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned.

H. Notwithstanding any law, rule, or regulation to the contrary, the permittee may use electronic means to market, receive, and process orders for alcohol products.

I. The permittee may market, receive, and process orders for alcohol products using electronic means owned, operated, and maintained by a third party, provided that:

1. the permittee maintains ultimate control and responsibility over the sales transaction, the transfer of the physical possession of the alcoholic beverages, and the collection and remittance of all applicable state and local taxes;

2. the permittee retains the sole discretion to determine whether to accept and complete an order or reject it and the permittee or agents for which the retailer is required to file an Internal Revenue Service Form W-2 or 1099, shall review and accept or reject each order;

3. the permittee retains the independence to determine which alcoholic beverages are made available through electronic means and which alcoholic beverages are made available for delivery to the consumer at the licensed physical premises itself or at another address designated by the consumer;

4. the permittee independently sets the price of alcoholic beverages being offered for delivery;

5. any credit or debit card information provided by a consumer to the third party for the purpose of transacting a purchase is automatically directed to the permittee such that the transaction takes place between the consumer and the permittee and the permittee appears as the retail dealer at the time of purchase and a receipt;

6. the permittee, or a W-2 employee of the permittee, processes at the physical premises that accepted the order, all payments initiated by a consumer and assembles, packages, and fulfills each order at the same physical premises;

7. deliveries to consumers shall be made by the permittee or agents for which the retailer is required to file an Internal Revenue Service Form W-2 or 1099.

8. the relationship between the permittee and the third party shall be one of independent contractors and neither party shall be deemed the employee, or joint venture of the other party under any circumstances or for any purposes;

9. the third party shall not deal, handle, sell, offer or sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:307(E).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:82 (January 2021).

### **§807. Third Party Alcohol Delivery Service Permit**

A. Third party alcohol delivery service companies desiring to deliver alcohol to consumers in connection with a delivery agreement with a retail dealer possessing valid class AR or B retail permits shall first apply for and obtain a class T third party alcohol delivery permit pursuant to this particular regulation (§807) and they shall adhere to the following requirements in addition to the general requirements otherwise enumerated in this chapter:

B. The commissioner of Alcohol and Tobacco shall collect an initial and annual fee for third party alcohol delivery service permits in the amount of \$1,500 and same shall expire and be renewable annually from date of first issuance.

C. Third party company or platform may enter into an alcoholic beverage service delivery agreements with retail dealers possessing valid class AR or B retail permits with the Office of Alcohol and Tobacco Control that provide for the use by the retailer of an internet or mobile application or similar technology platform to facilitate the sale of alcoholic beverages for delivery to consumers for personal consumption and the third party alcohol delivery service permittee may deliver the alcoholic beverages so facilitated to the consumer.

D. Only malt beverages, sparkling wine, and still wine, as defined in R.S. 26:2 and 241 may be offered for delivery by third party delivery companies from the licensed premises of a restaurant Class AR permit holder. Alcoholic beverages as defined by R.S. 26:2(1) and 26:241(1)(a) may be offered for delivery by a third party delivery permittee from the licensed premises of package house-class B permit holder. No alcoholic beverages shall be offered for curbside pickup unless otherwise authorized under the law or a separate rule or guidance. All delivery orders containing alcoholic beverage shall also contain food.

E. No alcohol shall be delivered more than 10 miles from the place of purchased for any parish having a population greater than 100,000 according to the latest federal decennial census. Additionally, no alcohol shall be delivered more than 25 miles from the place of purchase for any parish having a population of less than 100,000 according to the latest federal decennial census.

F. No alcohol shall be purchased or sold by the third party delivery service. The third party delivery service is prohibited from charging a markup price for alcohol sales, however third party delivery service may charge a reasonable delivery fee. All transactions must be completed by the retail dealer.

G. Third party company or platform shall be licensed to do business in the state of Louisiana, use their own employees or agents for which the third party delivery

company or the third party platform is required to file an Internal Revenue Service Form W-2 or 1099 for delivery, be able to monitor the routes of their employees during deliveries, and conduct screenings and background checks of all employees that will deliver alcoholic beverages.

H. Third party company or platform shall maintain a general liability insurance policy with a liquor liability endorsement in an amount no less than \$1,000,000 per occurrence for the duration of every agreement maintained with a retail dealer and they shall provide proof of coverage to every retail dealer with whom they have an agreement and notice to the retail dealer and the commissioner of the Office of Alcohol and Tobacco Control if the coverage lapses or is cancelled.

I. The retail dealer shall manage and control the sale of alcoholic beverages and shall accept or reject all orders placed for alcoholic beverages through the third party delivery service permittee's internet or mobile application or similar technology, collect and remit all applicable state and local taxes, determine the alcoholic beverages offered for sale through the third party delivery service permittee's internet or mobile application or similar technology, and determine the price at which alcoholic beverages are offered for sale or sold through the third party delivery service permittee's internet or mobile application or similar technology.

1. Any credit or debit card information provided by a consumer to the third party permittee for the purpose of transacting a purchase with a retail permittee shall automatically be directed to the retail permittee to ensure that the retail permittee is:

- a. the retail dealer at the time of purchase;
- b. is shown on the receipt; and
- c. receives the payment from the consumer.

2. The retail dealer may pay a third party delivery company or third party platform a fee for its service.

J. The third party alcohol delivery service permittee may not markup the price of alcoholic beverages and may not sell or resell alcoholic beverages. The third party delivery company or platform may charge retailer dealers a reasonable delivery fee for the orders delivered by the third party and may act as an agent for the retail dealer in the collection of payments from the sale of alcoholic beverages, but the full amount of each order must be handled in a manner that gives the retail dealer control over the ultimate receipt of the payment from the consumer.

1. At the time of delivery, alcoholic beverages shall be priced at the same or equal price as if offered for sale by the retailer directly from its licensed location.

2. Alcoholic beverages' prices advertised higher than those offered directly by retailers and/or receipts of alcohol beverages for sale listing prices higher than that offered directly by retailers through third party companies or platforms shall be deemed an impermissible mark-up.

K. The third party alcohol delivery service permittee may receive orders and accept payment via the internet or through a mobile application or similar technology.

L. At the time of delivery of alcoholic beverages, the third party alcohol delivery service permittee shall obtain the recipient's signature and verify the age of the recipient through the use of an electronic age verification device or combination of devices that shall be approved by the

Commissioner of Alcohol and Tobacco Control. Such devices shall be capable of all of the following:

1. Verifying proof of age through technology of a magnetic card reader or an alternative technology capable of verifying proof of age;

2. Reading a valid state-issued driver's license, a valid state-issued identification card, a valid military identification card, or a valid passport;

3. Storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned;

M. A third party alcohol delivery service permittee who delivers alcoholic beverages, but fails to comply with the provisions of section I immediately above §801(L) and any other applicable rules contained in this chapter, shall be vicariously liable for damages incurred as a result of the failure to comply.

N. Third party alcohol delivery service permittees must maintain and provide the commissioner of Alcohol and Tobacco Control with a list of retailers they have entered into agreements with within 60 days of receiving their permit and at each renewal. An up-to-date version of the retailer list shall be made available upon demand by the commissioner and her agents and assigns.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:307(E).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:83 (January 2021).

Ernest P. Legier, Jr.  
Commissioner

2101#040

## RULE

### Department of Health Board of Pharmacy

#### Prescription Monitoring Program (LAC 46:LIII.Chapter 29)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended several sections of its chapter of rules for the state prescription monitoring program (PMP). The changes for §2901 remove several terms and their definitions which are duplicated from the PMP law. The amendment of the definition of the term "drugs of concern" adds nine drugs, seven of which are used for the treatment of hepatitis to that list: (1) elbasvir/grazoprevir, (2) glecaprevir / pibrentasvir, (3) ledipasvir/sofosbuvir, (4) ombitasvir / paretaprevir/ritonavir/dasabuvir, (5) sofosbuvir, (6) sofosbuvir/velpatasvir, and (7) sofosbuvir/velpatasvir/voxilaprevir. The Rule also adds promethazine when present in oral liquid formulation as well as gabapentin. The effect of adding these nine drugs to that list will require pharmacies dispensing these drugs to include those dispensing transactions in their automated reports to the state PMP. The changes for §2903, §2907, and §2909 are to repeal these redundant sections which are duplicated from the PMP law. The change for §2905 is to repeal that section as redundant from the pharmacy law which contains the same

authority to hire staff for board operations. The addition of §2914 relative to record retention will implement the provisions of Act 189 of the 2016 Legislature. With respect to the changes in §2917 relative to authorized access privileges to PMP information, Paragraphs 5 and 6 will implement the provisions of Act 241 of the 2017 Legislature; Paragraph 7 will implement the provisions of Act 232 of the 2018 Legislature; and Paragraph 9 will implement the provisions of Act 80 of the 2019 Legislature. With respect to the changes in §2919 relative to PMP access registration procedures, Paragraph 1 will implement the provisions of Act 76 of the 2017 Legislature. Moreover, while the legislation requires automatic registration for prescribers, the board has extended the automatic registration procedures to include dispensers. With respect to the changes in §2921 relative to methods of access to PMP information, the additions to Subsections B, E, F, G, H, K, L, and M were authorized by Act 241 of the 2017 Legislature; the addition to Subsection I was authorized by Act 232 of the 2018 Legislature; the addition to Subsection N was authorized by Act 80 of the 2019 Legislature; and the new Subsection O was authorized by Act 352 of the 2012 Legislature

## Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 29. Prescription Monitoring Program

##### §2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise.

*Delegate*—a person authorized by a prescriber or dispenser who is also an authorized user as described in Section 2917 of this Chapter to access and retrieve program data for the purpose of assisting the prescriber or dispenser, and for whose actions the authorizing prescriber or dispenser retains accountability.

*Drugs of Concern*—drugs other than controlled substances as defined by rule whose use requires tracking for public health purposes or which demonstrate a potential for abuse, including any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, ethers, isomers, and salts of isomers [whenever the existence of such salts, esters, ethers, isomers, and salts of isomers is possible within the specific chemical designation]:

- a. butalbital when in combination with at least 325 milligrams of acetaminophen per dosage unit;
- b. naloxone;
- c. promethazine when present in oral liquid formulation;
- d. elbasvir / grazoprevir;
- e. glecaprevir / pibrentasvir;
- f. ledipasvir / sofosbuvir;
- g. ombitasvir / paretaprevir / ritonavir / dasabuvir;
- h. sofosbuvir;
- i. sofosbuvir/velpatasvir;
- j. sofosbuvir/velpatasvir/voxilaprevir;
- k. gabapentin

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007),



amended LR 36:755 (April 2010), effective September 1, 2010, amended by LR 39:314 (February 2013), amended LR 40:1096 (June 2014), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 45:42 (January 2019), LR 47:84 (January 2021).

### **§2903. Authority for Program Operation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1004.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2905. Authority to Engage Staff**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1179.F(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2907. Authority to Contract with Vendors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1012.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2909. Advisory Council**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013), amended LR 40:1096 (June 2014), repealed by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2911. Reporting of Prescription Monitoring Information**

A. Each dispenser shall submit to the board information regarding each prescription dispensed for a controlled substance or drug monitored by the program.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2914. Record Retention of Prescription Transaction Information**

A. The board shall retain a minimum of five years of prescription transaction information for review by persons authorized to access such information.

B. The board shall archive all prescription transaction information not available for direct or indirect access.

C. The board shall respond to requests for archived prescription transaction information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1006(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2917. Authorized Direct Access Users of Prescription Monitoring Information**

A. The following persons may access prescription monitoring information in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:

1. - 4. ...

5. a medical examiner or coroner, or a delegate thereof, for the purpose of investigating an individual's death.

6. a licensed substance abuse addiction counselor providing services as part of a state-licensed substance abuse or addiction treatment program.

7. an epidemiologist with the Louisiana Department of Health for the purpose of assisting the board in analyzing prescription monitoring information in order to conduct public health evaluations to support public policy and education pursuant to an agreement with the board.

8. prescription monitoring programs, electronic health information systems, and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions, through a secure interstate data exchange system or health information exchange system approved by the board, but only in compliance with the provisions of R.S. 40:1007(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013), amended LR 40:1095 (June 2014), amended by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

### **§2919. Registration Procedures for Authorized Direct Access Users**

A. Authorized users of prescription monitoring information, and their delegates, shall comply with the following requirements to register with the board, in order to receive the appropriate credentials to access prescription monitoring information.

1.a. A prescriber or dispenser, excluding veterinarians, shall be automatically registered as a participant in the program and shall authenticate their identity through an online process in order to activate their account.

b. An agency applicant shall file an application with the program, using the form supplied by the program for that purpose.

2. The board shall verify the prescriber or dispenser applicant is in possession of a valid license to prescribe or dispense controlled substances, or in the case of an agency application, the board shall verify agency representation.

3. Upon verification of all requirements, the board shall issue the appropriate credential necessary to access prescription monitoring information.

4. Upon receipt of information that an authorized user no longer possesses authority to prescribe or dispense controlled substances, the program shall terminate the user's credentials to access prescription monitoring information. If or when the user's authority to prescribe or dispense controlled substances is reinstated, the program may

reinstate the user's credentials to access prescription monitoring information.

5. Prescribers and dispensers approved for access shall be responsible for the enabling and disabling of access privileges for their delegates, as well as the supervision of their activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 40:1095 (June 2014), amended by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021).

## **§2921. Methods of Access to Prescription Monitoring Information and Audit Trail Information**

A. ...

B. Designated representatives from agencies charged with administrative oversight of prescribers and dispensers of controlled substances may solicit prescription monitoring information and audit trail information from the program concerning specific investigations of prescribers or dispensers. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

C. - D. ...

E. Upon receipt of one of the following methods of application by local, state, out-of-state, or federal law enforcement or prosecutorial officials, including judicially-supervised specialty courts within the criminal justice system that are authorized by the Louisiana Supreme Court, the program may provide prescription monitoring information and audit trail information:

1. - 3.c. ...

F. A medical examiner or coroner, or a delegate thereof, once properly registered, may solicit prescription monitoring information from the program for the purpose of investigating an individual's death. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

G. A licensed substance abuse addiction counselor, once properly registered, may solicit prescription monitoring information from the program for the purpose of providing services as part of a state-licensed substance abuse or addiction treatment program. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

H. Upon receipt of an administrative request from a probation or parole officer, the program may provide prescription monitoring information. The probation or parole officer must certify the request for prescription monitoring information is for the purpose of monitoring an offender's compliance with participation in a drug diversion program or with other conditions of probation or parole related to monitored drugs.

I. An epidemiologist with the Louisiana Department of Health, once properly registered, may solicit prescription monitoring information from the program for the purpose of assisting the board in analyzing prescription monitoring information in order to conduct public health evaluations to support public policy and education pursuant to an agreement with the board.

J. Individuals may solicit their own prescription monitoring information and audit trail information from the program. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.

K. A parent, legal guardian, or legal healthcare agent may solicit prescription monitoring information and audit trail information from the program for the purpose of reviewing the history of monitored drugs dispensed to a child or an individual for whom the agent makes healthcare decisions, to the extent consistent with federal and state confidentiality laws and regulations. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.

L. An executor of a will or a court-appointed succession representative of an estate may solicit prescription monitoring information and audit trail information from the program for the purpose of reviewing the history of monitored drugs dispensed to a deceased individual. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.

M. Program personnel, once properly registered, may solicit prescription monitoring information from the program's database for the purpose of maintaining the database, analysis and reporting of data, compliance reviews, and responding to legitimate inquiries from authorized users or other individuals.

N. Prescription monitoring programs, electronic health information systems, and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions may access prescription monitoring information from the program through a secure interstate data exchange system or health information exchange approved by the board, but only in compliance with the provisions of R.S. 40:1007(G).

O. The board may provide prescription monitoring information to authorized users of the prescription monitoring program via a state health information exchange or other third-party conduit that has been approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013), amended LR 40:1095 (June 2014), amended by the Department of Health, Board of Pharmacy, LR 47:86 (January 2021).

Malcolm J Broussard  
Executive Director

2101#064

# Notices of Intent

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System  
(LAC 28: XI.301, 405, 409, 413, 501, 503, 601, 603, 605, 607, 703, 705, 709, 903, 907, 909, 3503, 3603, 3605, 3901, 3903, 3905, 4101 and 4103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments are related to the following: a skip-year formula to calculate the progress index for 2021 school performance scores without LEAP 2025 scores from the 2019-2020 school year; a one-year provision for identification of Comprehensive Intervention Required (CIR) and Urgent Intervention Required (UIR) labels due to the cancellation of spring assessments and accountability results for the 2019-2020 school year; adjusted timelines to allow flexibility in the event of a future pandemic or natural disaster; language alignment for statewide assessment and corresponding achievement levels that transition from End-of-Course tests to LEAP 2025 high school and from LAA1 to LEAP Connect; clarification for the inclusion of English Language Proficiency Test (ELPT) scores at pair/share sites; alternative school accountability; and Office of Juvenile Justice accountability to align with alternative school accountability and overlapping measures.

### Title 28 EDUCATION

#### Part XI. Accountability/Testing

#### Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

#### Chapter 3. School Performance Score Component

#### §301. School Performance Score Goal [Formerly LAC 28:LXXXIII.301]

A. - C.1. ...

2. Beginning in 2017-2018 (2018 SPS), the school performance score for K-8 schools will include an assessment index, progress index, and dropout/credit accumulation index. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

K-8 School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-18	No Later than 2019-20
3-8 and high school LEAP 2025, LEAP Connect, and ELPT*	Grades K-7	75 percent	70 percent
	Grades K-8	70 percent	65 percent
Progress Index	Grades K-8	25 percent	25 percent
Dropout/Credit Accumulation Index	Grade 8	5 percent	5 percent
Interests and Opportunities	Grades K-8	NA	5 percent

\*Beginning in 2018-19

3. Beginning in the 2017-2018 school year (2018 SPS), the school performance score for schools with a grade 12 will include five indicators as outlined in the table below. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

High School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-2018	No Later than 2019-2020
High school LEAP 2025, LEAP Connect, and ELPT*	Grades 9-12	12.5 percent	12.5 percent
Progress Index	Grades 9-12	12.5 percent	12.5 percent
ACT/WorkKeys**	Grade 12 and graduating students with last enrollment as grade 11	25 percent	25 percent
Strength of Diploma Index	Grade 12	25 percent	25 percent
Cohort Graduation Rate	Grade 12	25 percent	20 percent
Interests and Opportunities	Grades 9-12	NA	5 percent

\*Beginning in 2018-19

\*\*When calculating a school's ACT index score, students participating in the LEAP Connect assessment shall not be included in the denominator of such calculation unless the students take the ACT.

4 - 5.a. ...

b. The 9-12 SPS will be weighted by the sum of:

i. assessment units from students who are initial testers for high school LEAP 2025 plus the students eligible to test ACT (students with high school LEAP 2025 and ACT will count only one time);

5.b.ii. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020), LR 47:

#### Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

#### §405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - G. ...

H. When eighth grade students only participate in the algebra I test but not the grade-level math assessment, the algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for

advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:
  - a. advanced = 50; and
  - b. mastery = 25.

I. The policy outlined in Subsection G of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:

**§409. Calculating a 9-12 Assessment Index**  
**[Formerly LAC 28:LXXXIII.409]**

A. All operational high school LEAP 2025 tests will be used in the calculation of the grade 9-12 assessment index.

1. All subjects will be weighted equally.
2. The performance level will be used in the calculation of the assessment index as described in the chart below.

High School LEAP 2025 Performance Level	Index Points
Advanced	150
Mastery	100
Basic	80
Approaching Basic	0
Unsatisfactory	0

3. Test scores of basic, mastery, or advanced earned by students at a middle school will be included in the SPS calculations of the high school to which the student transfers as well. The scores for the high school will be included in the accountability cycle that corresponds with the students' first year of high school. LEAP 2025 approaching basic and unsatisfactory achievement levels will not be transferred, or banked, to the high school. Students will retake the test during summer remediation or at the high school, and the highest achievement level earned by the student from the first (middle school) or second administration of the test will be used in the calculation of the high school assessment index in the first year of high school.

4. Students who are completing their third year in high school must have taken the algebra I and English II tests, or LEAP connect. If they do not, the students will be assigned a score of zero and be counted as non-participants in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment or program assignment.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006),

amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:222 (February 2019), LR 46:14 (January 2020), LR 47:

**§413. Dropout/Credit Accumulation Index**  
**Calculations**

**[Formerly LAC 28:LXXXIII.413]**

A. - B.4. ...

5. For students pursuing a Jump Start diploma pathway and participating in LEAP Connect, applied courses and course experiences shall count as a unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 36:1990 (September 2010), LR 38:3107 (December 2012), LR 39: 2443 (September 2013), LR 40:1315 (July 2014), LR 44:449 (March 2018), LR 47:

**Chapter 5. Progress Index Calculations**

**§501. Calculating an Elementary/Middle School Progress Index**

A. - E. ...

F. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 5 and who have eligible LEAP assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index (growth to mastery and value-added model) if any of the following are true:

G. - G.2. ...

H. If the high school LEAP 2025 result earned by students at a middle school is transferred, or banked, to the high school, the progress index result for the relevant assessment will also be transferred.

I. For the 2020-2021 school year (2021 SPS) only, the "growth to mastery" and "continued growth" targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the "prior year scale score."

J. When considering prior academic achievement up to three years in the value-added model, as defined in E.1 of this section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:449 (March 2018), LR 47:

**§503. Calculating a High School Progress Index**

A. ...

B. Progress is measured between a student's 8th grade ELA and math assessments and the LEAP 2025 ELA and math assessments (algebra I, geometry, English I, and English II).

1. If a student took only the high school LEAP 2025 assessment in middle school, the middle school progress index results will carry forward to the high school.

2. ...

C. For students scoring unsatisfactory, approaching basic, or basic on the baseline assessment, the progress index will award 150 points for each English and math score meeting or exceeding the growth to mastery target.

1. The growth to mastery target for students taking their first high school LEAP 2025 in a content area will be calculated by adding to the baseline scaled score the difference between the scaled score required for mastery (750) and the baseline scaled score divided by two. The growth to mastery target for students taking their second high school LEAP 2025 in a content area will be mastery (750).

2. ...

D. For students scoring mastery on the baseline assessment, the progress index will award 150 points for meeting or exceeding the “continued growth” target.

1. The continued growth target will be calculated by adding to the baseline scaled score the difference between the English II and geometry scores required for advanced and the prior year assessment scaled score divided by two. For students taking their second high school LEAP 2025 in a content area, the continued growth target is a score of advanced.

D.2. - H.3. ...

I. For the 2020-2021 school year (2021 SPS) only, the “growth to mastery” and “continued growth” targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the “prior year scale score.”

J. When considering prior academic achievement up to three years in the value-added models, as defined in E.1 of this section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:450 (March 2018), LR 47:

## **Chapter 6. Inclusion in Accountability**

### **§601. State Assessments and Accountability [Formerly §515]**

A. - A.2. ...

B. Louisiana students in grades 9, 10, 11, and 12 will participate in at least one of the following state assessments:

1. High school LEAP 2025 (when they are enrolled in the course for which a test is available);

2. LEAP Connect alternate assessment;

B.3. - C. ...

D. High school LEAP 2025 scores for repeaters (in any subject) shall not be included in high school SPS calculations except for middle school students who earn a score of unsatisfactory or approaching basic and retake the high school LEAP 2025 test.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:2422 (October 2005), LR 32:1022 (June

2006), LR 33:253 (February 2007), LR 36:1990 (September 2010), LR 37:2119 (July 2011), LR 38:1212 (May 2012), LR 38:3107 (December 2012), 39:2443 (September 2013), LR 40:2507 (December 2014), LR 44:452 (March 2018), LR 47:

### **§603. Inclusion of Students [Formerly §517]**

A. ...

1. For high school LEAP 2025 tests taken in December the score will count in the SPS at the school where the student is enrolled for the test.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 31:2422 (October 2005), LR 31:2764 (November 2005), LR 33:2594 (December 2007), LR 38:3107 (December 2012), LR 39:305 (February 2013), LR 40:1315 (July 2014), LR 44:452 (March 2018), LR 47:

### **§605. Inclusion of Schools [Formerly §519]**

A. All kindergarten through eighth grade schools must have a minimum of 120 testing units, in any combination, of LEAP, ELPT or LEAP connect assessments.

B. - B.1. ...

2. first through eighth grade and high school LEAP 2025, Connect, ELPT, or ACT assessments.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 32:1022 (June 2006), LR 34:431 (March 2008), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 40:2507 (December 2014), LR 41:1263 (July 2015), LR 44:453 (March 2018), LR 45:396 (March 2019), LR 45:749 (June 2019), LR 47:

### **§607. Pairing/Sharing of Schools with Insufficient Test Data [Formerly §521]**

A. ...

B. Any K-3 school will receive an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data, provided it meets the requirements of LAC 28:XI.605, or an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data and the K-8 progress index equal to the K-8 progress index of the school to which it is paired, whichever results in the higher SPS.

1. For the 2020-2021 school year (2021 SPS) only, K-4 schools shall have the 2019 K-8 progress index results combined with the 2021 K-8 progress index results of the school to which the school is paired if the addition of the progress index results yields a higher SPS.

2. Beginning in 2020-2021, the assessment index for K-2 schools will include the ELPT progress points for the students enrolled at the K-2 school and the LEAP 2025 test data for students who are enrolled at the paired school site.

C. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004), LR 32:1023 (June 2006),

LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 39:1422 (June 2013), LR 40:1315 (July 2014), LR 44:453 (March 2018), LR 44:1997 (November 2018), LR 45:1450 (October 2019), LR 47:

**Chapter 7. Graduation Cohort, Index, and Rate  
[Formerly Chapter 6]**

**§703. Determining a Cohort for a Graduation  
[Formerly §603]**

A. - C.2.c. ...

3. Specific documentation is required for students to be considered legitimate leavers.

a. The only acceptable documentation for transfers to out-of-state or approved non-public school diploma awarding schools is a request for student records from the qualifying school or program, a letter from an official in the receiving school or program acknowledging student enrollment, or a note written and signed by the parent including a reason for exit that confirms the exit type used to remove student from enrollment.

C.3.b. - J. ...

K. Students assessed using the LEAP Connect shall be included in the graduation rate for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:424 (March 2007), LR 33:2031 (October 2007), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2840 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 43:302 (February 2017), LR 44:454 (March 2018), LR 47:

**§705. Documenting a Graduation Index  
[Formerly §611]**

A. Beginning with academic year 2005-2006, all schools are required to maintain the following documentation if the corresponding exit code is used.

Exit Code Documentation		
Code	Descriptions	Required Documentation
07	Death (of student) or permanent incapacitation	Letter from parent or obituary
10	Transferred out of state or country	Request for records from the receiving school (out of state). Request for records or a statement written and signed by the parent. Documentation proving a student was a foreign exchange student.
14	Transferred to approved non-public school (must award high school diplomas)	Request for records from the receiving school or a statement written and signed by the parent
16	Transferred to BESE-approved home study	LDE Approval letter
20	Transferred to Early College Admissions Program	School withdrawal form and request for records from the College or University and proof of full-time enrollment in an academic program

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 35:639 (April 2009), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2841 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 47:

**§709. Calculating a Strength of Diploma Index  
[Formerly §613]**

A. ...

B. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LEAP Connect shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:

**Chapter 9. Urgent Intervention and Comprehensive Intervention**

**§903. Inclusion of Students in the Subgroup  
Component Performance [Formerly §703]**

A. - A.2. ...

B.1. In calculating the school performance score:

a. the alternate academic achievement standards for students participating in LEAP Connect will be used, provided that the percentage of students assessed using the LEAP Connect at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. The students exceeding the cap shall be assigned a 0 on the assessment and be considered non-proficient if:

i. ...

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LEAP Connect;

b. - b.i. ...

2. Students participating in LEAP Connect shall be included in the students with disabilities subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), amended LR 30:2445 (November 2004), LR 31:912 (April 2005), LR 31:2762 (November 2005), LR 33:253 (February 2007), LR 34:428 (March 2008), LR 34:867 (May 2008), LR 36:1991 (September 2010), LR 37:2119 (July 2011), LR 38:3110 (December 2012), LR 40:2507 (December 2014), LR 44:456 (March 2018), LR 47:

**§907. Urgent Intervention Required**

A. - C. ...

D. For application of the Urgent Intervention Required label in the 2020-2021 (2021 SPS) academic year only, the following rules shall apply:

1. A school that does not have the “urgent intervention required” label for a particular subgroup shall not receive the “urgent intervention required” label for that subgroup unless the following criteria are met:

a. the school has earned a subgroup performance score equivalent to an “F” letter grade for that subgroup in 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS), and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that does not have the “urgent intervention required” label for excessive out of school discipline shall not receive the “urgent intervention required” label unless the following criteria are met:

a. the school has excessive out-of-school suspension rates more than double the most recent national average for the school type for the 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and 2020-2021 (2021 SPS) school years, AND

b. the school system has notified the LDE that it wishes to receive the label.

3. A school that has been labeled “On Track to Exit” by the LDE for an “urgent intervention required” label may exit the label based on 2020-2021 (2021 SPS) results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:

**§909. Comprehensive Intervention Required**

A. - D. ...

E.1. For the 2020-2021 (2021 SPS) school year only, a school that does not have the “comprehensive intervention required” label shall not receive the “comprehensive intervention required” label unless the following criteria are met:

a. the school has earned a “D” or “F” letter grade for 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and 2020-2021 (2021 SPS), or for 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS) for a new school, or the school earned a cohort graduation rate less than 67 percent in the most recent school year; and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that has been labeled “On Track to Exit” by the LDE for the “comprehensive intervention required” label may exit the label based on 2020-2021 (2021 SPS) results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:

**Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability**

**§3503. Alternative Schools Including Alternative Charter Schools**

[Formerly LAC 28:LXXXIII.3503]

A. - C.3. ...

D. School Performance Scores (SPS). Starting with the 2018-2019 academic year, all alternative education schools I will receive a school performance score and school letter grade based on the following formulas in this Subsection.

1. School performance scores for kindergarten through eighth grade alternative education schools will include a progress index and dropout credit accumulation index for schools with applicable students. An interests and opportunities indicator will be included in school performance scores no later than the 2019-2020 school year (2020 SPS).

K-8 Alternative School Performance Score Indices and Weights			
Index	Grades	Beginning in 2018-2019	No Later than 2019-2020
Progress Index*	Grades K-8	90 percent	85 percent
Dropout/ Credit Accumulation Index	Grade 6-8	10 percent	10 percent
Interests and Opportunities	Grades K-8	N/A	5 percent

\*Includes English Language Proficiency progress

2. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:

**Chapter 36. Specialized Accountability for Office of Juvenile Justice (OJJ) Schools**

**§3603. Student Information System**

A. - A.7. ...

8. state assessment scores (LEAP 2025, ACT, LEAP Connect, ELPT, WorkKeys);

9. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2126 (November 2017), LR 47:

**§3605. Specialized Accountability System**

A. - C. ...

D. The alternative school accountability report card shall be considered as the specialized school and district report cards for OJJ, which will include results from the following measures:

1. growth measures from the LEAP 2025 assessments using the progress index calculation for alternative schools:

a. students must meet full academic year requirements for alternative schools;

2. percentage of students earning a high school diploma as calculated in the credential attainment index for alternative school accountability:

a. - b. ...

3. percentage of students earning a high school equivalency diploma (HiSET) as calculated in the credential attainment index for alternative schools;

a. - b. ...

4. percentage of students in grade 12 who earn a Jump Start credential/IBC as calculated in the credential attainment index for alternative schools;

5. percentage of students who earn credits as calculated in the core academic credit index for alternative schools;

6. - 7. ...

E. At the end of each school year, the results of measures identified in this Section will be reviewed and specific annual targets for improvement will be developed by the LDE for implementation in the next school year. The LDE will review the alternative school accountability report card at the end of each year and adjust targets as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2127 (November 2017), LR 47:

**Chapter 39. Inclusion of Students with Disabilities**

**§3901. Assessment of Students with Disabilities**

**[Formerly LAC 28:LXXXIII.3901]**

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the 3-8 or high school LEAP 2025; ACT, LEAP Connect, or Louisiana English language proficiency test (ELPT) shall be included in the calculation of the SPS. Students with disabilities shall take the assessments with accommodations, if required by their individualized education program (IEP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 36:1994 (September 2010), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§3903. LEAP Alternate Assessment Participation Criteria**

**[Formerly LAC 28:LXXXIII.3903]**

A. Students with disabilities participating in the LEAP Alternate Assessment, LEAP Connect, must meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§3905. Inclusion of Alternate Assessment Results**

**[Formerly LAC 28:LXXXIII.3905]**

A. All SPS shall include LEAP Connect scores.  
 B. Each LEAP Connect exam will be assigned one of four achievement levels and each achievement level will be assigned points for use in assessment index calculations as follows.

LEAP Connect Performance Level	Assessment Points
Level 4: High Complexity	150
Level 3: Moderate Complexity	100
Level 2: Low Complexity	80
Level 1: Low Complexity	0

1. Students taking LEAP Connect exams shall be included in accountability calculations at the grade level in which they are enrolled in the student information system (SIS). As with LEAP 2025 high school assessments, only

initial test scores are used in accountability for LEAP Connect high school grades.

C. Students participating in LEAP alternate assessment level 1 LEAP connect will be assigned scores of zero in SPS calculations if they do not meet the specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**Chapter 41. Data Collection and Data Verification**

**§4101. Valid Data Considerations**

**[Formerly LAC 28:LXXXIII.4101]**

A. - A.2.c. ...

B. A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on any state-administered assessment used in the SPS shall be calculated in the school's SPS. To assist a school in dealing with absent students, the Louisiana Department of Education shall provide an extended testing period for test administration. The only exceptions to this policy are students who were sick during the test and re-testing periods and who have formal documentation for that period.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§4103. State Assessment Data**

**[Formerly LAC 28:LXXXIII.4103]**

A. For all data used from state assessments:

1. if there is evidence of irregular data or an Unusual Data Result (UDR), the LDE shall require the LEA to investigate. The LEA shall report the results of the investigation to the State Superintendent of Education;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003), amended LR 32:1029 (June 2006), LR 38:3115 (December 2012), LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.



2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station,

Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule has no anticipated impact to costs or savings to state or local governmental units as a result of the proposed revisions to the methodology used to calculate school performance scores (SPS). The proposed revisions provide for a skip-year formula to calculate the progress index for 2021 school performance scores without LEAP 2025 scores from the 2019-2020 school year. According to Department of Education (LDE) modeling, it is anticipated that using a skip-year formula will not significantly affect a school’s SPS, prompting potential interventions. It is unknown how these revisions may impact SPS in future years.

In addition, there will be an indeterminable impact for local school systems as a result of the proposed revision to withhold identifying schools as Urgent Intervention Required (UIR) or Comprehensive Intervention Required (CIR), unless certain criteria have been met. It is anticipated that the number of newly identified UIR and CIR schools will decline and the number of currently identified UIR and CIR schools may remain stable. Potential implications for schools which are labelled UIR or CIR include increased resource needs for evidence-based intervention and improvement programs; increased potential for students to enroll at other public and nonpublic schools; increased competition from charter schools; as well as increased risk of takeover by the state Recovery School District.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Federal revenues for local school districts and other public schools may be impacted to the extent schools are able to exit UIR or CIR status, resulting in fewer schools eligible for Title I competitive grant allocations and other interventions.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There are no anticipated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2101#056

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 135—Health and Safety  
(LAC 28:CLVII. 501, 503, and 507)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 135—Health and Safety*. The proposed revisions provide relative to injury management program protocols for educational training on serious sports injuries and serious heat illness and acclimatization, to align with Act 259 of the 2020 Regular Legislative Session.

#### Title 28 EDUCATION

#### Part CLVII. Bulletin 135—Health and Safety

#### Chapter 5. Injury Management Program Rules for Serious Sports Injuries

#### §501. Injury Management Program

A. - E. ...

F. Each school shall establish a comprehensive Emergency Action Plan (EAP) for each location of assembly located on the member school campus. A venue specific EAP must be reviewed annually prior to each sport season with all appropriate personnel. Recommended personnel include Emergency Medical Services (EMS), school public safety officials, school administrators, on-site medical personnel or school medical staff such as team physicians or athletic trainers, and all pertinent coaching staff members.

1. The venue specific EAP must be accessible to all personnel involved in a potential emergent situation.

2. The venue specific EAP must be available on site.

3. All emergency equipment available on site must be listed in the EAP.

4. The EAP must identify key personnel and responsibilities for implementation of the plan of action including a designated chain of command.

5. The EAP must include appropriate contact information for the local and/or responding EMS personnel.

6. A Pregame Administrative Conference (PAC) is required prior to all LHSAA sanctioned events to review the EAP. The EAP must provide a formal process to evaluate all post emergency incidents with appropriate personnel. The evaluation must be retained on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:

#### §503. Injury Management Program Protocol for Educational Training on Serious Sports Injuries

A. Each high school coach and non-faculty coaches certified by the Coaches Education and Certification Program shall receive annual documented training related to serious sports injuries in accordance with the National High School Coaches Association and the Louisiana High School Coaches Association. Each approved workshop or online course(s) shall be designed to educate the attendees concerning concussion awareness, exertional heat illness,

sudden cardiac arrest, and the nature, and risks associated with, serious sport injuries.

A.1. – B.1....

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:

#### §507. Serious Heat Illness and Acclimatization

A. Each school participating in interscholastic sports shall follow best practices for any activity that does not occur in a climate-controlled facility. These best practices shall follow modified guidelines of the American College of Sports Medicine and the National Athletic Trainers Association regarding heat acclimatization and wet globe temperature policy. The policies shall be implemented on all school campuses where summer conditioning, pre-season practices or games, and fall or spring sports occur, including all activities when a coach is present.

B. Wet Bulb Globe Temperature Best Practices

1. Schedule practices during times of various Wet Bulb Globe Temperature (WBGT) levels.

2. The ratio of workout time allotted for rest and hydration during various WBGT levels will result in modified or terminated practice(s) or contest(s) in consideration of safe playing conditions.

3. Rest time should involve unrestricted access to fluids such as water or electrolyte beverages.

4. Sports requiring helmets, including but not limited to football, baseball, lacrosse, and field hockey, should be removed during rest time.

5. The site of rest time should be in a shaded area.

6. When the WBGT reading is  $>85.0^{\circ}$ , cold-water immersion tubs or equivalent should be available to aid in the cooling process within the shaded area.

a. An instrument approved to measure WBGT must be utilized at each outdoor practice. WBGT readings should be taken at the practice site a minimum of every hour, beginning 30 minutes before the start of practice or contest. All readings should be recorded or data logged in either written or electronic form. In the event that a modification or cancellation is required, documentation using the WBGT Environment Modification/Cancellation Log must be completed.

b. In the event of potential Exertional Heat Stroke (EHS), each school participating in interscholastic sports must be properly prepared and equipped to initiate Cold Water Immersion (CWI) or Cold Tub. Cooling techniques must be implemented immediately and EMS concurrently contacted, noting that the focus is to cool first and then transport.

c. The best practices shall be carried out by a licensed athletic trainer, designated healthcare provider, or individual appointed by the athletic director.

C. Heat Acclimatization

1. The heat acclimation period is defined as the initial 14 days of preseason practice for all student athletes. During the 14 days there shall be no more than two days of rest, or the acclimatization process will restart to day one. The goal of the acclimation period is to gradually increase exercise heat tolerance and endurance to enhance athletic performance safely during warm and hot conditions. The

heat acclimation period will begin on the first day of the start of the official sports season date as defined by the LHSAA. Any practices or conditioning conducted prior to this time should not be considered a part of the heat acclimation period.

#### D. Heat Acclimatization Best Practices

1. Regardless of the conditioning program and conditioning status leading to the first formal practice, all student athletes, including those that arrive at preseason practice after the first day, will follow the 14-day heat acclimation period.

2. Schools must follow the statewide policy for conducting practices and voluntary conditioning workouts in all sports. All preseason sports will begin with a 14-day acclimation period.

3. During days 1-5, no more than one practice can occur per day. If the team has one practice per day, the practice should not exceed 3 hours. During the first 5 days, a one-hour maximum walk-through is permitted; however, there must be a 3 hour break between practice and walk-through or vice versa.

4. Days 6-14 may include double-practice days, provided teams do not schedule more than one practice on consecutive days. Teams should not have more than 5 hours of practice in a day, with one practice not to exceed 3 hours. If there are 2 practices in one day there must be a minimum 3 hour break in a cool environment between the end of one practice and the beginning of the second practice.

5. With sports requiring protective equipment, during days 1–2 of first formal practices, a helmet must be the only protective equipment permitted. During days 3–5, only helmets and shoulder pads should be worn. Beginning on day 6, all protective equipment may be worn, and full contact may begin.

6. Football only: on days 3–5, contact with blocking sleds and tackling dummies may be initiated.

7. Full-contact sports: 100 percent live contact drills should begin no earlier than day 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received.

Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

hired by public or nonpublic schools to implement WBGT best practices.

Beth Scioneaux  
Deputy Superintendent  
2101#058

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 135—Health and Safety**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be costs to local school districts and other public schools associated with the purchase of certain equipment, however these costs are indeterminable. Local costs will vary based on the number of and type of athletic facilities, to the extent schools do not currently have the required equipment, and whether schools choose to implement the proposed requirements (see note below).

The proposed revisions require all school campuses participating in interscholastic sports to monitor the Wet Bulb Globe Temperature (WBGT) and be able to respond to potential heat stroke. Costs associated with implementing WBGT best practices include the purchase of at least one device which measures wet bulb globe temperatures as well as at least one cold tub. Together this equipment may cost as low as \$200 to \$400, although schools may choose to purchase higher quality items. Some schools will need to purchase ice machines for athletic facilities in order to administer cold water immersion and in such cases these costs may be significant. Finally, schools may incur costs if they choose to hire licensed athletic trainers to implement WBGT best practices, although this is not specifically required by the proposed rule.

Note: State law tasks the Board of Elementary and Secondary Education (BESE) with promulgating rules needed to implement a comprehensive sports injury management program for student athletes. Per R.S. 40:1087.1(G), “[n]o school or school system shall be required to incur any financial cost related to the implementation of this Section, unless funds are appropriated by the legislature for such purpose.” At this point in time, the legislature has not appropriated funds for such activities. It is unknown how many schools already have the required equipment and staff or how many will choose to incur costs despite the lack of specific state appropriation for such purpose.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

There will be costs to nonpublic schools associated with the purchase of certain equipment, however these costs are indeterminable. Costs to nonpublic schools will vary based on the number of and type of athletic facilities, to the extent schools do not currently have the required equipment, and whether schools choose to implement the proposed requirements.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may lead to increased employment for licensed athletic trainers and healthcare providers if they are

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.707)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education proposes to amend *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed amendments provide, for the 2020 calendar year only, an early learning center director or staff member shall only have to verify having worked at the same early learning center for at least 300 hours in order to meet the SRTC work requirement.

### Title 28 EDUCATION

#### Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

#### Chapter 7. Administration of School Readiness Tax Credits

#### §707. Credit for Early Learning Center Directors and Staff

A. – B. ...

C. Each early learning center director and staff member will also have to verify that he/she has worked at the same early learning center for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a center director or staff member will only have to verify that he/she has worked at the same early learning center for at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:

### 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.

## Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 139—Louisiana Child Care and Development Fund Programs CCAP Household Eligibility**

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision will have no financial impact to state or local governmental units. The proposed revision reduces the number of hours an early learning center director or staff member needs in order to meet the School Readiness Tax Credit (SRTC) work requirement.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a reduction in the state general fund from state income tax collections as a result of the proposed revisions. Due to the uncertainty of COVID-19 on early childhood centers, the impact is indeterminable; however, it will primarily impact fiscal year 2020-21 revenues.

Current policy establishes that in order to be eligible for the School Readiness Tax Credit (SRTC), early learning center directors and staff members must verify having worked at the same early learning center for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

Early learning centers in Louisiana experienced both temporary and permanent closures due to the COVID-19 pandemic, resulting in reduced staff work hours and the number of individuals employed. This in itself would reduce access to the SRTC for center directors and staff during the 2020 calendar year and therefore reduce the fiscal impact to the state general fund. The proposed revision provides for a center director or staff member to verify having worked at the same early learning center for at least 300 hours in order to meet the SRTC work requirement.

Reducing the work requirements may allow both full-time and part-time child care center staff to claim the credit who otherwise would not have been eligible. It is unknown how many individuals will qualify for SRTC as a result of the proposed revision. However, there will be a reduction in state general fund collections to the extent it enables additional individuals to claim the SRTC.

For reference, in FY 2019, 4,886 teachers and directors qualified for the SRTC for a total state revenue loss of \$12.3 million.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revision will result in an economic benefit to early learning center employees who are eligible for the SRTC. In the 2019 tax year, the average SRTC amount claimed was \$2,943.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed policy revisions will have no effect on competition or employment.

Beth Scioneaux  
Deputy Superintendent  
2101#059

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. As a result of the COVID-19 pandemic, the proposed revisions would require, for the 2020-2021 school year only, all infant, toddler, and pre-k classrooms in a publicly-funded site to receive one CLASS® observation conducted by the community network during the school year. Any infant, toddler, and/or pre-K classroom that is scored 4.49 or lower after third party replacement (if applicable) shall then be observed a second time by the community network.

**Title 28  
EDUCATION**

**Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network**

**Chapter 5. Early Childhood Care and Education Accountability System**

**§503. Coordinated Observation Plan and Observation Requirements**

A. - B.2.c. ...

3. Required Observations

a. For the 2020-2021 academic year only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 academic year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 academic year, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

f. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network's count of classrooms, and may conduct or allow local or third-party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:1453 (October 2019), LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received.

Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Bulletin 140—Louisiana Early Childhood Care and Education Network**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at local school districts, however this is indeterminable. The proposed revision reduces the number of required CLASS observations for most classes from two to one for the 2020-2021 school year. To the extent the lead agency contracts with individuals to conduct CLASS observations, it may experience reduced costs or alternatively reallocate such funds for other purposes.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revisions will not have an impact on state or local revenue collections. Early Childhood Community Network lead agencies receive funding through state per pupil allocations.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at non-profit organizations, however this is indeterminable.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may lead to a reduction in employment or income for individuals contracted by lead agencies to conduct CLASS observations. Early Childhood Community Network lead agencies have autonomy to find CLASS observers and vary in how they structure the role. In some places, CLASS observations are conducted by system or site administrators as part of their regular duties. In other places, the lead agency contracts with individuals to conduct CLASS observations. It is possible that the reduction in observations will affect workload and/or pay in some cases.

Beth Scioneaux  
Deputy Superintendent  
2101#060

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.203)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI (Bulletin 746). Proposed amendments extend the effective date of the PRAXIS Core Academic Skills for Educators: 5712, 5722, and 5732 exams to

December 31, 2020. This revision would allow the LDE to consider, for purposes of initial certification, performance on the PRAXIS Core Academic Skills for Educators: 5712, 5722, and/or 5732 for those educators who registered for and achieved a passing score by December 31, 2020.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Chapter 2. Initial Teacher Certification  
Subchapter B. Testing Required for Certification Areas**

**§203. Certification Exams and Scores  
(Formerly §243)**

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators<sup>2</sup>. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

Pre-Professional Skills Test “Paper or Computer Administrations”	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14 to 12/31/2020
Writing	5722	162	
Mathematics	5732	150	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5713	156	Current-
Writing	5723	162	
Mathematics	5733	150	

<sup>1</sup> NOTE: To differentiate the computer delivered tests, Educational Testing Service has placed the number “5” or “6” preceding the current test code. The department will accept computer delivered passing test scores for licensure.

<sup>2</sup> NOTE: An ACT composite score of 22 or an SAT combined verbal and math score of 1100 or higher (new SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of PRAXIS 1 PPST exams or core academic skills for educators in reading, writing and math by prospective teachers in Louisiana.

A.2. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March

2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:



1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 746—Louisiana Standards for  
State Certification of School Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
 

The proposed revisions will not have a financial impact to state or local school districts or other public schools. The proposed revisions extend the effective date of the PRAXIS Core Academic Skills for Educators: 5712, 5722, and 5732 exams to December 31, 2020. This revision would allow the LDE to consider, for purposes of initial certification, performance on the PRAXIS Core Academic Skills for Educators: 5712, 5722, and/or 5732 for those educators who registered for and achieved a passing score by December 31, 2020.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

There are no estimated impacts on revenue collections as a result of the proposed revisions.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)
 

The proposed revisions will result in reduced testing costs for certain educators and individuals seeking initial teaching certifications. Over 700 prospective teachers registered for the PRAXIS exams scheduled to be phased out, but were unable to schedule the exam until after July 31, 2020. As a result, these applicants would be required, per current policy, to register for and pass the new PRAXIS exams. Each test costs \$90 if registered for separately, although applicants can register to take all three tests at the same time for \$150. This revision may allow prospective teachers to experience reduced costs for additional exam fees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 

The proposed revisions may remove a potential barrier to employment for teachers in Louisiana public schools.

Beth Scioneaux  
Deputy Superintendent  
2101#061

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Phase 3 Minimum Requirements Pertaining to  
Reopening School Facilities  
(LAC 28:LXXIX.1105; CXV.401; and CXXXIX.4101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXIX (Bulletin 126), LAC 28: CXV (Bulletin 741), and LAC 28:LXXIX (Bulletin 741—Nonpublic). The aforementioned revisions enable Local Education Agencies (LEAs) to continue to implement, for the duration of 168 JBE 2020, the current policy regarding Phase 3 minimum requirements, pertaining to the reopening school facilities for the 2020-2021 school year.

**Title 28**

**EDUCATION**

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

**Chapter 11. Health  
Subchapter B. Reopening School Facilities for the 2020-  
2021 School Year**

**§1105. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1674 (December 2020), amended LR 47:

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 4. Reopening School Facilities for the 2020-2021 School Year**

**§401. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1672 (December 2020), amended LR 47:

**Part CXXXIX. Bulletin 126—Charter Schools**

**Chapter 41. Reopening School Facilities for the 2020-2021 School Year**

**§4101. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of

reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1670 (December 2020), amended LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or

repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Phase 3 Minimum Requirements Pretaining to Reopening School Facilities**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have a fiscal impact on local education agencies (LEAs) and charter schools because the majority of schools have completed the transition from Phase 2 to Phase 3 during the fall 2020 semester. The proposed rule would allow these entities to continue to follow the Phase 3 minimum requirements for reopening facilities. It is unknown how many local governing authorities have established a more restrictive phase of reopening. However, in such districts the proposed rule would not result in additional costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no impacts on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not have a fiscal impact on nonpublic schools, although it is unknown how many nonpublic schools are operating in accordance with each phase of the school reopening process. The revisions are likewise not anticipated to result in costs or economic benefits for individuals or small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2101#057

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Regents Office of Student Financial Assistance**

Scholarship/Grant Programs  
2020 Second Extraordinary Session Legislation  
(LAC 28:IV.509, 703, 705, 803, 805, 2103 and 2105)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements the provisions of Act 17 of the Second Extraordinary Session of 2020 with respect to students affected by 2020 Natural Disasters. More specifically, this rulemaking provides for an extension of the ACT testing deadline for 2020 high school graduates; provides waivers of certain TOPS initial eligibility for students affected by natural disasters in 2020; and provides waivers of certain TOPS continuing eligibility requirements for students affected by natural disasters. In addition, this rulemaking provides deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher. (SG21194NI)

#### **Title 28 EDUCATION**

#### **Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs Chapter 5. Applications, Federal Grant Aid and ACT Test**

#### **§509. ACT Testing Deadline**

A.1. The student must take the official ACT test (including national, international, military or special test

types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is December 31, 2020. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the December 31, 2020, deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the December 31, 2020 deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to December 31, 2020, that was within a reasonable distance from his home or from the location to

which he/his family had been evacuated due to Hurricane Laura or Hurricane Delta.

d. The initial award or upgraded award for any student who requests and is granted an exception in accordance with the provisions of this Subsection shall be paid for the first time during the semester in which the qualifying ACT was achieved.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:

## **Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

### **§703. Establishing Eligibility**

A. - I.8. ...

J. 2005 Natural Disaster Initial Eligibility Requirements

J.1. - K.2.d. ...

L. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §703.A-I.8 above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.L.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §703.J.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §703.L.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §703.L.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of

Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:

#### §705. Maintaining Eligibility

A.1. - D....

E. 2005 Natural Disaster Maintaining Eligibility Requirements

E.1. - F.2. ...

G. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6..

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

H.1.A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall

semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:

## **Chapter 8. TOPS-Tech Award**

### **§803. Establishing Eligibility**

A. - A-10. ...

B. 2005 Natural Disaster Initial Eligibility Requirements

B.1. - D.2.h. ...

E. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due

solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.E.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §803.E.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §803.E.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §803.E.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September

2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:

### **§805. Maintaining Eligibility**

A.1. - C. ...

D. 2005 Natural Disaster Maintaining Eligibility Requirements

D.1. - G. ...

H. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be cancelled or reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 47:

## **Chapter 21. Miscellaneous Provisions and Exceptions**

### **§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. – G.5.b.iii. ...

H. 2020 Natural Disaster Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2020-2021 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2020-2021 academic year (TOPS).

4. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility.

a. Upon request of the student, the eligible college or university may bill for the TOPS award for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) paid.

c. Institutions must document the displaced student's request for part-time payment of TOPS under these circumstances.

d. Any grades earned by a displaced student who enrolls part-time during the 2020-2021 academic year (TOPS) will be included in the calculation of the student's cumulative grade point average.

5. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-

time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2020-2021 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2020-2021 academic year (TOPS), students who are not *displaced students*, but who, due to the effects of Hurricane Laura were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2020-2021 academic year (TOPS) may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

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 47:

### **§2105. Repayment Obligation, Deferment, Cancellation and Reduced Payments**

A. - B.9.e.iii. ...

10. 2020 Natural Disaster Deferments. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and whose Home of Record:

a. on August 26, 2020, was located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. For the purposes of this Subsection, *home of record* is the domiciliary address of the recipient who is in repayment status.

d.i. For students qualifying for deferment under the provisions of §2105.B.10.a. above, loan repayments are deferred and interest accrual is suspended for the period August 26, 2020, through August 31, 2021;

ii. For students qualifying for deferment under the provisions of §2105.B.10.b. above, loan repayments are deferred and interest accrual is suspended for the period October 8, 2020, through October 31, 2021.

e. For the period August 26, 2020, through August 31, 2021, recipients of the Rockefeller State Wildlife Scholarship or the TOPS Teacher Award who are not *displaced students*, but who, due to the effects of a natural disaster as provided in this Subsection, are unable to repay their loan may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3042.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:566 (March 2018).

#### **Family Impact Statement**

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

#### **Provider Impact Statement**

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

#### **Public Comments**

Interested persons may submit written comments on the proposed changes (SG21194NI) until 4:30 p.m., February 10, 2021, by email to [LOSFA.Comments@la.gov](mailto:LOSFA.Comments@la.gov) or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively  
Senior Attorney

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Scholarship/Grant Programs 2020 Second Extraordinary Session Legislation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)



The proposed rule changes are not anticipated to have a fiscal impact on TOPS expenditures for the current fiscal year, but will likely result in increased expenditures in future years.

Comparing Fall to Fall Term TOPS expenditures, expenditures grew by 3.3% for the 2018-19 Academic Year, 1.0% for the 2019-2020 Academic Year, and 4.0% for the 2020-2021 Academic Year as of 12/21/2020. Because the hurricanes occurred after the start of the Fall Term, the expenditure increase for the current Fall Term was primarily influenced by provisions implemented to mitigate the COVID-19 Health Emergency impact on students.

A similar rule change was implemented after Hurricanes Katrina/Rita. The combined impact of those two hurricanes resulted in a slight decrease in TOPS expenditures of less than 0.2% for the 2005-006 Academic Year, followed by a slightly more than 3% increase for the 2006-2007 Academic Year. Because Hurricanes Laura/Delta had a significant but lesser impact than Katrina/Rita on students and educational institutions in the state, and given the continuing impact of the COVID-19 health emergency, it is anticipated that TOPS expenditures will not increase beyond the normal 1% to 3% growth rate for future fiscal years due to these proposed changes.

The Rockefeller State Wildlife Scholarship Program and GO Youth Challenge Program have fixed appropriations and will not experience any increase in expenditures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

Displaced students will be directly and positively affected by the proposed rule. The proposed rule will ensure students are not made ineligible for a TOPS, Rockefeller State Wildlife Scholarship or GO Youth Challenge award or endure an economic hardship due to repayment of a Rockefeller State Wildlife Grant or TOPS Teacher award due solely to the consequences of Hurricanes Laura/Delta. There are no estimated effects or economic benefits to small businesses or non-governmental groups resulting from these measures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures other than promoting a better educated pool of workers.

Robyn Rhea Lively  
Senior Attorney  
2101#024

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Boxing and Wrestling Commission**

Boxing and Wrestling Standards  
(LAC 46:XI.525)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the provisions of the Administrative Procedure Act, R.S. 49:953(b) and 49:967(D) to adopt the following Rules. By this Notice of Intent, the commission will amend Chapter 5, Subchapter B. Class "B" Wrestling to provide small event wrestling promoters relief from the responsibility of verifying bloodwork lab reports. This responsibility was formerly held by ring doctors and/or event coordinators under Chapter 1. General Rules. Due to

the promulgation of R.S. 4.83(B) in 2018, Class B events are not required to have a doctor, event coordinator or commissioner in attendance at these events to review and verify bloodwork lab reports to ensure the validity and negative results of HIV, Hepatitis B and C. The commission will provide an avenue for collection of these Class "B" lab reports and establish a database whereupon the commission will become responsible for the review and verification of these lab reports for a fee of \$150 per event. The database will contain no personal medical information. This database will be restricted to the name of the contestant, date of blood testing, the negative or positive results and expiration date so as to track when contestants require new testing every six months in accordance with General Rule §108(A) Medical Requirements under this title.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Chapter 5. Professional Wrestling**

**Subchapter B. Class "B" Wrestling**

**§525. Wrestling Promoters Class "B" Licensing**

A. - F. ...

G. Blood work laboratory results for Class "B" contestants, as required by General Rules - §108(A) Medical Requirements, will be reviewed and verified by the commission and the results entered into an established database.

1. Class "B" contestant's lab reports will be submitted to the commission directly from the testing physician's laboratory or independent laboratory via hard copy, fax or other electronic submission to confirm negative results and verification of legitimacy.

2. A fee of \$150 per Class "B" event will be collected by the commission from the promoter to cover the costs of this verification process.

AUTHORITY NOTE: Promulgated in accordance with 4:64, 4:65 and 4:83(B)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:547 (April 2019), amended LR 47:

**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 a no impact on family functioning, stability or 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.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the

provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

All interested persons are invited to submit written comments, views or positions, on these proposed rules, in writing to John Green, Jr., Secretary, Louisiana State Boxing & Wrestling Commission, 1135 Hodges St., Lake Charles, LA 70601 within 20 days of publication.

Anthony "Buddy" Embanato  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Boxing and Wrestling Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are anticipated to result in costs to governmental units. The establishment of a blood work lab report database, with daily, weekly and/or monthly collection, updates and data entry will require additional administrative work by the commission. The anticipated cost of this additional clerical work is reflected in the \$150 per event fee to be assessed to the Class B promoters previously covered by the \$250 show reservation fee which Class B promoters were exempted from with Act 210 of 2018. The projected collection of the \$150 fee will be equal to the extra cost of additional clerical work.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The increase in expenditures for the additional clerical work will be offset by the increase in revenues from the \$150 fee for the Class B events and the present \$250 show reservation fee currently collected from other promoters.

For illustrative purposes, in 2019 there were five (5) Class B promoters. These promoters had a total of 19 transactions at \$150 for the year totaling \$2,850. The revenue generated from these fees covered the expenditures associated with the workload of deputies that attended events for document collection.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

Current licensed Class B wrestling promoters will be impacted by the proposed rule change. Class B promoters will be assessed a document review fee of \$150 per event. These promoters were previously exempted from the 5% tax on gross receipts per event; they will not be required to purchase health and accidental insurance which averages \$645 per event or hire state licensed doctors to attend the events which costs approximately \$300 - \$500 per event and they will not be responsible for submitting a \$5,000 bond. This decreased the event expenditures for the Class B promoters to a great extent.

Class B promoters were aware of the responsibility of the blood work review and after input from them and hearings on the forged tests, these promoters requested relief from this responsibility and agreed the implementation of the \$150 fee.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The agency does not anticipate any effect on competition or employment due to this proposed rule other than an increase in the income for the individual selected to oversee the receipt of

the lab reports and updating the new database on a regular basis.

Addie L. Fields  
Administrative Assistant  
2101#062

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Office of State Procurement**

Procurement

(LAC 34:V.Chapters 1-17, 19, 21, and 23-31)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 39:1561 and 39:1581, the Office of the Governor, Division of Administration, Office of State Procurement, proposes to amend Chapters 1-17, 19, 21, and 23-31, and adopt Chapters 24 and 26 of LAC 34:V, Procurement. The Rules are revised to align with Act 312 of the 2019 Regular Legislative Session, Act 273 of the 2020 Regular Legislative Session, further align together provisions for purchasing and professional service contracting more consistently, reduce redundancy and potential for disagreement with the *Louisiana Procurement Code*, and make other policy revisions and clarifications consistent with the goal of ensuring full, fair, and open competition within public procurement activities.

**Title 34  
GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY CONTROL**

**Part V. Procurement**

**Chapter 1. General Provisions**

**§109. Definitions and Use**

- A. - A.3. ...
- 4. - 4.e. Repealed.

B - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1347 (July 2014), LR 40:2548 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:750 (April 2018), LR 47:

**Chapter 3. Competitive Sealed Bidding**

**§301. Content of the Invitation to Bid (ITB)**

A. Invitation to Bid

1. Purchases whose estimated cost exceeds the defined maximum value for small purchases established by executive order of the governor shall provide adequate public notice in accordance with R.S. 39:1594. Determination of adequate public notice shall take into consideration the nature and complexity of the solicitation. All advertisements, written invitations to bid, or other forms of solicitations allowed by law posted through a secure centralized electronic interactive environment pursuant to

the Louisiana Uniform Electronic Transaction Act (R.S. 9:2601-2621) and applicable rules and regulations (i.e. LAC 4:XV.701 et seq.) shall contain general descriptions of the classes of commodities on which bids are solicited and shall state:

A.1.a - E.2. ...

F. Request for Proposals. In the event the state uses the request for proposals method of procurement pursuant to R.S. 39:1595, the procurement shall be made in accordance with Chapter 26 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1349 (July 2014), LR 40:2549 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:751 (April 2018), LR 47:

### §303. Bidding Time

A. Bidding time is the period of time between the date of distribution of the invitation to bid and the date set for opening of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. For bids whose estimated cost exceeds the defined maximum value for *small purchases* established by executive order of the governor, a minimum of 10 days shall be provided unless the chief procurement officer or his designee deems that a shorter time is necessary for a particular procurement. However, in no case shall the bidding time be less than 10 days, except as provided in R.S. 39:1598 and Chapter 11 of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1349 (July 2014), amended LR 40:2550 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:751 (April 2018), LR 47:

### §307. Bidder Submissions

A. - A.1. ...

2. bid filled out in pencil;
3. bids not received as specified in the invitation to bid,
4. bid not received at the address specified in the invitation to bid prior to bid opening.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2550 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:752 (April 2018), LR 47:

### §311. Pre-Bid Conferences

A. Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an invitation to bid and shall be advertised and/or electronically posted if the estimated cost exceeds the defined maximum value for small purchases established by executive order of the governor and

attendance is mandatory. The conference should be held long enough after the invitation to bid has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the invitation to bid unless a change is made by written addenda as provided in §305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:752 (April 2018), LR 47:

### §315. Pre-Opening Modification or Withdrawal of Bids

A. ...

B. Withdrawal of Bids. A written request for the withdrawal of a bid or any part thereof will be granted if the request is received prior to the specified time of opening. If a bidder withdraws a bid prior to bid opening, the bid will be returned to the ownership and possession of the bidder in accordance with §319.D of this Part.

C. ...

D. Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file, except in accordance with Subsection E of this Section.

E. The final disposition of unopened bids which are withdrawn in accordance with this Section shall be managed in accordance with §319. D of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:752 (April 2018), LR 47:

### §317. Late Bids

A. ...

B. The final disposition of unopened bids which are late as described in this Section shall be managed in accordance with §319.D of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:753 (April 2018), LR 467:

### §319. Receipt, Opening and Recording of Bids

A. - C. ...

D. The final disposition of an unopened withdrawn bid or an unopened late bid shall be managed according to the following steps.

1. For purposes of this Subsection only, *bid* shall be understood to also refer to a competitive sealed proposal, and *bidder* shall be understood to also refer to a person submitting a competitive sealed proposal.

2. The Office of State Procurement or the using agency shall not open an unopened bid in its possession for any reason unless so properly ordered by a court of competent jurisdiction.

3. The Office of State Procurement or the using agency shall document by scan, photograph, or similar means any and all visible surfaces of the bid envelope or packaging which appear to contain text. Resulting images shall be retained in the bid file.

4. The Office of State Procurement or the using agency shall notify, in writing, the bidder whose bid is withdrawn or late that such bid is not the property of the state because it has been withdrawn or determined to be late, and that the bidder should retrieve, or arrange for third-party disposition of, its property within 30 days of written notice.

5. If the bidder fails to retrieve its bid within 60 days of written notice, the Office of State Procurement or the using agency shall dispose of the bid using secure means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1992), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:753 (April 2018), LR 47:

### §327. Bid Evaluation and Award

A. - B. ...

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*Responsible Bidder or Proposer*—as defined in §1501 of this Part.

a. The Office of State Procurement, or using agency, whichever is applicable, may request suitable evidence that a vendor is a responsible bidder or proposer in accordance with Chapter 15 of this Part.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1352 (July 2014), LR 40:2553 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:754 (April 2018), LR 47:

### §335. Publicizing Awards

A. Written notice of award shall be sent to the successful bidder. Notice of award shall be made a part of the procurement file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:331 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1353 (July 2014), LR 40:2554 (December 2014), LR 47:

### §341. Blackout Period

A. All competitive sealed bids conducted in accordance with R.S. 39:1594 and all competitive sealed proposals conducted in accordance with R.S. 39:1595 (for purposes of this Section together called *competitive sealed procurements*) shall:

1. provide for a defined blackout period relative to such procurement in which communication between the bidder or proposer and the state relative to the procurement itself is generally prohibited, with defined exceptions;

2. provide a summary of the application of the state of Louisiana's blackout period policy;

3. provide a reference to the full text of the state of Louisiana's blackout period policy; and

4. designate a contact person, and corresponding method of communication, to whom all communications by bidders or proposers should be addressed.

B. The blackout period is a period of time beginning with posting of the competitive sealed procurement and ending with the award or cancellation of the same. During a competitive sealed procurement, any proposer, bidder, or its agent or representative, is prohibited from communicating with any state employee or contractor of the state involved in any step in the procurement process about the affected procurement other than the designated contact person. Communications properly sent to the designated contact person regarding questions, clarifications, or complaints regarding procedures or status related to the competitive sealed procurement are allowed. *Involvement* in the procurement process includes but may not be limited to project management, design, development, implementation, procurement management, development of specifications, or evaluation of a particular procurement.

C. Upon notification of receipt of a timely protest to an award, and a resulting stay of award, the blackout period shall be reinstated until such time as the stay has been lifted by the chief procurement officer. All communications regarding the protested award shall be addressed to the chief procurement officer. In the case of an appeal, all communications shall be addressed to the Commissioner of Administration.

D. Any state employee or contractor who discovers any inappropriate contact shall immediately report such inappropriate contact to the chief procurement officer, whether the discovery occurs during or after the award of the contract.

E. The head of any agency conducting any competitive sealed procurement subject to a blackout period shall provide notice to staff regarding the affected procurement and instructions. An agency may choose to implement a blanket blackout period program in which employees acknowledge their responsibility to comply for all competitive sealed procurements rather than by the agency providing individual notices.

F. In any instance in which a prospective vendor is also an incumbent vendor for any contract, the state and the incumbent vendor may contact each other regarding the existing contract, but the incumbent vendor and/or its representative(s) may not discuss the procurement subject to the blackout period unless pursuant to an exception in this Section.

G. Notwithstanding any conflicting provision of this Section, the blackout period shall not apply to:

1. the submission of a protest to a solicitation pursuant to R.S. 39:1671;

2. duly noticed site visits and/or conferences for bidders or proposers;

3. oral presentations during the evaluation process;
4. communications regarding a particular solicitation between any person and staff of the procuring agency, provided the communication is limited strictly to matters of procedure. Procedural matters include deadlines for decisions or submission of proposals and the proper means of communicating regarding the procurement, but shall not include any substantive matter related to the particular procurement or requirements of the competitive sealed procurement. Any employee who receives such an inquiry shall report it and the response, if any, to the designated contact who shall keep a record of the inquiry in the agency's files regarding the procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

## **Chapter 5. Reverse Auctions**

### **§501. Authorization**

A. The reverse auction process may be utilized in accordance with R.S. 39:1600(D), subject to the approval of the state chief procurement officer that the best interests of the state would be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

### **§503. Application**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1406 (June 2012), repromulgated LR 40:1354 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:51 (January 2016), LR 44:755 (April 2018), repealed LR 47:

### **§509. Withdrawal of Bids**

A. Withdrawal of bids will be handled in accordance with §315 and §321 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:25560 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:755 (April 2018), LR 47:

## **Chapter 9. Sole Source Procurement**

### **§905. Conditions for Use of Sole Source Procurement**

A. - A.2.d. ...

e. - f. Repealed.

B. - B.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:331 (July 1982) amended LR 21:566 (June 1995), repromulgated LR 40:1356 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:756 (April 2018), LR 47:

### **§907. Record of Sole Source Procurement**

A. A record of sole source procurement shall be maintained that lists:

1. - 2. ...

3. a listing of the supplies, services, ~~or~~ major repairs, or professional, personal, consulting or social services procured under each contract; and

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1356 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

## **Chapter 11. Emergency Procurement**

### **§1101. Application**

A. The provisions of this Chapter apply to every procurement made under emergency conditions that will not permit other source selection methods to be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1356 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

### **§1103. Definition of Emergency Conditions**

A. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be proclaimed by the chief procurement officer. The existence of such condition creates an immediate and serious need for supplies, services, major repairs, or professional, personal, consulting or social services that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1356 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

### **§1105. Scope of Emergency Procurement**

A. Emergency procurement shall be limited to only those supplies, services, major repairs, or professional, personal, consulting or social services necessary to meet the emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), repromulgated LR 21:566 (June 1995), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 40:1357 (July 2014), LR 47:

### **§1107. Authority to Make Emergency Procurement**

A. Any state agency may make emergency procurements in accordance with R.S. 39:1598 and R.S. 39:1600(E), when

an emergency condition arises and the need cannot be met through normal procurement methods. Prior to all such emergency procurements, the chief procurement officer or his designee shall approve the procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), amended LR 21:566 (June 1995), LR 40:1357 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

### **§1111. Determination and Record of Emergency Procurement**

A. Determination. The procurement officer or the head of a purchasing agency shall make a written determination stating the basis for any emergency procurement or award of a contract, and for the selection of a particular contractor. Such determination shall be sent promptly to the chief procurement officer for approval or rejection.

B. - B.1.b. ...

c. a listing of the supplies, services, ~~or~~ major repairs, or professional, personal, consulting or social services procured under each contract; and

d. ...

2. The record for the previous fiscal year shall be provided by the Office of State Procurement at the beginning of the legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1357 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), LR 44:756 (April 2018), LR 47:

### **Chapter 13. Cancellation of Solicitations; Rejection of Bids or Proposals**

#### **§1301. Scope**

A. The provisions of this Chapter shall govern the cancellation of solicitations issued by the state and rejections of bids or proposals in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1357 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

#### **§1307. Reasons for Cancellation**

A. ...

B. When a solicitation is canceled prior to opening, a notice of cancellation shall be sent to all businesses solicited. When a solicitation or item is canceled after bids are opened, a notice of cancellation should be sent to all bidders if the amount canceled exceeds the defined maximum value for *small purchases* established by executive order of the Governor.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing,

LR 8:333 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

### **§1309. Rejection of Individual Bids or Proposals**

A. ...

1. *Proposals* (as used in this Section)—competitive solicitations solicited in accordance with R.S. 39:1595 and Chapter 26 of these regulations.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:757 (April 2018), LR 47:

### **§1313. Appeals of a Cancellation**

A. In accordance with R.S. 39:1605, R.S. 39:1630 and R.S. 39:1691, the pre-award cancellation of a solicitation by the chief procurement officer or his designee shall be final and conclusive unless the person adversely affected by the cancellation has timely appealed to the Nineteenth Judicial District Court, in accordance with R.S. 39:1691(D), within 14 days of the cancellation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

## **Chapter 15. Responsibility and Prequalification**

### **§1501. Definitions**

*Responsible Bidder* or *Proposer*—a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance. See also R.S. 39:1606 of the Louisiana procurement code. For the purpose of these regulations, *capability* as used in this definition means capability at the time of award of the contract, unless otherwise specified in the solicitation.

*Solicitation*—an invitation to bid, or any other document, such as a request for quotations or a requests for proposals issued by the state for the purpose of soliciting offers or proposals to perform a state contract.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:757 (April 2018), LR 47:

## **Chapter 17. Types of Contracts**

### **§1705. Cost-Plus-a-Percentage-of-Cost Contracts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:334 (July 1982), repromulgated LR 21:566 (June 1995), repromulgated LR 40:1360 (July 2014), LR 47:

**§1709. Use of Brand Name, LaMAS (Louisiana Multiple Award Schedule), and Multi-State Contracts**

A. ...

B. Where Louisiana price schedules ("LaPS") exist for same or similar item(s) and the estimated cost of the procurement exceeds the defined maximum value for *small purchases* established by executive order of the Governor, all eligible users of these contracts will utilize the following procedures.

1. - 3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 33:2650 (December 2007), repromulgated LR 40:1360 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:758 (April 2018), LR 47:

**Chapter 19. Multi-Year Contracts**

**§1901. Determination**

A. For purposes of this Chapter, *multi-year contract* shall be defined as a contract whose term exceeds 12 months.

B. Multi-year contracts may be entered into for supplies, services, major repairs, or professional, personal, consulting and social services in accordance with R.S. 39:1615 or as otherwise provided by law.

C. Prior to the utilization of a multiyear contract for supplies, services, or major repairs, it shall be determined in writing:

1. that estimated requirements cover the period of the contract and are reasonably firm and continuing; and

2. that such a contract will serve the best interests of the state by encouraging effective competition or otherwise prompting economies in state procurement.

D. All contracts shall contain a termination for non-appropriation clause in accordance with R.S. 39:1615(C), (E) and (I), unless specifically exempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1361 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

**§1903. Conditions for Purchasing and Contracting Use of Multi-Year Contracts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1361 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:759 (April 2018), repealed LR 47:

**§1905. Multi-Year Contract Procedure**

A. Solicitation. The solicitation shall state:

1. the estimated amount of supplies, services or major repairs required for the proposed contract period;

2. ...

3. that the multi-year contract will be canceled if funds are not appropriated, un-appropriated, or otherwise not

made available to support continuation of performance in any fiscal period succeeding the first;

4. if an installment purchase, that the provisions of R.S. 39:1616 shall apply.

5. ...

B. Repealed.

C. - C.2. ...

3. Nothing in this Section shall be construed to limit the authority otherwise existing for an agency to terminate a contract for convenience, or for cause, or for any other lawful reason allowable in the contract, or as required in law or regulation.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1362 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:759 (April 2018), LR 47:

**Chapter 21. Miscellaneous Contract Provisions for Supplies, Services, and Major Repairs**

**§2101. Contract Provisions**

A. - C.6. ...

7. when a contract requires an original signature as provided by R.S. 9:2601-2621 and LAC 4:I.Chapter 7, Implementation of Electronic Signatures in Global and National Commerce Act—P.I., 106-229, an electronic signature is considered an original signature.

D. - D.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1362 (July 2014), amended LR 41:670 (April 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:759 (April 2018), LR 47:

**§2105. Goods Manufactured or Services Performed by Supported Employment Providers**

A. R.S. 39:1604.4 provides in part that a preference shall be given by all agencies in purchasing products and services from individuals with disabilities through supported employment providers.

B. Purchases of goods manufactured by or services performed by individuals with disabilities through supported employment providers as defined in R.S. 39:1604.4 shall be exempt from competitive sealed bidding in accordance with the provisions of R.S. 39:1594.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:760 (April 2018), LR 47:

**Chapter 23. Reporting of Suspected Collusive Bidding or Negotiations**

**§2301. Anticompetitive Practices**

A. For the purposes of this Chapter, an anticompetitive practice is a practice among bidders or proposers which reduces or eliminates competition or restrains trade. An

anticompetitive practice can result from an agreement or understanding among competitors to restrain trade such as submitting collusive bids or proposals, or result from business actions which have the effect of restraining trade, such as controlling the resale price of products. Indications of suspected anticompetitive practices include identical bids or proposals, rotated low bids or proposals, sharing of the business, tie-in sales, resale price maintenance, and group boycotts (see Identical Bidding, §2309).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:760 (April 2018), LR 47:

### **§2305. Reporting Suspected Anticompetitive Practices**

A. The chief procurement officer, in consultation with the attorney general, shall develop procedures, including forms, for reporting suspected anticompetitive practices. A procurement officer who suspects that an anticompetitive practice has occurred or may be occurring shall report the suspected anticompetitive practice to the Attorney General's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement LR 47:

## **Chapter 24. Suspension, Debarment and Reinstatement**

### **§2401. Suspension, Debarment and Reinstatement [Formerly LAC 34:V.2539]**

A. Authority. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the state chief procurement officer shall have authority to suspend or debar an individual or business for cause from consideration for a contract, in accordance with the provisions of R.S. 39:1672.

1. The state shall also have the right to suspend or terminate a contract based on the absence of appropriated, funds for the acquisition of goods or services or for cause; or, when in the best interest of the state.

#### **B. Reinstatement**

1. If the commissioner finds that the state chief procurement officer was in error, then he may reinstate said individual or business. If the commissioner affirms the decision of the state chief procurement officer that decision is final and conclusive.

2. The state chief procurement officer, upon request of a debarred individual or business shall review the requesting debarred contractor's file on an annual basis, and may reinstate said contractor for future consideration if he believes the circumstances warrant reinstatement and it would be in the best interest of the state. A list of debarred individuals and businesses shall be kept by the Office of State Procurement and made available upon request to state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:594 (November 1982), amended LR 10:458 (June 1984), LR 11:1071 (November 1985), repromulgated LR 40:2566 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), amended LR 44:766 (April 2018), repromulgated LR 47:

## **Chapter 25. Procurement of Professional, Personal, Consulting, Social Services, and Energy Efficiency Contracts**

### **Subchapter A. General Provisions**

#### **§2503. Definitions and Classes of Contractual Services**

A. - A.1. ...

2. *Professional Service*—for contracts with a total amount of compensation of \$50,000 or more, the definition of "professional service" shall be limited to lawyers, doctors, dentists, psychologists, certified advanced practice nurses, veterinarians, architects, engineers, land surveyors, landscape architects, accountants, actuaries, claims adjusters, pharmacists, visiting professors, and any other profession that may be added by regulations adopted by the Office of State Procurement of the Division of Administration.

3. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:591 (November 1982), LR 10:455 (June 1984), LR 11:1067 (November 1985), LR 13:652 (November 1987), LR 17:264 (March 1991), LR 20:542 (May 1994), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 41:1669 (September 2015), LR 40:2556 (December 2014), amended LR 40:2544 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1669 (September 2015), amended LR 44:761 (April 2018), LR 47:

#### **§2512. Modification of Contract**

A. All amendments to contracts for professional, personal, consulting and social services shall be submitted to the Office of State Procurement and shall become effective only upon approval by the director of the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), LR 13:653 (November 1987), repromulgated LR 40:2562 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:763 (April 2018), LR 47:

#### **§2518. Submission of Contracts**

A. At least one copy of said contract and attachments shall be submitted to the Office of State Procurement. Copies of such contracts shall be forwarded to the Legislative Fiscal Office upon request. The Office of State Procurement will not accept for review and approval any contract that is not accompanied by the necessary attachments and copies as required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual



Review, LR 4:497 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), LR 13:653 (November 1987), repromulgated LR 40:2562 (December 2014), amended LR 41:671 (April 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:764 (April 2018), LR 47:

#### **§2521. Contractual Review Process**

A. - D.2. ...

E. Legal and Content Review. There are a number of different types of contracts, and content requirements may vary. All contracts shall contain the following:

1. - 3. ...

4. beginning and termination dates for the contract. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three-year period, unless authorized by the funding statute. Per R.S. 39:1622(C)(1) performance-based energy efficiency contracts shall have a term not to exceed 10 years;

5. - 10.b.ii. ...

F. Each contract submitted for approval which exceeds the value specified in R.S. 39:1623(A) shall be accompanied by a certification letter as described in R.S. 39:1623, signed by the using agency's representative.

G. - G.5. ...

H. If a contract is subject to the provisions of R.S. 39:1621(B), it must have been awarded pursuant to the requirements of R.S. 39:1595(B), unless exempt in accordance with Chapter 9 or Chapter 11 of this Part. Failure to so comply shall result in the using agency having to reconduct the process. Prior to approval of a contract for consulting services pursuant to this Subsection, the Office of State Procurement shall verify that the requirements of §2605 of this Part have been met.

I. Information technology consulting service contracts whose value exceeds the maximum amount specified in R.S. 39:1621(C) shall be procured in accordance with Subchapter B of this Chapter.

J. If a contract is for services defined as social services in R.S. 39:1556(54) it must have been awarded pursuant to the requirements of R.S. 39:1595(B) unless exempt by R.S. 39:1619. Failure to so comply shall result in the using agency having to reconduct the process. Prior to approval of a contract for consulting services pursuant to this Subsection, the Office of State Procurement shall verify that the requirements of §2605 of this Part have been met.

K. A formal, dated board resolution, disclosure of ownership or annual report filed with the Louisiana Secretary of State's office identifying the signatory as an officer, or equivalent document signed by one or more owners of the contractor must be secured and attached to the contract indicating that the signatory is a ~~corporate~~ representative of the contractor and authorized to sign said contract.

L. ...

M. A performance evaluation for every personal, professional, consulting or social services contract shall be conducted by the using agency in accordance with R.S. 39:1569.1. This performance evaluation shall be retained by the using agency for all contracts approved under delegated authority. For all other contracts, this performance evaluation shall be submitted to the Office of State

Procurement within 120 days after the termination of the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:182 (April 1981), amended LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1069 (November 1985), LR 13:87 (February 1987), LR 13:653 (November 1987), LR 15:81 (February 1989), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 40:2562 (December 2014), amended LR 40:2545 (December 2014), LR 41:671 (April 2015), repromulgated LR 41:1669 (September 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:764 (April 2018), LR 47:

#### **§2527. Delegation of Signature Authority**

A. R.S. 39:1595(A)(10)(b)(i), (ii) and 39:1595.1 requires that the head of the using agency or his designee shall sign all contracts for personal, professional, consulting or social services. All delegations of signature authority by the head of the using agency must be in writing and must be approved by the Office of State Procurement.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:593 (November 1982), amended LR 10:457 (June 1984), LR 11:1070 (November 1985), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:765 (April 2018), LR 47:

#### **§2530. Confidentiality of Technical Data or Trade Secrets**

A. The using agency shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which may come into their possession from individuals and businesses doing business with the state. Any such information received by the Office of State Procurement shall be returned to the using agency upon completion of said review or retained using secure means if return to the using agency is not practicable or permissible.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:593 (November 1982), LR 10:457 (June 1984), LR 11:1070 (November 1985), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:765 (April 2018), LR 47:

#### **§2533. Multi-Year Contracts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:593 (November 1982), LR 10:458 (June 1984), LR 11:1070 (November 1985), LR 17:266 (March 1991), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:766 (April 2018), repealed LR 47:

### **§2536. Determination of Responsibility**

A. In order to qualify as responsible, a proposer must meet and, upon request by the agency or the chief procurement officer, present evidence of compliance with the standards identified in §1505.A of this Part, as they relate to the particular procurement under consideration.

B. No contract for consulting services meeting the value specified in R.S. 39:1621(B), regardless of time period, or for social services exceeding the value indicated in R.S. 39:1619(B)(7), regardless of time period or other exemption applicable pursuant to R.S. 39:1619(B), shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible.

C. In any case where a contract for consulting services meets the value threshold specified in R.S. 39:1621(B), regardless of time period, or where a contract for social services exceeds the value threshold specified in R.S. 39:1619(B)(7), regardless of time period or other exemption applicable pursuant to R.S. 39:1619(B), the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of the proposer or potential subcontractors should be kept on file with the agency, subject to inspection upon the request by the director of state procurement or his designee.

D. Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective contractor meets the standards identified in §1505.A of this Part. Information from the sources identified in §1505.A.2 and 3 of this Part shall be utilized before making a determination of responsibility.

E. To the extent that a prospective contractor cannot meet the standards identified in §1505.A of this Part except by means of proposed subcontracting, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the Office of State Procurement or the head of the using agency to satisfy that standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:496 (December 1978), amended LR 8:593 (November 1982), LR 10:458 (June 1984), LR 11:1070 (November 1985), LR 13:654 (November 1987), repromulgated LR 40:2565 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:766 (April 2018), LR 47:

### **§2539. Suspension, Debarment and Reinstatement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:594 (November 1982), amended LR 10:458 (June 1984), LR 11:1071 (November 1985), repromulgated LR 40:2566 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), amended LR 44:766 (April 2018), repealed LR 47:

## **Subchapter B. Review of Certain Contracts for Information Technology Consulting Services**

### **§2542. Source Selection Methods [Formerly LAC 34:V.142]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:179 (April 1981), amended LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1071 (November 1985), LR 13:655 (November 1987), repromulgated LR 40:2566 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), amended LR 44:766 (April 2018), repealed, LR 47:

### **§2545. Request for Proposals**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:180 (April 1981), LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1072 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2567 (December 2014), amended LR 40:2545 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1283 (July 2015), repromulgated LR 41:1670 (September 2015), amended LR 44:767 (April 2018), repealed, LR 47:

### **§2549. Procurement Support Team**

A. Unless a procurement support team (PST) is formed in accordance with R.S. 39:200(I), a procurement support team shall be formed in accordance with the procedures defined herein for every contract for the procurement of information technology consulting services in an amount exceeding the maximum value specified in R.S. 39:1621(C). At the discretion of the director of the Office of State Procurement, all other consulting services anticipated to exceed the maximum value specified in R.S. 39:1621(C) may require PST review of the RFP, the selection process, and subsequent contract. The formation of a procurement support team shall be accomplished by the Office of State Procurement and shall include one or more representatives from each of the following: the Office of State Procurement, the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office. The procurement support team shall submit a recommendation to the director of the Office of State Procurement concerning the final contract. Where a procurement support team is formed in accordance with R.S. 39:200(I), the requirements of this Section may be met by including a representative from the Attorney General's Office.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:460 (June 1984), amended LR 11:1073 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2568 (December 2014), amended LR 40:2545 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of

State Procurement, LR 41:1670 (September 2015), amended LR 44:767 (April 2018), LR 47:

#### **§2551. Procurement Support Team Involvement**

A. ...

B. All data processing consulting service contracts shall be subject to the statutory and regulatory requirements for consulting service contracts in general. The recommendation of a procurement support team member is not to be construed as approval by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

C. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:460 (June 1984), amended LR 11:1073 (November 1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:767 (April 2018), LR 47:

#### **§2554. Emergency and Sole Source Procurements**

A. Notwithstanding the guidelines established in Chapters 9 and 11 of this Part, procurements of information technology consulting services in an amount exceeding the maximum value specified in R.S. 39:1621(C) under emergency or sole source conditions shall involve a procurement support team designated by the Office of State Procurement and under the direction of a team leader designated by the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:461 (June 1984), amended LR 11:1074 (November 1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:768 (April 2018), LR 47:

#### **§2557. Procurement Support Team; Procurement Schedule**

A. Each using agency contemplating a contract for information technology consulting services with an estimated value exceeding the maximum value specified in R.S. 39:1621(C) shall notify the Office of State Procurement prior to the drafting of the request for proposals. The Office of State Procurement shall then contact the appropriate agencies and obtain from those agencies the names of the individuals designated to participate on the particular procurement support team (PST). The Office of State Procurement shall then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the using agency.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:461 (June 1984), amended LR 11:1074 (November 1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:768 (April 2018), LR 47:

#### **§2587. Revised Statutes**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:183 (April 1981), LR 8:596 (November 1982), LR 10:461 (June 1984), LR 11:1074 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2570 (December 2014), amended LR 40:2546 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1670 (September 2015), amended LR 44:768 (April 2018), repealed LR 47:

### **Chapter 26. Contracts Let Via a Request for Proposals Process**

#### **§2601. Application and Competitive Sealed Proposals**

A. This Chapter shall be applicable to consulting services contracts governed by R.S. 39:1621(B), social services contracts which are not exempted by R.S. 39:1619(B), and any other competitive sealed proposals governed by R.S. 39:1595.

##### **B. Competitive Sealed Proposals**

1. For purposes of this Chapter, *competitive sealed proposals* means proposals protected from inspection prior to the deadline for submission. Proposals may be received in any manner specified in the request for proposals including receipt by mail, by direct delivery, or through any secure electronic interactive environment permitted by rule or regulation.

2. Any competitive sealed proposal which is withdrawn by the proposer prior to the deadline for submission of proposals, or which has been determined to be late relative to the deadline for submission of proposals, shall not be opened and shall instead be subject to the provisions of §319.D of this Part.

3. Except as provided in Paragraph 2 of this Subsection, Competitive sealed proposals shall be secured until the proposal submission deadline.

4. Competitive sealed proposals shall not be inspected prior to the proposal submission deadline unless the chief procurement officer determines that doing so is necessary for the sole purpose of identifying the name of the proposer and/or the solicitation to which the proposal is addressed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 47:

#### **§2603. Content in Requests for Proposals [Formerly LAC 34:V.2545(A)(1)]**

A. All request for proposals (RFP) solicitations should:

1. specifically define the task and desired results of project;
2. identify agency liaison personnel and resources available to the contractor;
3. state approximately when the contractor can begin the work, plus an estimate of the time necessary to accomplish the work, if applicable;
4. specify applicable procedures concerning billing, documentation requirements, progress reports, and final reports, if applicable;
5. specify that a minimum of two copies of the proposal be submitted;

6. inform the potential contractors of the criteria and the selection methodology and the weight which will be applied to each significant evaluation criteria to be used in evaluating the proposals' responsiveness to the RFP;

7. inform the potential contractors that the state reserves the right to use the best and final offer (BAFO) process as a part of the competitive negotiation process to clarify the scope of work and/ or to obtain the most cost effective pricing available from the proposer along with the proposers most favorable terms in response to the solicitation. When used, inform the potential contractors of the evaluation criteria and associated weights, if different from the initial scoring criteria and weights;

8. require potential contractors to include the following information in their proposals:

a. a description of the firm's qualifications, including a specific list of personnel to be used in the services and their qualifications (at least list the number and the qualifications of each position). However, a résumé should be required on each of the key personnel. Additionally, the contractor should be required to stipulate that these personnel will not be substituted or removed from the contract without prior approval of the using agency;

b. a list of the agencies with names and contact persons, for whom similar work has been done;

c. if applicable, the length of time needed for the services, broken down by phases, if phasing is necessary;

d. the proposed methodology for accomplishing the services with a precise statement of what the state will receive as an end product of the services (this is sometimes referred to as the technical section of the proposal);

e. for consulting services, an itemized cost statement showing various classes of man-hours at appropriate rate, delineated by phases, if phasing is used, and an itemized listing of all other expenses or fees that are expected to be paid by the state and a complete breakdown of consultant overhead rate, if applicable;

f. for social services, a detailed budget or other cost breakdown as may be required by the using agency and/or the federal government.

B. All request for proposals (RFP) solicitations shall:

1. provide for a blackout period in accordance with §341 of this Part;

2. require, and provide prominent notice, that a proposal must attain a minimum technical score equal to 50 percent or more of available technical points to be eligible to proceed to evaluation of cost or other point categories. No proposal which has failed to attain or exceed such a minimum technical score may be evaluated for cost, certified small entrepreneurship initiative participation, or any other category, nor may any prior calculation for cost or certified small entrepreneurship initiative participation be included in any final comparative tabulation if the proposer's technical score falls below 50 percent of available technical points subsequently. The State Chief Procurement Officer, or his designee, may waive the requirement to include this provision in writing if doing so is determined to be in the best interests of the state.

3. require, and provide prominent notice, if the RFP allocates points for Hudson or Veteran initiative points, that any awarded proposer which includes a good faith subcontracting plan for certified small entrepreneurship (e.g.

Hudson, Veteran, or Service-Connected Disabled Veteran) initiative participation shall be subject to audit by the Louisiana Department of Economic Development or the Office of State Procurement to determine whether the contractor has complied in good faith with its subcontracting plan. The contractor must be able to provide supporting documentation to demonstrate that the good faith subcontracting plan was followed. If it is determined at any time by the using agency or the Office of State Procurement that the contractor did not in fact perform in good faith its subcontracting plan relative to certified small entrepreneurship initiative participation, the contract award or contract may be terminated by the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:180 (April 1981), LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1072 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2567 (December 2014), amended LR 40:2545 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1283 (July 2015), repromulgated LR 41:1670 (September 2015), amended LR 44:767 (April 2018), LR 47:

#### **§2605. Procedures**

##### **[Formerly LAC 34:V.2545.A.2]**

A. The final selection of a contractor shall be made in accordance with the selection criteria established in the RFP. However, no contract may be enforced against the state until approval of the contract has been granted by the Office of State Procurement. When a final selection has been made, but prior to notice of award, the contract file containing the request for proposals, along with a selection memorandum justifying the final selection, shall be sent to the Office of State Procurement for final concurrence. The selection memorandum shall include, but not be limited to:

1. a list of criteria used along with the weight assigned each criteria;

2. scores of each proposal considered in each of the categories listed above along with overall scores of each proposal considered;

3. a narrative justifying selection.

B. After final negotiation and execution, the contract shall be sent to the Office of State Procurement for final review and approval.

C. Right to Protest. Any person who is aggrieved in connection with the request for proposal or award may protest and appeal pursuant to the provisions of R.S. 39:1671, 1681, 1683, 1691, and 1692.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:180 (April 1981), LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1072 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2567 (December 2014), amended LR 40:2545 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1283 (July

2015), repromulgated LR 41:1670 (September 2015), amended LR 44:767 (April 2018), LR 47:

## **Chapter 27. Intergovernmental Regulations**

### **§2703. Cooperative Purchasing Shall Not Adversely Affect Employees [Formerly LAC 34:I.2503]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:341 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1364 (July 2014), LR 40:2573 (December 2014), repealed, LR 47:

## **Chapter 29. Education**

### **§2901. Department of Education Procurement [Formerly LAC 34:I.2901]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1572(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 14:429 (July 1988), repromulgated LR 40:1365 (July 2014), repealed LR 47:

## **Chapter 31. Protests and Appeals, Bidder Responsibility, Suspension and Debarment of Bidders, and Contract Controversies for Boards and Institutions of Higher Education**

### **§3101. Application**

**[Formerly LAC 34:V.3103]**

A. This Chapter shall only apply to boards of higher education and institutions under their jurisdiction in accordance with R.S. 39:1671, 1672, and 1673 of Title 39 of the *Louisiana Revised Statutes*, unless the institution is operating under a pilot procurement code in accordance with R.S. 17:3139.5(5)(c)(i), or R.S. 17:3393(A)(2)(d), which has adopted rules or procedures that supersede these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 9:210 (April 1983), amended LR 23:67 (January 1997), repromulgated LR 40:1366 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2546 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1671 (September 2015), amended LR 44:769 (April 2018), repromulgated LR 47:

### **§3103. Definitions**

**[Formerly LAC 34:V.3101]**

*Aggrieved Person*—a person who files a written protest in connection with the solicitation or award or the issuance of a written notice of intent to award a contract under the Louisiana Procurement Code and has or may have a pecuniary or other property interest in the award of the contract.

*Candidate for Suspension or Debarment*—a candidate for suspension or debarment is a person, who in the opinion of the chief procurement officer has committed an action giving cause for suspension or debarment pursuant to R.S. 39:1672.C.

*Commissioner*—the commissioner of the Division of Administration.

*Contractor*—a person who has been awarded a contract.

*Hearing Officer*—the chief procurement officer or his designee who shall exercise such authority as is granted for the conduct of protests in accordance with the provisions of the Louisiana Procurement Code [title 39:1551 et seq., section 1671(B)].

*Interested Person*—any person who has submitted a bid in response to an invitation to bid, a request for proposals, or other solicitation issued under the Louisiana procurement code who has or may have a pecuniary or other property interest which may be affected by a determination made in a protest hearing.

*Party*—as used herein, unless the content clearly indicates otherwise, is either a contractor or a candidate for suspension or debarment or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:210 (April 1983), repromulgated LR 40:1365 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:769 (April 2018), repromulgated LR 47:

### **Family Impact Statement**

The proposed Rules are not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed Rules are not anticipated to have an impact on poverty, as described in R.S. 49:973.

### **Small Business Statement**

The proposed Rules are not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act. The Office of State Procurement has used methods consistent with R.S. 49:965.6 to avoid adverse impacts to small businesses.

### **Provider Impact Statement**

The proposed Rules are not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

Interested persons may submit written comments about the proposed Rules to the Office of State Procurement, Attn.: Jonathan Walker, P.O. Box 94095, Baton Rouge, LA 70804-9095. Mr. Walker is responsible for responding to inquiries regarding this proposed Rules. The deadline for receipt of written comments is Wednesday, March 3, 2021 at 4:30pm.

### **Public Hearing**

A public hearing on the proposed Rules will be held on Friday, February 26, 2021, beginning at 10 AM, in the Thomas Jefferson Room C (01-136C) on the first floor of the Claiborne Building, which is located at 1201 North Third Street, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. Individuals with disabilities who require special services or accommodations should contact Jonathan Walker at least seven working days in advance of the hearing. For assistance, please call 225-342-1038 or email [jonathan.walker@la.gov](mailto:jonathan.walker@la.gov).

Paula Tregre  
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Procurement**

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Tax Commission**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are anticipated to result in no substantial costs or savings to state or local governmental units. The proposed rule changes reflect legislative revisions to pertinent statutes, update or remove outdated or outmoded requirements, reduce duplication or discordance relative to statutes, correct administrative errors, and provide for greater efficiency within the state's procurement activities. The net fiscal and economic effect of these proposed rule changes is projected to be negligible.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes are not anticipated to impact revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes are not anticipated to create costs for directly affected persons or nongovernmental groups. It is possible that procedural efficiencies as addressed in Paragraph IV below may result in minor economic benefits to participants in the procurement processes governed by these rules. For example, if a vendor were able to avoid bid disqualification by being able to more clearly discern the regulatory requirements applicable to that procurement, such action could have a significant and positive impact on that vendor's receipts and income, because it could make the difference in whether or not that vendor wins the bid to provide goods and services. In the aggregate, however, it is impossible to reliably estimate the net benefit for a typical or average vendor.

This action should make it easier for vendors to compete compliantly and efficiently. Requirements applicable to bidders and proposers will be more readily apparent to any interested party on the front end, so that participants, regulatory entities, other stakeholders, and the public can have confidence in the transparency, fairness, and propriety of the procurement process and resulting contracts.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated impact on employment as a result of the proposed rule changes. The proposed rule changes are to improve clarity and efficiency for state procurement processes. Such efficiencies, if realized, would tend to increase competition by removing ambiguity, unnecessary effort, and other inadvertent barriers to entry potentially acting as a disincentive to vendor participation. The extent of such efficiencies is relatively minor in the score of the underlying procurement activities, so the effect on competition is presumed to be positive but small.

Paula B. Tregre  
Director  
2101#019

Alan M Boxberger  
Staff Director  
Legislative Fiscal Office

Ad Valorem Taxation  
(LAC 61:V.101, 301, 701, 703, 705, 907, 1103,  
1307, 1503, 2501, 2503, 3103, and 3301)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2021 (2022 Orleans Parish) tax year.

The full text of this proposed Rule may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

**Family Impact Statement**

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Louisiana Tax Commission hereby submits the following Family Impact Statement.

1. The Effect on the Stability of the Family. Implementation of these proposed rules will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parent Regarding the Education and Supervision of Their Children. Implementation of these proposed rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed rules will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed rules will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed rules will have no effect on the behavior and responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in these Proposed Rules. Implementation of these proposed rules will have no effect on the ability of the family or local government to perform this function.

**Poverty Impact Statement**

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### Small Business Statement

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

### Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

### Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules. Written submission must be directed to Michael Matherne, Tax Commission Administrator, LA Tax Commission, 1051 North 3rd St, Room 224, Baton Rouge, LA 70802 or P. O. Box 66788, Baton Rouge, LA 70896 and must be received no later than 4 p.m., February 9, 2021.

### Public Hearing

A public hearing, on this proposed Rule, will be held on Wednesday, February 24, 2021, at 10 am, at the Louisiana State Capitol, 900 North Third St., Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact (225) 219-0339.

Lawrence E. Chehardy  
Chairman

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Ad Valorem Taxation

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules reflect annual changes in valuation procedures for taxation purposes based on the most recent available data. There are no estimated costs or savings associated with the proposed rules for state governmental units. An impact to local governmental workload resulting in an additional administrative costs will occur, but is expected to be minimal.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will result in a decrease of approximately \$10,130,000 in revenue collections for local governments based upon revisions to valuation tables decreasing real and personal property assessments by approximately 1% in total. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset pursuant to millage adjustment provisions of Article VII, Section 23 of the state Constitution.

On average, these revisions will generally decrease certain 2021 real and personal property assessments for property of similar age and condition in comparison with the latest available equivalent assessments. However, the assessments of certain property types will increase compared to prior year. Composite multiplier tables for assessment of most personal property will decrease by an estimated 1%. Specific valuation tables for assessment of pipelines will increase by an estimated 1.5% for both Onshore and Offshore. Oil wells and gas wells on average will decrease by an estimated 2% (Region 1 by 2%, Region 2 by 3% and Region 3 by .5%). Drilling rigs will decrease by an estimated 8.5% (Land rigs by 20%, Jack-Ups by .5%, Semisubmersible rigs by .5% and Well Service Land Only rigs by 13%). The net effect determined by averaging these revisions is estimated to decrease assessments by 1% and

estimated local tax collections by \$10,130,000 in FY 21/22 on the basis of the existing statewide average millage. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be lower in the aggregate in 2021 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses' real and personal property is assessed in the same manner as for all other property owners.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for the updates, any aggregate impact on competition and employment statewide will likely be minimal.

Lawrence E. Chehardy  
Chairman  
2101#023

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Board of Nursing

Advanced Practice Registered Nurses  
(LAC 46:XLVII.Chapter 45)

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. 37:917-918, that the Louisiana State Board of Nursing (LSBN) will update LAC 46:XLVII Chapter 45, Sections 4505, 4507, 4513. The Louisiana State Board of Nursing (LSBN) proposes revisions and technical changes to Chapter 45, Sections 4505, 4507 and 4513. The revisions will align with a federal act that was signed by President Donald Trump and became law on October 24, 2018. The SUPPORT for Patients and Communities Act provides authority for advanced practice registered nurses (APRNs) to prescribe buprenorphine through medication-assisted treatment (MAT). Act 414 of the 2019 Louisiana legislature followed suit in upholding the federal guidelines for APRNs. Louisiana APRNs, within approved collaborative practice agreements with physicians, will be eligible to treat up to 100 patients per year for five years. In addition to MAT, the LSBN will make the following changes listed below:

1) LSBN will align rules and language for the APRN to the Nurse Licensure Compact. This change will allow for APRNs to either hold a current, unencumbered, unrestricted

and valid registered nurse license in Louisiana or hold an active RN multistate license in a compact state other than Louisiana while exercising his/her privilege to practice.

2) LSBN will clarify reference to the Louisiana Pharmacy Practice Act. Due to a change in the Louisiana State Board of Pharmacy rules, LSBN will revise the pharmacy reference in section 4513. The reference is related to formatting prescriptions.

3) A technical change will be made to reflect the cross reference in section 4513. LAC XLV.6515 should read LAC XLV.6915 in the Administrative Procedure Act.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLVII. Nurses: Practical Nurses and Registered Nurses**

##### **Subpart 2. Registered Nurses**

#### **Chapter 45. Advanced Practice Registered Nurses**

##### **§4505. Definitions**

\* \* \*

*Medication Assisted Treatment (MAT)*—the use of Food and Drug Administration (FDA) approved opioid agonist medications for the maintenance treatment of opioid use disorders and opioid agonist medication to prevent relapse to opioid use. MAT is only one aspect of substance use disorder management and is intended to be used in conjunction with evidence based behavioral health interventions such as counseling and other behavioral therapies. In compliance with Act 414 of the 2019 Louisiana legislative session, in order for an APRN to prescribe MAT, the collaborating physician must also be authorized and in compliance with all federal and state laws and rules authorizing MAT.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918. HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:724 (May 2001), amended LR 31:2013 (August 2005), LR 40:60 (January 2014), LR 44:275 (February 2018), LR 47:

##### **§4507. Licensure as Advanced Practice Registered Nurse**

A. - A.1. ...

a. holds a current, unencumbered, unrestricted and valid registered nurse license in Louisiana or holds an active RN multistate license in a compact state other than Louisiana while exercising his/her privilege to practice and there are no grounds for disciplinary proceedings, as stated in R.S. 37:921;

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

a. holds an active, unencumbered, unrestricted and valid registered nurse license in Louisiana or holds an active RN multistate license in a compact state other than Louisiana while exercising his/her privilege to practice;

B.1.b. - C.1.d. ...

e. verification of current unencumbered, unrestricted license in the registered nurse and advanced practice nursing role and population focus directly from the jurisdiction of current or most recent employment as an APRN. Verification of an active RN multistate license in a compact state other than Louisiana meets the requirement for RN licensure in another jurisdiction;

C.1.f. - F.4. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:580 (April 2003), LR 31:1340 (June 2005), LR 31:2015 (August 2005), LR 32:247 (February 2006), LR 37:3027 (October 2011), LR 40:61 (January 2014), LR 42:406 (March 2016), LR 45:1201 (September 2019), LR 47:

##### **§4511. Advanced Practice Registered Nurse Professional Certification Programs**

A. - A.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended LR 31:2023 (August 2005), LR 40:63 (January 2014), LR 47:

##### **§4513. Authorized Practice**

A. - D.1 ...

a. hold a current, unencumbered, unrestricted and valid registered nurse license in Louisiana or holds an active RN multistate license in a compact state other than Louisiana while exercising his/her privilege to practice and has no pending disciplinary proceedings as stated in R.S. 37:921, except as provided in LAC 46:XLVII.3328.A-H;

D.1.b. - D.2.a.v. ...

b. Controlled Substances. The board may authorize an APRN with prescriptive authority to prescribe or distribute controlled substances as defined, enumerated or included in federal or state statutes or regulations 21 CFR 1308.11-15, R.S. 40:964, on an individual practice basis. Upon initial application with the board and request for approval to prescribe controlled substances, the APRN must provide evidence of successful completion of three hours of continuing education approved by the board on controlled substance prescribing practices as delineated in LAC 46:XLVII.4516. Such board approved continuing education shall include instruction relating to drug diversion training, best practices regarding prescribing of controlled substances, and appropriate treatment for addiction. An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written, electronic, oral, or faxed prescriptions for controlled substances and shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LIII.2511 and in the Louisiana Pharmacy Practice Act:

i. an APRN granted authority to prescribe or distribute controlled substances shall not utilize such substances in connection with the treatment of:

(a). chronic or intractable pain, as defined in LAC 46:XLV.6915-6923;

(b). obesity, as defined in LAC 46:XLV.6901-6913;

or

(c). oneself, a spouse, child or any other family member;

D.2.b.ii. - 17.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and



Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR), amended by the Department of Health and Hospitals, Board of Nursing, 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospitals, Board of Nursing, LR 31:2023 (August 2005), LR 33:1870 (September 2007), LR 40:63 (January 2014), LR 40:2249 (November 2014), LR 42:572 (April 2016), amended by the Department of Health, Board of Nursing, LR 44:276 (February 2018), ), LR 45:1202 (September 2019), LR 47:

**Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing 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. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

**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 not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an 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 to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5:00 p.m. on or before January 10, 2021.

Dr. Karen Lyon  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Advanced Practice Registered Nurses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will result in a one-time publication cost of \$350 for the LA State Board of Nursing (LSBN) in FY 21. The proposed rule changes will update LAC XLVII Chapter 45, Sections 4505, 4507 and 4513. These changes will allow LSBN to be in accordance with the SUPPORT for Patients and Communities Act (federal H.R.6 enacted by the 115<sup>th</sup> U. S Congress), that became law on October 24, 2018. The federal act permits Louisiana APRNs, within approved collaborative practice agreements with physicians, to be eligible to treat patients diagnosed with substance use disorders using buprenorphine. Eligible APRNs may treat up to 100 patients per year for five years.. Another proposed change will align LSBN rules with the Nurse Licensure Compact. APRNs are required to either hold a current, unencumbered, unrestricted and valid single state RN license in Louisiana or hold an active RN multistate license in a compact state other than Louisiana as well as an active, unencumbered Louisiana APRN license. One clarification, related to formatting prescriptions, will be made in compliance with the Louisiana Pharmacy Act. Finally, a technical change will be made to reflect the cross reference in 4513. The technical change corrected (a) . chronic or intractable pain, as defined in LAC 46:XLV. 6915 – 6923. The proposed rule changes will authorize APRNs to administer buprenorphine to persons diagnosed with substance abuse disorders.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will authorize APRNs to administer buprenorphine to persons diagnosed with substance abuse disorders.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and employment.

Karen C. Lyon  
Executive Director  
2012#044

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Controlled Dangerous Substance License for Hemp Facility  
(LAC 46:LIII.2701, 2705, and 2707)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend three sections within Chapter 27 of its rules relative to the issuance of a controlled substance license to hemp seed producers, hemp growers, and hemp processors. The proposed change in §2701 inserts a new entry in the list of terms defined in that section and defines a hemp facility. The proposed change in §2705 adds a hemp facility to this section on the issuance of a controlled substance license to a facility and identifies the required documentation on the application. The proposed change in §2707 adds licenses from the Dept. of Agriculture and Forestry to the list of

licenses which are excluded from the requirement for a criminal background check.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

**Subchapter A. General Provisions**

**§2701. Definitions**

A. Words not defined in this Chapter shall have their common usage and meaning as stated in the Merriam Webster's

*Collegiate Dictionary*—Tenth Edition, as revised, and other similarly accepted reference texts. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

\* \* \*

*Hemp Facility*—a facility licensed by the Louisiana Department of Agriculture and Forestry as a hemp seed producer, hemp grower, or hemp processor.

\* \* \*

*LDAF*—Louisiana Department of Agriculture and Forestry, or its successor.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2127 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:569 (April 2020), LR 47:

**§2705. Licenses and Exemptions**

A. - D.3. ...

E. Healthcare Facilities and Hemp Facilities

1. The issuance of a CDS license to a healthcare facility, and the renewal thereof, shall require the possession of a valid and

verifiable license or other credential issued by the department, or its successor.

2. The issuance of a CDS license to a hemp facility, and the renewal thereof, shall require the following:

a. a valid and verifiable license as a hemp seed producer, hemp grower or hemp processor issued by the Louisiana

Department of Agriculture and Forestry (LDAF).

b. documentation verifying applicant's compliance with ISO/IES 17025 accreditation standards.

F. - 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:

**§2707. Licensing Procedures**

A. Application for Initial Issuance of CDS License

1. - 3. ...

4. Applicants not in possession of a valid and verifiable license or other credential from a standing professional board of the State of Louisiana, or from the Department of Health, Bureau of Health Services Financing, Health Standards, or their successors, or from the Louisiana

Department of Agriculture and Forestry, shall submit to a criminal history record check upon request by the board. The applicant shall pay for the cost of the criminal history record check. The board shall evaluate the findings of the report of the criminal history record check prior to the issuance of the CDS license.

A.5. - D.5.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 43:957 (May 2017), LR 46:570 (April 2020), LR

**Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

**Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities

Assistance. The proposed Rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will enable a hemp facility to qualify for a controlled substance license. The reporting and compliance requirements are federal in origin.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will enable a hemp facility to qualify for a controlled substance license. The schedules and deadline for compliance as well as reporting requirements are federal in origin.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. There are no exceptions for small businesses in the reporting requirements which are federal in origin.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule changes will enable a hemp facility to qualify for a controlled substance license. The design and operational standards for facilities holding a controlled substance license are federal in origin.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule changes.

#### Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard,

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.

#### Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 a.m. on Thursday, February 25, 2021 at the Embassy Suites Hotel, located at 4914 Constitution Avenue in Baton Rouge, Louisiana. 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 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J. Broussard  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Controlled Dangerous Substance License for Hemp Facility

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,000 in FY 21. The addition of a new category of CDS license in the Board's licensure information system will incur an annual cost of \$500. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes establish a new category for the state controlled dangerous substance (CDS) license to be issued to a hemp facility. A hemp facility is defined to include a hemp seed producer, hemp grower or hemp processor. The proposed rule changes will require the hemp facility seeking a CDS license to demonstrate compliance with the international accreditation standard for testing and calibration laboratories, ISO/IEC 17025.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

LBP estimates \$1,500 revenue per year from CDS licensing fees. The proposed rule changes will not affect revenue collections of other state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will require the hemp facility seeking a CDS license to demonstrate compliance with the international accreditation standard for testing and calibration laboratories, ISO/IEC 17025. The cost to achieve that designation will vary from one applicant to another and is indeterminable. The acquisition of a state CDS license will qualify the licensee to apply for and obtain the required federal DEA registration necessary to comply with federal and state law.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Malcolm J. Broussard  
Executive Director  
2101#028

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Board of Pharmacy

#### Labeling and Delivery of Marijuana Products (LAC 46:LIII.2443 and 2451)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two sections within Chapter 24 of its rules relative to marijuana pharmacy. The proposed changes in Section 2443 repeals certain standards in the labeling of marijuana products by marijuana producers and instead requires compliance with the labeling standards for such products promulgated by the Dept. of Agriculture and Forestry, and further, permits the use of quick response (QR) codes in the labeling of such products. The proposed changes in Section 2451 repeal the prohibition on the delivery of dispensed marijuana products and sets standards for the delivery of dispensed marijuana products by marijuana pharmacies.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 24. Limited Service Providers

#### Subchapter E. Marijuana Pharmacy

#### §2443. Marijuana Products

A. - D.1.c.v. ...

##### 2. Labeling

a. Each product shall be labeled by the producer prior to its sale to the marijuana pharmacy.

b. Each label shall be securely affixed to the package and shall comply with labeling standards for marijuana products

promulgated by LDAF.

c. The label for each product shall bear a product identification code registered with the board.

d. The producer may utilize a two-dimensional quick response (QR) code or a package insert which is enclosed or attached to the product container to provide the information required in this Section. If the producer elects to use such supplementary labeling, the label affixed to the outer surface of the product container shall contain the following information, at a minimum:

- i. the batch or lot number;
- ii. the potency of any THC or CBD contained therein;
- iii. the net weight;
- iv. the expiration date; and
- v. any caution statements.

E. - E.4.f. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019), LR 46:568 (April 2020), LR 47:

#### §2451. Operation of Marijuana Pharmacy

A. - P. ...

Q. Delivery of Dispensed Marijuana Products. A marijuana pharmacy shall dispense a marijuana product to a

patient or his caregiver in the marijuana pharmacy. At the patient's request, the caregiver may deliver a dispensed marijuana product to the patient's location. At the patient or caregiver's request, the marijuana pharmacy may deliver or facilitate the delivery of a dispensed marijuana product to the patient's location. The delivery of a dispensed marijuana product is subject to the following requirements:

1. The marijuana pharmacy shall not deliver or facilitate the delivery of a marijuana product to a location outside the state.

2. The marijuana pharmacy shall ensure the physical integrity and security of the marijuana product while in transit.

3. In the event the delivery of the marijuana product is not completed, the marijuana product shall be returned to the marijuana pharmacy from which it was dispensed.

4. In the event the pharmacist-in-charge of the marijuana pharmacy cannot assure the integrity and security of a returned marijuana product, the pharmacy shall dispose of the marijuana product.

R. - U. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR 47:

#### Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

#### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule change does not change the current compliance or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule change does not change the current schedule or deadline for compliance or reporting requirements.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule change does not change the current compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule change establishes performance standards for marijuana pharmacies intending to deliver dispensed marijuana products to its patients.

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.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, 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.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 a.m. on Thursday, February 25, 2021 at the Embassy Suites Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana. 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 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Labeling and Delivery of Marijuana Products**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$1,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental.

The propose rule changes repeal certain redundant labeling standards for the labeling of marijuana products by marijuana producers and require compliance with the labeling standards for those products promulgated by the Dept. of Agriculture & Forestry. The proposed rule changes also repeal the prohibition on the delivery of dispensed marijuana products and establishes standards for the delivery of dispensed marijuana products by marijuana pharmacies.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will benefit marijuana producers by the repeal of certain redundant labeling standards for their products. The proposed rule changes will benefit patients using marijuana products by allowing marijuana pharmacies to deliver dispensed marijuana products to their location.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed rule changes will have no effect on competition or employment.

Malcolm J. Broussard  
Executive Director  
2101#027

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Pharmacists, Pharmacies and Prescriptions  
(LAC 46:LIII.Chapters 5, 11, 24, 25 and 27)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend several sections of its rules relative to pharmacists, pharmacies and prescriptions. Pursuant to Act 454 of the 2018 Legislature, the board conducted a public hearing on June 26, 2019 to solicit comments and testimony as to whether any of its rules were contrary to law, outdated, unnecessary, overly complex or burdensome. Subsequent to its evaluation of those comments, the board solicited additional stakeholder input in formulating these proposed rule changes. The proposed changes in §521 update and simplify the rule relative to medication administration. The proposed changes in §1103 removed outdated minimum specifications for prescription departments. The proposed changes in §1105 provides additional time for the reporting of changes in the pharmacist-in-charge at pharmacies to the board. The proposed change in §1107 provides that no person credentialed by the board may be forced to practice pharmacy for longer than six hours without a rest break. The proposed changes in §1123 permit the disposal of hard copy prescription records after they have been imaged and stored in the electronic recordkeeping system and make technical corrections. The proposed change in §1131 removes an outdated requirement relative to applications for pharmacy permits. The proposed changes in §2425 remove outdated minimum specifications for prescription departments in telepharmacy dispensing sites, provides that pharmacy technician candidates may not practice in such sites, clarify the patient counseling requirements in such sites, and make technical corrections. The proposed changes in §2511 remove a provision relative to facsimile prescriptions which expired in December 2016. The proposed changes in §2513 clarify the responsibilities of pharmacists receiving and verifying prescriptions. The proposed change in §2521 extends the quantity of medication which a pharmacist may dispense pursuant to an emergency refill. The proposed changes in §§2519, 2525, 2745 and 2747 extend the expiration date of prescriptions for controlled substances listed in Schedule V from six months to one year in conformance with the federal rules and make technical corrections.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 5. Pharmacists**

**Subchapter B. Professional Practice Procedures**

**§521. Administration of Medications**

A. Pharmacists and pharmacy interns who intend to administer medications to their patients shall obtain a medication administration registration from the board prior to engaging in such activity. Pharmacy interns in possession of the medication administration registration may only administer medications while under the supervision of a pharmacist in possession of a medication administration registration.

B. Medication Administration Registration

1. Eligibility

a. The applicant shall possess a pharmacist license or pharmacy intern registration issued by the board; and further, such credential shall be active and valid for practice.

b. The applicant shall demonstrate current life safety certification by the American Heart Association through its Basic Cardiac Life Support (BLS) for Healthcare Providers course, or its successor, or by a board-approved equivalent.

c. The applicant shall demonstrate successful completion of a certificate program for medication administration which has been approved by the board. The board may approve any program which is an evidence-based didactic course that meets current Centers for Disease Control and Prevention (CDC) training guidelines, or other guidelines as designated by the board, and provides a minimum of 20 hours of instruction and experiential training in the following content areas:

- i. standards for medication administration practices;
- ii. basic immunology;
- iii. recommended medication administration schedules;
- iv. vaccine storage and management;
- v. informed consent;
- vi. physiology and techniques for medication administration;
- vii. pre- and post-administration assessment and counseling;
- viii. medication administration record management; and
- ix. management of adverse events, including identification and appropriate response, as well as documentation and reporting.

2. Application for Initial Issuance

a. The applicant shall complete the application form supplied by the board and furnish the information requested.

b. The applicant shall retain evidence of their education, training and continuing competency; and further, shall furnish copies of such documentation upon request by the board.

c. The board shall issue the registration with an expiration date matching the expiration date of the life safety certification card supplied with the application.

3. Renewal

a. In the event the pharmacist license or pharmacy intern registration expires before the expiration date of the medication administration registration, then the authority to administer medications shall terminate. The authority to administer medications requires the primary credential as well as the medication administration registration to be active at the same time.

b. The renewal of an expired medication administration registration requires documentation of a current life safety certification as described above.

c. To maintain continuing competency for medication administration, the pharmacist shall acquire at least one hour of continuing education per year related to this topic. Continuing education activities obtained for this purpose shall be acquired from a provider accredited by the Accreditation Council for Pharmacy Education (ACPE); and further, the credit earned for such programs may be included within the total number of credits required to renew the pharmacist license.

C. Vaccines.

1. The pharmacist shall maintain and furnish the following information to the practitioner within 24 hours of the administration:

- a. name and address of the patient;
- b. age of the patient, if under 14 years of age;
- c. name of the patient's primary care physician as provided by the patient or patient's agent;
- d. name, manufacturer, and lot number of the vaccine administered;
- e. amount administered;
- f. date of vaccine administration;
- g. site of vaccine administration;
- h. route of administration; and
- i. name, address, and telephone number of the pharmacist administering the vaccine.

2. The immunizing pharmacist or his designee shall report the immunization to the state immunization registry within 72 hours of the administration of the immunization.

D. Pharmacies hosting immunization activities, as well as pharmacists administering immunizations in a location other than a pharmacy, shall comply with the following minimum standards.

1. There shall be sufficient staffing available for the pharmacist to administer the immunization and monitor the patient afterward without distraction from other responsibilities.

2. To facilitate emergency management of anaphylactic reactions, there shall be adequate supplies of medication and equipment, as well as pre-determined procedures for the arrangement of emergency medical services.

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 1989, amended LR 29:2085 (October 2003), effective January 1, 2004, LR 34:1409 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 46:578 (April 2020), LR 47:

## Chapter 11. Pharmacies

### Subchapter A. General Requirements

#### §1103. Prescription Department Requirements

A. A prescription department of a pharmacy shall provide sufficient floor space, fixtures, equipment and supplies commensurate with the nature and scope of the pharmacy's practice to ensure that drugs are compounded and dispensed in a well-lighted, ventilated, climate controlled, and safely enclosed structure.

B. Restricted. A prescription department is a restricted area.

C. Prescription Department Plumbing. A sink equipped with hot and cold running water shall be located within the prescription department. A sink located in a pharmacy restroom shall not be sufficient to satisfy this requirement.

D. Electronic Record Keeping System. An electronic record keeping system shall be utilized in a pharmacy department and shall be a complete, accurate, and readily retrievable prescription record keeping and storage system.

E. Drug Inventory

1. Storage. The pharmacy shall provide an adequate prescription inventory in order to compound and dispense prescription orders. Drugs that require special storage shall be properly stored.

2. Missing or Damaged Inventory. When significant drug inventory is missing or damaged for any reason, the pharmacy owner or pharmacist-in-charge shall file with the board a signed statement of the circumstances of such occurrence and evidence that the appropriate law enforcement authorities were notified as required by law.

F. Pharmacy Security. The prescription department or the premises housing the prescription department shall be adequately secured by the installation of partitions and secured entrances, which shall be locked by a pharmacist and made inaccessible when the prescription department is closed. The prescription department or any premises housing a prescription department shall be adequately secured by an alarm system.

G. Emergency Access. An additional key to the prescription department may be maintained in a secure location outside the prescription department for use during an emergency. A log shall be maintained with the key, indicating the name of each non-pharmacist using this key, the date and time of entry, and the nature of the emergency.

H. References. The current edition of the Louisiana Board of Pharmacy Laws and Regulations shall be maintained and readily available within the prescription department of a pharmacy. The pharmacy shall maintain access to current and appropriate reference materials pertinent to the pharmacy practice, including but not limited to, veterinary pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:

#### §1105. Pharmacist-in-Charge

A. - H. ...

I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 30 days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 30 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least 10 days prior to the voluntary departure, unless replaced in a shorter period of time.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, LR 38:1239 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:

### **§1107. Pharmacy Operation**

A. - B. ...

C. No person credentialed by the board shall be required to engage in the practice of pharmacy for a period of time longer than six hours without a rest break.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, amended LR 34:1408 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 47:

### **Subchapter B. Pharmacy Records**

#### **§1123. Records**

A. - A.4. ...

B. A pharmacy may use one of the following types of pharmacy information systems.

1. A system that utilizes the original hard copy prescription or chart order to document the initial dispensing, but utilizes a computerized system to dispense refills that does not document the positive identification of the pharmacist responsible for the practice of pharmacy. In order to document positive identification, this system shall require the manual signature or initials of a pharmacist on a hard copy record as specified in Subsection E of this Section.

B.2. - J.4. ...

5. The prescription is not for a controlled dangerous substance.

K. - K.1. ...

2. For those pharmacies utilizing an electronic imaging system as described in Subsection J of this Section, written prescription drug order forms may be disposed of in a manner which protects the confidentiality of protected health information.

K.3. - L.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:2090 (October 2003), effective January 1, 2004, LR 36:755 (April 2010), LR 40:2253 (November 2014),

effective January 1, 2015, amended by the Department of Health, Board of Pharmacy, LR 46:580 (April 2020), LR 47:

### **Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location Procedures**

#### **§1131. Pharmacy Opening Procedures**

A. The board has established the following procedures as a prerequisite to the opening of any pharmacy:

1. Application Form. The applicant shall obtain the appropriate application form(s) from the board. The completed form(s) shall be signed by the pharmacist-in-charge and returned to the board office, with appropriate fees, not less than 30 days prior to the anticipated opening of the pharmacy.

2. - 3. ...

4. repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2091 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:

### **Chapter 24. Limited Service Providers**

#### **Subchapter C. Telepharmacy Services**

#### **§2425. Telepharmacy Dispensing Site**

A. - C.2. ...

D. Closure of Permit

1. When the owner of the permit intends to close the telepharmacy dispensing site permanently, the owner's managing officer and the pharmacist-in-charge shall be accountable to the board for the proper closure of the pharmacy in compliance with §1133 of this Part.

2. ...

E. Standards of Practice

1. Environmental Standards

a. The prescription department shall consist of sufficient space commensurate with the nature and scope of the pharmacy's practice; this space shall be restricted to authorized personnel only and not accessible to the general public.

b. - g. ...

2. Minimum Staffing Requirements

a. The pharmacist-in-charge of the supervising central pharmacy shall be the pharmacist-in-charge of the telepharmacy dispensing site, and this requirement shall operate as an exception to the contrary provisions of §1105 of this Part. However, the pharmacist-in-charge shall comply with the remaining provisions of §1105 of this Part.

b. - c. ...

d. A pharmacy intern or pharmacy technician candidate may not practice at a telepharmacy dispensing site.

e. ...

3. Operational Standards

a. The telepharmacy dispensing site shall comply with the provisions of Chapters 11, 25, 27 and 29 of this Part except when this Subchapter grants exceptions or imposes more stringent requirements.

E.3.b. - E.3.f. ...

g. A pharmacist shall comply with the rules for drug utilization review and patient counseling in Chapter 5 of this Part, using HIPAA compliant technology in the telepharmacy system.



E.3.h. - E.4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 21:2149 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 46:586 (April 2020), LR 47:

## **Chapter 25. Prescriptions, Drugs, and Devices**

### **Subchapter B. Prescriptions**

#### **§2511. Prescriptions and Chart Orders**

A. - B. ...

C. Written Prescriptions. A written prescription shall conform to the following format:

1. - 4. ...

5. Receipt via Facsimile

a. Pharmacies may elect to receive written prescriptions via a facsimile machine located within the prescription department. The paper used to print such prescriptions shall produce a non-fading image. The pharmacy may elect to scan such documents in compliance with the provisions of §1123 of this Part.

b. may elect to receive written prescriptions via electronic facsimile directly within their pharmacy information system. The pharmacy shall retain such records in compliance with §1123 of this Part.

c. Repealed.

d. Repealed.

C.6. - F.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2102 (October 2003), effective January 1, 2004, LR 41:98 (January 2015), LR 41:2147 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 43:2162 (November 2017), LR 46:585 (April 2020), LR 47:

#### **§2513. Prescription Receipt and Verification of Prescription Drug Orders and Chart Orders**

A. The receiving pharmacist is responsible for verification of the authenticity of the prescription.

B. The dispensing pharmacist is responsible for the accuracy of the medications or devices dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2103 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:

#### **§2519. Prescription Refills; Medication Synchronization and Refill Consolidation**

A. - B. ...

C. Controlled Dangerous Substances

1. ...

2. A prescription for a drug listed in Schedule III or IV may be refilled up to five times, if so indicated at the time issued.

3. A prescription for a drug listed in Schedule V may be refilled if so indicated at the time issued subject to the one-year expiration date of the prescription.

D. Medication Synchronization and Refill Consolidation. These terms refer to a service which a pharmacist may perform for his patient, at the request of the

patient, wherein he may proactively adjust the medication dispensing quantity and/or the refill schedule of a prescription in order to manage the patient's medication therapy, with the goal of improved medication adherence by the patient.

1. ...

2. With respect to prescriptions for controlled substances where refills have been authorized, pharmacists may utilize partial fills, as described in §2747.C.5 of this Part, but may not exceed the dispensing quantity noted on the original prescription.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 42:1519 (September 2016), LR 46:575 (April 2020), LR 47:

#### **§2521. Emergency Refills**

A. Using sound professional judgment, a pharmacist may refill adequate medication for a quantity not to exceed a 30-day supply when an emergency for medication has been adequately demonstrated and the prescribing practitioner is not available. The 30-day supply limitation shall not apply to multiple-dose unit-of-use containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 47:

#### **§2525. Prescription Expiration**

A. A prescription for a drug other than a controlled dangerous substance listed in Schedules II through IV shall expire one year after the date written.

B. A prescription for a controlled dangerous substance shall expire:

1. ...

2. six months after the date of issue if the drug is listed in Schedule III or IV.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:

## **Chapter 27. Controlled Dangerous Substances**

### **Subchapter F. Production, Distribution and Utilization**

#### **§2745. Prescriptions**

A. - G.1.e. ...

2. Expiration Date of Prescriptions

a. A prescription for a controlled substance listed in Schedule III or IV shall expire six months after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

b. A prescription for a controlled substance listed in Schedule V shall expire one year after the date of issue, or following the acquisition of the number of refills authorized

by the prescriber on the original prescription, whichever shall first occur.

c. No pharmacist shall dispense any controlled substances pursuant to an expired prescription.

### 3. Refilling of Prescriptions

a. The prescriber may authorize the refilling of a prescription for a controlled substance listed in Schedule III or IV by including specific refill instructions on the prescription prior to its issuance. The maximum number of refills the prescriber may authorize is five.

b. The prescriber may authorize the refilling of a prescription for a controlled substance listed in Schedule V by including specific refill instructions on the prescription prior to its issuance. There is no limitation on the number of refills the prescriber may authorize, subject however to the one year expiration date of the prescription.

c. In the absence of specific refill instructions on the original prescription from the prescriber, the prescription shall not be refilled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:

## §2747. Dispensing Requirements

A. - C.2.c. ...

### 3. Expiration Date

a. A prescription for a controlled substance listed in Schedule III or IV shall expire six months after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

b. A prescription for a controlled substance listed in Schedule V shall expire one year after the date of issue, or following the acquisition of the number of refills authorized by the prescriber on the original prescription, whichever shall first occur.

c. No pharmacist shall dispense any controlled substance pursuant to an expired prescription.

### 4. Refilling of Prescriptions

a. No prescription for a controlled substance listed in Schedule III or IV shall be filled or refilled more than six months after the date on which such prescription was issued and no such prescription authorized to be refilled may be refilled more than five times. No prescription for a controlled substance listed in Schedule V shall be filled or refilled more than one year after the date on which such prescription was issued.

b. - c.v. ...

5. Partial Filling of Prescriptions. The partial filling of a prescription for a controlled substance listed in Schedule III, IV, or V is permissible, provided that:

a. - b.ii. ...

c. no dispensing shall occur more than six months after the date on which the prescription for a controlled substance listed in Schedule III or IV was issued, or more than one year after the date on which a prescription for a controlled substance listed in Schedule V was issued.

### 6. Labeling of Medications and Filing of Prescriptions

a. -d. ...

e. All prescription forms shall be maintained in accordance with the requirements of Paragraph 2731.B.7 of this Chapter.

C.7. - C.8.a.i. ...

ii. ensure that all information required to be on a prescription pursuant to Subsection 2745.C of this Chapter is transmitted to the central fill pharmacy (either on the face of the prescription or in the electronic transmission of information);

C.8.a.iii. - D.4. ...

5. a bound record book for dispensing of controlled substances under this Paragraph is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who dispensed the controlled substance to the purchaser; further the book shall be maintained in conformance with the recordkeeping requirements identified in Paragraph 2731.B.7 of this Chapter;

D.6. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:

### Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes provide less stringent reporting requirements relative to the change of the pharmacist-in-charge of a pharmacy.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes provide less stringent schedule for reporting the change of a pharmacist-in-charge of a pharmacy to the Board.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes simplify the recordkeeping requirements for pharmacies.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule changes remove outdated minimum physical specifications for prescription departments in pharmacies.

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.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, 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.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 a.m. on Thursday, February 25, 2021 at the Embassy Suites Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana. 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 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacists, Pharmacies and Prescriptions**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,400 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed changes in Section 521 update and simplify the rule relative to medication administration. The proposed changes in Section 1103 removed outdated minimum specifications for prescription departments. The proposed changes in Section 1105 provides additional time for the reporting of changes in the pharmacist-in-charge at pharmacies to the Board. The proposed change in Section 1107 provides that no person credentialed by the Board may be forced to practice pharmacy for longer than six hours without a rest break. The proposed changes in Section 1123 permit the disposal of hard copy prescription records after they have been imaged and stored in the electronic recordkeeping system and make technical corrections. The proposed change in Section 1131 removes an outdated requirement relative to applications for pharmacy permits. The proposed changes in Section 2425 remove outdated minimum specifications for prescription departments in telepharmacy dispensing sites, provides that pharmacy technician candidates may not practice in such sites, clarify the patient counseling requirements in such sites, and make technical corrections. The proposed changes in Section 2511 remove a provision relative to facsimile prescriptions which expired in December 2016. The proposed changes in

Section 2513 clarify the responsibilities of pharmacists receiving and verifying prescriptions. The proposed change in Section 2521 extends the quantity of medication which a pharmacist may dispense pursuant to an emergency refill. The proposed changes in Sections 2519, 2525, 2745 and 2747 extend the expiration date of prescriptions for controlled substances listed in Schedule V from six months to one year in conformance with the federal rules and make technical corrections.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit patients by providing larger dispensing quantities for emergency refills and providing longer expiration dates for certain prescriptions. The proposed rule changes will benefit pharmacists by clarifying their professional responsibilities relative to the receipt and verification of prescriptions as well as patient counseling in telepharmacy dispensing sites. The proposed rule changes will also benefit pharmacists and other pharmacy personnel by providing for rest breaks in pharmacies. The proposed rule changes will benefit pharmacies by removing outdated physical specifications in prescription departments, streamlining recordkeeping requirements, and providing less stringent reporting requirements for reporting personnel changes to the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Malcolm J. Broussard  
Executive Director  
2101#025

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Board of Pharmacy

State of Emergency (LAC 46:LIII.521)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Section 519 of its rule relative to a state of emergency. The proposed change in Subsection A adds a gubernatorial declaration of a public health emergency to the existing declaration of a disaster emergency as events which activate the special provisions in Section 519. The proposed change in Paragraph A.1 increases the amount of medication which may be dispensed for an emergency prescription from a 30-day supply to a 90-day supply. The proposed change in Paragraph A.2 authorizes a pharmacist licensed elsewhere but not in this state who wishes to participate in a disaster relief effort in this state to obtain a special work permit from the board.

## Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

### Part LIII. Pharmacists

#### Chapter 5. Pharmacists

#### Subchapter B. Professional Practice Procedures

#### §519. State of Emergency

A. When the Governor issues, or renews, a state of emergency pursuant to the Emergency Assistance and Disaster Act of 1993, R.S. 29:721 et seq. or a state of public health emergency pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.:

1. A pharmacist may dispense an emergency prescription of up to a 90-day supply of a prescribed medication if:

a. in the pharmacist's professional opinion the medication is essential to the maintenance of life or to the continuation of therapy; and

b. the pharmacist makes a good faith effort to reduce the information to a written prescription marked "emergency prescription", then file and maintain the prescription as required by law.

2. A pharmacist not licensed in Louisiana, but currently licensed in another state, may dispense prescription medications in the affected parish(es) during the time a state of emergency exists when:

a. the pharmacist has some type of identification to verify current unrestricted licensure in another state;

b. the pharmacist has obtained a special work permit from the board;

c. the pharmacist is engaged in a legitimate relief effort during the emergency period; and

d. the pharmacist and pharmacy notify the board of their presence and approximate location in the affected parish or parishes prior to the engagement of professional practice.

B. The authority provided for in this Section shall cease with the termination of the state of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2085 (October 2003), effective January 1, 2004, LR 33:1125 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 47:

#### Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule changes will have no effect on the

authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### **Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on compliance or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule changes go not contain design or operational standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, 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.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 a.m. on Thursday, February 25, 2021 at the Embassy Suites Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana. 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 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: State of Emergency**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$1,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or ocal governmental units.

The proposed rule changes amend the rule relative to a state of emergency by adding public health emergencies to disaster declarations as events which may trigger the rule's provisions, increases the amount of medication which may be dispensed for emergency prescriptions, and streamlines credentialing procedures during a state of emergency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit patients by allowing pharmacists to dispense a larger supply of medications during declared emergencies. Pharmacists licensed elsewhere but not in this state and seeking to assist in disaster relief efforts will benefit with streamlined credentialing procedures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Malcolm J. Broussard  
Executive Director  
2101#026

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

Crisis Receiving Centers—Licensing Standards  
(LAC 48:I.Chapters 53 and 54)

The Department of Health, Bureau of Health Services Financing proposes to amend the LAC 48:I.Chapters 53 and 54 as authorized by R.S. 36:254 and R.S. 40:2180.11 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing licensing standards for crisis receiving centers (CRCs) in order to clarify the language in the administrative Rule and add provisions for emergency preparedness and infection control, optional participation in the Patient Compensation Fund, physical environment requirements, and inactivation of the CRC license due to a non-declared emergency or disaster.

**Title 48  
PUBLIC HEALTH—GENERAL  
Part I. General Administration**

**Subpart 3. Licensing**

**Chapter 53. Level III Crisis Receiving Centers**

**Subchapter A. General Provisions**

**§5301. Introduction**

A. - A.3. ...

B. The purpose of a CRC is to provide intervention and stabilization services in order for the client to achieve stabilization and be discharged and referred to the lowest appropriate level of care that meets the client's needs. The estimated length of short term stay in a CRC is 3-7 days.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:101 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**§5303. Definitions**

\* \* \*

*Cessation of Business*—provider is non-operational and/or has stopped offering or providing services to the community.

*Change of Ownership (CHOW)*—the addition, substitution, or removal, whether by sale, transfer, lease, gift or otherwise, of a licensed health care provider subject to this rule by a person, corporation, or other entity, which results in a change of ownership (CHOW) or change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

\* \* \*

*Department*—the Louisiana Department of Health.

\* \* \*

*Disaster or Emergency*—a local, community-wide, regional or statewide event that may include, but is not limited to:

1. - 8. ...

9. declared public health crisis.

*Division of Administrative Law (DAL)*—the Division of Administrative Law or its successor entity.

\* \* \*

*HSS*—the Health Standards Section of the Department of Health, Office of the Secretary, Office of Management and Finance.

\* \* \*

*Level III Crisis Receiving Center (or Center or CRC)*—an agency, business, institution, society, corporation, person or persons, or any other group, licensed by the Department of Health to provide crisis identification, intervention and stabilization services for people in behavioral crisis. CRCs receive, examine, triage, refer, or treat people in behavioral health crisis. A CRC shall have no more than:

- a. 36 chairs for crisis stabilization/observation; and
- b. 24 beds for short term stay (three to seven days).

Note: Refer to physical environment Section of this Chapter for physical space requirements.

\* \* \*

*Major Alteration*—any repair or replacement of building materials and equipment which does not meet the definition of minor alteration.

\* \* \*

*Minor Alteration*—repair or replacement of building materials and equipment with materials and equipment of a similar type that does not diminish the level of construction below that which existed prior to the alteration. This does not include any alteration to the function or original design of the construction.

*OBH*—the Department of Health, Office of Behavioral Health.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:102 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### **Subchapter B. Licensing**

#### **§5311. Initial Licensure Application Process**

A. ...  
B. A person/entity/organization applying for an initial license must submit a completed initial licensing application packet which shall include:

1. - 6. ...
7. except for governmental entities or organizations, proof of financial viability, comprised of the following:
  - a. ...
  - b. general liability insurance of at least \$500,000 per occurrence;
  - c. worker's compensation insurance in the amount as required by state law;
  - d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):
    - i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and
    - e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

B.8. - C.2. ...  
D. Once the initial licensing application is approved by LDH, notification of such approval shall be forwarded to the applicant.

E. The applicant shall notify LDH of initial licensing survey readiness within the required 90 days of receipt of application approval. If an applicant fails to notify LDH of initial licensing survey readiness within 90 days, the application will be closed.

F. - H.4. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:104 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

#### **§5317. Changes in Licensee Information or Personnel**

A. - A.4. ...  
B. Any change to the CRC's name or "doing business as" name requires the applicable nonrefundable fee for the issuance of an amended license with the new name.  
C. - E.3. ...  
F. Any request for a duplicate license shall be accompanied by the applicable fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

#### **§5319. Renewal of License**

A. ...  
B. To renew a license, the CRC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet includes:

1. - 5. ...
6. except for governmental entities or organizations, proof of financial viability, comprised of the following:
  - a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000;
  - b. general liability insurance of at least \$500,000 per occurrence;
  - c. worker's compensation insurance in the amount as required by state law;
  - d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):
    - i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and
    - e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent).

C. - G.3.d. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

#### **§5327. Cessation of Business**

A. Except as provided in §5407 and §5409 of these licensing regulations, a license shall be immediately null and void if a provider ceases to operate.

B. - H. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:108 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### **Subchapter C. Organization and Administration**

#### **§5337. General Provisions**

A. Purpose and Organizational Structure. The CRC shall develop and implement a statement maintained by the center that clearly defines the purpose of the CRC. The statement shall include:

1. - 3. ...
  4. the geographic area served;
- A.5. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:110 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### §5339. Governing Body

A. - B.4. ...

C. The responsibilities of a CRC's governing body include, but are not limited to:

1. - 7. ...

8. informing the department, or its designee, prior to initiating any substantial changes in the services provided by the center;

9. ensuring statewide criminal background checks are conducted as required in this Chapter and state law; and

10. ensuring verification of the Louisiana Adverse Action website and the nurse aide registry for direct care staff as required in this Chapter and state law.

D. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### §5341. Policies and Procedures

A. Each CRC shall develop, implement and comply with center-specific written policies and procedures governing all requirements of this chapter, including, but not limited to the following areas:

1. - 18. ...

19. infection control practices that meets current state and federal infection control guidelines;

20. - 25. ...

B. A center shall develop, implement and comply with written personnel policies in the following areas:

1. - 11. ...

12. obtaining criminal background checks, adverse action, and registry checks.

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### Subchapter E. Personnel

#### §5357. General Requirements

A. - D.3. ...

E. The CRC shall review the Louisiana state nurse aide registry and the Louisiana direct service worker registry included in the Louisiana Adverse Action website, or its successor, to ensure that each unlicensed direct care staff member prior to hire or employment and at least annually thereafter, does not have a negative finding on either registry.

F. - F.1.b. ...

2. The center providing services to adults is prohibited from knowingly employing or contracting with, or retaining the employment of or contract with, a member of the direct care staff who:

a. - a.v. ...

b. has a finding placed on the Louisiana state nurse aide registry or the Louisiana direct service worker registry on the Louisiana Adverse Action website, or its successor.

G. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:113 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### Subchapter G. Program Operations

#### §5375. Treatment Services

A. A CRC shall:

1. ...

2. operate no more than 24 licensed beds;

3. operate no more than 36 chairs/recliners for observation and crisis stabilization

4. provide services to either adults or minors but not both; and

a. - f. Repealed.

5. provide services that include, but are not limited to:

a. emergency screening;

b. assessment;

c. crisis intervention and stabilization;

d. 24 hour observation;

e. medication administration; and

f. referral to the most appropriate and least restrictive setting available consistent with the client's needs.

B. Short term stay. A CRC shall admit clients for a short term stay with an estimated length of 3-7 days. If a greater length of stay is needed, the CRC shall maintain documentation of clinical justification for the extended stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:118 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

#### §5383. Food and Diet

A. - A.9. ...

B. The CRC may provide meal service and preparation pursuant to a written agreement with an outside food management company. If provided pursuant to a written agreement, the CRC shall:

1. - 2. ...

3. ensure that the outside food management company possesses a valid OPH retail food permit and meets all requirements for operating a retail food establishment that serves a highly susceptible population, in accordance with the special requirements for highly susceptible populations as promulgated in the current *Louisiana Sanitary Code* provisions governing food display and service for retail food establishments; and

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:119 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### Subchapter I. Physical Environment

#### §5397. Interior Space

A. - N.6. ...

O. Observation area(s)

1. The CRC shall have one or more spaces for the placement of chair/recliners in an observation area. This space may be of a permanent configuration or may be re-arranged based on the needs of the clients in the CRC. There shall be at least three feet between each chair and at least six



feet at the foot of each chair/recliner. The head of the chair/recliner may be positioned at a wall.

P. Smoking

1. The CRC shall prohibit smoking in the interior of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:121 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**Chapter 54. Crisis Receiving Centers**

**Subchapter A. Safety and Emergency Preparedness**

**§5403. Infection Control**

A. ...

B. The CRC shall have an active Infection Control Program that requires:

1. reporting of infectious disease in accordance with current OPH and federal guidelines;

2. - 3. ...

4. a designated infection control coordinator who:

a. ...

b. develops and implements policies and procedures governing the infection control program that is compliant with most recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster;

c. takes universal precautions, including proper handwashing and face masks, as needed; and

B.4.d. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:123 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**§5405. Emergency Preparedness**

A. The CRC shall have a written emergency preparedness plan to:

1. maintain continuity of the center's operations in preparation for, during and after an emergency or disaster;

2. manage the consequences of all disasters or emergencies that disrupt the center's ability to render care and treatment, or threaten the lives or safety of the clients; and

3. comply with recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster.

B. - D.8.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**§5407. Inactivation of License due to a Declared**

**Disaster or Emergency**

A. A CRC located in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the center:

1. submits written notification to HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. ...

b. the CRC intends to resume operation as a CRC in the same service area; and

c. the CRC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

A.1.d. - B. ...

C. In order to obtain license reinstatement, a CRC with a department-issued notice of inactivation of license shall:

1. submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening that includes:

a. the anticipated date of reopening, and a request to schedule a licensing survey;

b. - c. ...

2. The CRC shall resume operating in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**§5409. Inactivation of License due to a Non-Declared  
Emergency or Disaster**

A. A CRC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the CRC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the CRC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the facility intends to resume operation as a CRC in the same service area;

c. the CRC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the inactivation due to a non-declared emergency or disaster does not exceed one year receipt of notice of approval of renovation/construction plans by OSFM and OPH as required;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the CRC requires an extension of this timeframe due to circumstances beyond the CRC's control, upon written request, the department may consider an extended time period to complete construction or repairs. Such written request for extension shall show the CRC's active efforts to complete construction or repairs and the reasons for request for extension of the CRC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the CRC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the CRC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the CRC license due to a non-declared emergency or disaster, the department shall issue a notice of inactivation of license to the CRC.

C. Upon the CRC's receipt of the department's approval of request to inactivate the license, the CRC shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the CRC to OSFM and OPH as required.

D. The CRC shall resume operating as a CRC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the CRC, a CRC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the CRC shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of re-opening and shall request scheduling of a licensing or physical environment survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate a CRC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the CRC has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership of the CRC shall occur until such CRC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as a CRC.

H. The provisions of this Section shall not apply to a CRC that has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the CRC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

#### **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 Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 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 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 to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2021.

#### **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 February 9, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8 a.m. on February 25, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Crisis Receiving Centers  
Licensing Standards**

**Title 48  
PUBLIC HEALTH—GENERAL  
Part I. General Administration  
Subpart 5. Health Planning**

**Chapter 125. Facility Need Review  
Subchapter D. Relocation of Nursing Facility Beds  
§12529. General Provisions**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$2,700 will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing licensing standards for crisis receiving centers (CRCs) in order to clarify the language in the administrative Rule and add provisions for emergency preparedness and infection control, optional participation in the Patient Compensation Fund, physical environment requirements, and inactivation of the CRC license due to a non-declared emergency or disaster. This Rule is anticipated to have no impact on small businesses as these provisions are currently in practice for these providers and are consistent with other licensing rules. It is anticipated that implementation of this proposed Rule will not result in any costs to crisis receiving centers in FY 20-21, FY 21-22, and FY 22-23, but will be beneficial by ensuring that the provisions are clearly promulgated in the Louisiana Administrative Code.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Cecile Castello, BSN, RN  
Deputy Assistant Secretary  
2101#047

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

**Facility Need Review—Relocation of Nursing Facility Beds  
(LAC 48:I.12529)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.12529 as authorized by R.S. 36:254 and 40:2116. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the facility need review (FNR) process in order to allow the department to approve a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building.

A. A nursing facility's approved beds (Medicaid facility need review approvals) cannot be relocated to a different service area, subject to the exceptions in Section 12529.C and Section 12529.D below.

B. - C.1.i. ...

D. In addition to Paragraphs B and C of this Section, Medicaid FNR approvals of an existing licensed and certified nursing facility that is awaiting the completion of a replacement nursing facility building, may be temporarily relocated to a licensed building that may be outside of the service area or parish of the existing FNR approved service area or parish under the following conditions.

1. The department may approve a one-time temporary relocation of a nursing facility's Medicaid FNR approvals to another licensed building that may be outside the existing FNR approved service area or parish, provided that all of the following provisions are met:

a. The relocating nursing facility shall send a written request to the department's Health Standards Section at least 30 days before the proposed temporary relocation outside the existing FNR approved service area or parish, for the department's review and approval. This request shall include all good cause grounds for the temporary relocation of the Medicaid FNR approvals. The department will determine if approval of the temporary relocation will be granted.

b. The nursing facility shall not temporarily relocate to a licensed building located in a service area or parish that is greater than 100 miles from the existing licensed service area or parish of the nursing facility.

c. The temporarily relocating nursing facility shall maintain the same number of licensed and Medicaid FNR approved beds as prior to the relocation.

d. All temporarily relocated Medicaid FNR approvals of the licensed and certified nursing facility are subject to compliance with all state and federal licensure/certification guidelines and procedures.

e. The temporary location shall be in compliance with all licensing and certification standards for nursing facilities, and receive a temporary nursing facility license issued by the department.

f. The temporary license shall expire 6 months from the date of issuance and the facility shall relocate to its new replacement nursing facility building during that period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2619 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1009 (May 2010), amended by the Department of Health, Bureau of Health Services Financing LR 46:953 (July 2020), LR 47:

### 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 Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 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 will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on March 1, 2021.

### 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 February 9, 2021. 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 February 25, 2021 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 February 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Facility Need Review—Relocation of Nursing Facility Beds

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21, as the rule will not result in an increase in licensed nursing facility beds and will not result in an increase in Medicaid Facility Need Review Approvals. It is anticipated that \$648 will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the facility need review (FNR) process in order to allow the department to approve a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers and will have no impact on small businesses in FY 20-21, FY 21-22 and FY 22-23, as the rule will not result in an increase in licensed nursing facility beds and will not result in an increase in Medicaid Facility Need Review Approvals.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello, BSN, RN  
Deputy Assistant Secretary  
2012#048

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

Nursing Facilities  
Supplemental Payments  
Non-State Governmental Organizations  
(LAC 50:II.20029)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:II.20029 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for nursing facilities in order to remove a facility that is no longer owned or operated by a

non-state governmental organization (NSGO) from the list of NSGO facilities qualified to receive quarterly upper payment limit supplemental payments.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part II. Nursing Facilities**

#### **Subpart 5. Reimbursement**

### **Chapter 200. Reimbursement Methodology**

#### **§20029. Supplemental Payments**

A. Non-State Governmental Organization Nursing Facilities

1. Effective for dates of service on or after January 20, 2016, any nursing facility that is owned or operated by a non-state governmental organization (NSGO), and that has entered into an agreement with the department to participate, shall qualify for a Medicaid supplemental payment adjustment, in addition to the uniform Medicaid rates paid to nursing facilities. The only qualifying nursing facilities are:

- a. Gueydan Memorial Guest Home;
- b. LaSalle Nursing Home;
- c. Natchitoches Parish Hospital LTC Unit; and
- d. St. Helena Parish Nursing Home.
- e. Repealed.

2. - 5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 43:529 (March 2017), LR 47:

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

#### **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 in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 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 will have no impact on the staffing level requirements or qualifications required to provide the same level of service,

and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2021.

#### **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 February 9, 2021. 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 February 25, 2021 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 February 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nursing Facilities Supplemental Payments Non-State Governmental Organizations**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will result in a reduction of intergovernmental transfer (IGT) funds used as a "state match" source in the amount of \$211,632 for FY 20-21, \$208,321 for FY 21-22 and \$208,321 for FY 22-23. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$427,242 for FY 20-21, \$431,093 for FY 21-22, and \$431,093 for FY 22-23. It is anticipated that \$270 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule amends the provisions governing the reimbursement methodology for nursing facilities in order to remove a facility that is no longer owned or operated by a non-state governmental organization (NSGO) from the list of

NSGO facilities qualified to receive quarterly upper payment limit supplemental payments. This proposed Rule will have no impact on small businesses. It is anticipated that implementation of this proposed rule will reduce expenditures for nursing facility services by approximately \$639,414 for FY 20-21, \$639,414 for FY 21-22 and \$639,414 for FY 22-23.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Interim Medicaid Director  
2012#049

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

##### Professional Services Program Reimbursement Methodology (LAC 50:IX.Chapter 151)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:IX.Chapter 151 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Professional Services Program in order to remove information related to programs no longer in operation, remove provisions that are located in other places within the *Louisiana Administrative Code*, clarify the reimbursement methodology for certain providers and services, and to provide for a rate restoration related to neonatal critical care services.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part IX. Professional Services Program

##### Subpart 15. Reimbursement

#### Chapter 151. Reimbursement Methodology

##### Subchapter B. Physician Services

#### §15111. General Provisions

A. Physicians shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

B. Optometrists rendering eye care services shall be reimbursed using the same methodology as physicians rendering the same eye care services.

1. - 3. Repealed.

C. Advanced practice registered nurses, physician assistants, and licensed midwives shall be reimbursed as a percentage of physician reimbursement, as specified by the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3300 (December 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

#### §15113. Reimbursement Methodology

A. For newly added procedure codes for beneficiaries age 0 through 15 years old, the Medicaid fee shall be set at 90 percent of the current year's Louisiana Region 99 Medicare allowable fee. For newly added procedure codes for beneficiaries age 16 years and older, the Medicaid fee shall be set at 75 percent of the current year's Louisiana Region 99 Medicare allowable fee.

1. If there is no corresponding Medicare fee, the Medicaid fee shall be set based on a review of other state Medicaid Program fees, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical Director or the contracted physician consultant of the department's fiscal intermediary.

2. If establishing a Medicaid fee based on Medicare rates results in a fee that is reasonably expected to be insufficient to ensure that the service is available to beneficiaries, an alternate methodology shall be used. The Medicaid fee shall be set based on a review of other state Medicaid Program fees, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical Director or the contracted physician consultant of the department's fiscal intermediary.

B. Effective for dates of service on or after October 15, 2007, the reimbursement for selected physician services shall be 90 percent of the 2007 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated.

1. The reimbursement shall remain the same for those services that are currently being reimbursed at a rate that is between 90 percent and 120 percent of the 2007 Louisiana Medicare Region 99 allowable.

2. For those services that are currently reimbursed at a rate above 120 percent of the 2007 Louisiana Medicare Region 99 allowable, effective for dates of service on or after October 15, 2007, the reimbursement for these services shall be reduced to 120 percent of the 2007 Louisiana Medicare Region 99 allowable.

C. Effective for dates of service on or after January 1, 2008, the reimbursement for selected physician services shall be 90 percent of the 2008 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated.

1. The reimbursement shall remain the same for those services that are currently reimbursed at a rate that is between 90 percent and 120 percent of the 2008 Louisiana Medicare Region 99 allowable.

2. For those services that are currently reimbursed at a rate above 120 percent of the 2008 Louisiana Medicare Region 99 allowable, effective for dates of service on or after January 1, 2008, the reimbursement for these services shall be reduced to 120 percent of the 2008 Louisiana Medicare Region 99 allowable.

2.a - 3.b. Repealed.

D. Effective for dates of service on or after August 4, 2009, the reimbursement for all physician services rendered to recipients 16 years of age or older shall be reduced to 80 percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

1. For those services that are currently reimbursed at a rate below 80 percent of the Louisiana Medicare Region 99 allowable, effective for dates of service on or after August 4,

2009, the reimbursement for these services shall be increased to 80 percent of the Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

a. - c. Repealed.

2. The following physician services are excluded from the rate adjustment:

- a. preventive medicine evaluation and management;
- b. immunizations;
- c. family planning services; and
- d. select orthopedic reparative services.

3. Effective for dates of service on or after November 20, 2009, the following physician services are excluded from the rate adjustment:

- a. prenatal evaluation and management; and
- b. delivery services.

E. ...

1. The following physician services rendered to recipients 16 years of age or older shall be reimbursed at 80 percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount:

- a. prenatal evaluation and management services;
- b. preventive medicine evaluation and management services; and
- c. obstetrical delivery services.

F. Effective for dates of service on or after January 22, 2010, physician services rendered to recipients 16 years of age or older shall be reduced to 75 percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

G. - H.3. ...

1. Effective for dates of service on or after July 1, 2012, reimbursement shall be as follows for the designated physician services:

1. reimbursement for professional consultation services (procedure codes 99241-99245 and 99251-99255) shall be discontinued;

2. reimbursement for cesarean delivery (procedure codes 59514-59515) shall be reduced to equal reimbursement for vaginal delivery fees (procedure codes 59409-59410); and

3. ...

J. Effective for dates of service on or after February 1, 2013, the reimbursement for certain physician services shall be reduced by 1 percent of the rate in effect on January 31, 2013.

1. - 4. Repealed.

K. Effective for dates of service on or after February 1, 2018, physicians, who qualify under the provisions of §15110 for services rendered in affiliation with a state-owned or operated entity that has been designated as an essential provider, shall receive enhanced reimbursement rates up to the community rate level for qualifying services as determined in §15110.C.

L. Effective for dates of service on or after May 1, 2021, the fee on file for inpatient neonatal critical care services (as specified in CPT) shall be increased by 5 percent.

L.1. - N. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR

41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:

## **Subchapter E. Family Planning Services**

### **§15141. General Provisions**

A. Reimbursement for family planning services shall be made according to the established fee schedule or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

### **§15143. Reimbursement Methodology**

A. The reimbursement methodology for family planning services is the same as for physician services.

B. - E.3.a. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2566 (November 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

### **§15145. Long-Acting Reversible Contraceptives**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2261 (November 2014), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

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

### **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 Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 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 will

have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to some providers to provide the same level of service, and may enhance those provider's ability to provide the same level of service as described in HCR 170 since this Emergency Rule increases payments to some providers for the same services they already render.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2021.

#### **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 February 9, 2021. 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 February 28, 2021 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 February 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Professional Services Program Reimbursement Methodology**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$42,148 for FY 20-21, \$168,974 for FY 21-22 and \$179,847 for FY 22-23. It is anticipated that \$1,296 (\$648 SGF and \$648 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$86,527 for FY 20-21, \$356,935 for FY 21-22, and \$379,900 for FY 22-23. It is anticipated that \$648 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing reimbursement in the Professional Services Program in order to remove information related to programs no longer in operation, remove provisions that are located in other places within the Louisiana Administrative Code, clarify the reimbursement methodology for certain provider types and services, and to provide for a restoration of the reimbursement rates for neonatal critical care services which were previously reduced. Providers of neonatal critical care services will benefit from the increase in reimbursement rates. It is anticipated that implementation of this proposed Rule will increase payments in the Professional Services Program by approximately \$127,379 for FY 20-21, \$525,909 for FY 21-22, and \$559,747 for FY 22-23.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Interim Medicaid Director  
2012#050

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health Office of Public Health**

#### **Registration of Foods, Drugs, Cosmetics and Prophylactic Devices (LAC 49:Chapter 5)**

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to adopt one new Section and amend certain existing Sections of Chapter 5 (Registration of Foods, Drugs, Cosmetics and Prophylactic Devices) of Title 49 (Public Health—Food, Drugs, and Cosmetics) of the Louisiana Administrative Code. This proposed rule will update LDH-OPH's currently existing rule pertaining to industrial hemp-derived cannabidiol products (IHDCP). This rulemaking is proposed pursuant to Section 1483 of Title 3 of the Revised Statutes of 1950, enacted as part of Act 344 of the 2020 Regular Session of the Louisiana Legislature.

For the reason set forth above, the following proposed additions and amendments to LAC 49 are hereby proposed to be adopted.

#### **Title 49**

#### **Public Health—FOOD, DRUGS, AND COSMETICS**

#### **Part I. Regulations**

#### **Chapter 5. Registration of Foods, Drugs, Cosmetics and Prophylactic Devices**

#### **§501. Definitions**

#### **[Formerly 49:2.2100]**

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

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*Certificate of Registration (FD-8)*—certificate issued by the department attesting that products produced or distributed by the holder’s company have been registered as required.

*Certificate of IHDCP Registration (FD-8a)*—certificate issued by the department attesting that IHDCP produced or distributed by the holder’s company have been registered as required.

\* \* \*

*Dietary Supplement*—a product other than tobacco intended to supplement the diet that is not represented for use as a conventional food, that is not a drug, and that is labeled as a dietary supplement and bears or contains one or more of the following dietary ingredients or a concentrate, metabolite, constituent, extract, or combination thereof: a vitamin, a mineral, a botanical, an amino acid, or a dietary substance for use by man to supplement the diet by increasing the total dietary intake.

\* \* \*

*Federally Defined THC Level for Hemp*—the greater of the following:

- a. A delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.
- b. The THC concentration for hemp defined in 7 U.S.C. 1639o.

\* \* \*

*Industrial Hemp*—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with no more than the federally defined THC level for hemp.

*Industrial Hemp-Derived Cannabidiol Products (IHDCP)*—any industrial-hemp derived product that contains CBD intended for consumption or topical use.

\* \* \*

*THC*—delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:

**§503. Registration Provisions**  
**[Formerly 49:2.2110]**

A. In accordance with the provisions of R.S. 40:627, each manufacturer, packer or proprietor of processed foods, drugs, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form shall register each separate and distinct product annually with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:

**§509. Product Registration Procedure**  
**[Formerly 49:2.2140]**

A. In accordance with the provisions of R.S. 40:627 and 628 and in order to establish revised procedures for the annual registration of products, manufacturers, packers, processors and distributors of all processed foods, drugs, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form, whose names appear on the

labels, must submit an application for registration of such products on or before July 1 of each year. Certificates of registration will be issued to each firm for a period of one year expiring on June 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 9:562 (August 1983), LR 10:9 (January 1984), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:

**§513. Late Registration Penalty—New Firms**  
**[Formerly 49:2.2160]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 9:562 (August 1983), LR 10:9 (January 1984), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), repealed by the Department of Health, Office of Public Health, LR 47:

**§517. Registration of Industrial Hemp-Derived Cannabidiol Products**

A. In accordance with the provisions of R.S. 3:1483as promulgated by the 2020 Legislature, manufacturers or distributors of industrial hemp-derived cannabidiol products must register each separate and distinct product with the department annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for an industrial hemp-derived cannabidiol product registration must remit to (both initially and on or before July 1 of each year) the department the amount of \$50 per each separate and distinct CBD product. The initial application packet will consist of the required remittance in a form deemed acceptable by the department, a completed application form, specimen copies of each product label in paper or electronic form, and a list of products the firm intends to register with the department. If the packet meets these regulatory requirements and the other requirements described in these regulations, the department will issue to the applicant an FD-8a Certificate of IHDCP (Industrial Hemp-Derived Cannabidiol Products) Registration and the application information will be entered into the Industrial Hemp-Derived Cannabidiol Products Database.

D. No person is authorized to distribute any industrial hemp-derived cannabidiol products regulated by the department in the state of Louisiana unless that person has first obtained a Certificate of IHDCP Registration from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:

**§519. Industrial Hemp-Derived Cannabidiol Products Labeling Requirements: Certificate of Analysis**

A. ...

B. The certificate of analysis must be from a laboratory that is accredited by the Louisiana Department of Health, Office of Public Health (LDH/OPH). Accreditation will be demonstrated by the availability of a current audit from a third-party entity indicating that the laboratory meets the criteria specified in Standard 17025 of the accrediting body.

C. - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:

**§521. Industrial Hemp-Derived Cannabidiol Products Labeling Requirements: Disclaimer**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), repealed LR 47:

**§527. Industrial Hemp-Derived Cannabidiol Products Requirements: Prohibited Dosage Vehicles/Forms**

A. No industrial hemp derived cannabidiol product will be registered when one or more of the following criteria regarding the product is applicable:

1. it is a food or beverage or it is explicitly intended to be added to a food or beverage;
2. it is explicitly intended for inhalation;
3. it is explicitly intended for subcutaneous or transdermal use;
4. it is explicitly intended for intravenous or intramuscular infusion or injection;
5. it is explicitly intended for rectal insertion;
6. it contains one or more active pharmaceutical ingredients, other than CBD, in approved over-the-counter pharmaceuticals; or
7. it is a product that would not otherwise be registered by the department if it did not contain industrial hemp-derived cannabidiol, including raw plant materials, aromatherapy products not intended for topical use, candles, or products intended for animal use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:360 (March 2020), amended LR 47:

**§529. Penalties for Violations of Requirements to Register Industrial Hemp-Derived Cannabidiol Products**

A. Any person who violates the provisions requiring registration of industrial hemp-derived cannabidiol products is subject to the penalties provided for by the State Food, Drug, and Cosmetic Law (R.S. 40:601, et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:360 (March 2020), amended LR 47:

**§531. Exemptions**

A. Industrial hemp-derived cannabidiol products that have been produced in accordance with R.S. 40:1046 or that are Food and Drug Administration (FDA)-approved pharmaceuticals are not subject to the requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:

**Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons 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 Rule.

**Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits; or
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Small Business Protection Act.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the 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 on the proposed rule. Such comments must be received no later than Thursday, February 25, 2021 and should be addressed to Michael Vidrine, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

### Public Hearing

Interested persons may submit a written request to conduct a public hearing either 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 Wednesday, February 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00AM on Thursday, February 25, 2021 in Room 173 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 Wednesday, February 10, 2021. 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 the Bienville Building's front security desk.

Dr. Courtney N. Phillips  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is anticipated to increase expenditures for the Office of Public Health (OPH) by approximately \$1,025 in FY 21 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule updates the regulatory framework for industrial hemp-derived cannabidiol products, as required by Act 344 of the 2020 Regular Session of the Louisiana Legislature. Specifically, this rule updates definitions for industrial hemp, industrial hemp-derived cannabidiol products (IHDCP), and THC to align with federal law, repeals late fees for new industrial hemp business that do not remit appropriate application and late fees, provides clarification on the required components of initial IHDCP registration application packets, clarifies labeling requirements for IHDCP, and clarifies that persons violating IHDCP registration requirements may be subject to penalties as provided for by the State Food, Drug, and Cosmetic Law.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not estimated to impact revenue collections for state or local governmental units. The rule repeals late fees for new industrial hemp business that do not remit appropriate application and late fees. However, this has no impact on revenue collections because OPH never charged late fees to new businesses. The rule also clarifies that persons violating IHDCP registration requirements may be subject to penalties as provided for by the State Food, Drug, and Cosmetic Law. However, it does not change the amount penalty.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule change is not anticipated to have a cost or direct economic benefit to small businesses or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Joseph Kanter, MD, MPH  
Interim Assistant Secretary  
2012#038

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Natural Resources Office of Coastal Management

#### Local Coastal Management Programs (LAC 43:I.725)

Under the authority of R.S. 49:214.21-49:214.41 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq., notice is hereby given that the Department of Natural Resources, Office of Coastal Management proposes to amend LAC 43:725 relative to the rules and procedures for local coastal management programs. Amendments include updating procedural information, clarifying funding mechanisms, and updating technical information.

#### Title 43

#### NATURAL RESOURCES

#### Part I. Office of the Secretary

#### Subpart 1. General

#### Subchapter D. Local Coastal Management Programs

#### §725. Development, Approval, Modification, and Periodic Review of Local Coastal Management Programs

A. Letter of Intent. Parishes intending to prepare a local coastal management program (LCMP) shall notify the secretary of DNR by sending a letter of intent approved by the parish Police Jury or Council.

#### B. Program Development

1. The process for developing a local program will consist of:

a. a division of the parish's coastal zone into units that have similar environmental and natural resource characteristics (environmental management units) and an identification and mapping of the features, resources, and resource users of those units;

b. an analysis of the projected social and economic growth for the parish. This analysis should include projected population growth, economic analysis of coastal dependent industries, estimated demand for and use of land, and an assessment of how these projected changes will affect the natural resources of each management unit as well as the parish as a whole;

c. an identification of existing and potential resource-use conflicts including their location and severity. Identified problems should be mapped to the extent possible;

d. an identification of special management areas, if any, within the parish requiring special management needs

as a result of their unique natural resource or development potentials;

e. the development of goals, objectives and policies for the management of the parish's coastal zone. This shall include those goals and objectives applicable to the entire parish coastal zone and specific objectives and priorities of use for each management unit and identified particular area, if any. Except as specified in Subparagraph D.1.d below, these policies, objectives and priorities of uses must be consistent with the policies and objectives of the SLCRMA, as amended, the state guidelines, and Louisiana's Comprehensive Master Plan for a Sustainable Coast;

f. the development of procedures providing for the full participation of federal, state, local and municipal government bodies and the general public in the development and implementation of the parish program;

g. the development of the necessary authorities, procedures, and administrative arrangements for reviewing, issuing, and monitoring permits for uses of local concern;

h. the development of special procedures and methods for considering uses within special management areas designated pursuant to §214.29 of the SLCRMA, if any, and the impacts of uses on the special management areas;

i. the development of special procedures and methods for considering uses of greater than local benefit and uses affecting state or national interests.

#### C. Program Content

1. Local programs may be submitted for approval after being developed in accordance with Subsection B and shall consist of:

a. a summary of the local program;

b. maps and descriptions of the natural features, resources, and existing land use in each management unit. These maps shall depict the division of the coastal areas into coastal waters and wetlands, transitional areas, and lands more than 5 feet above mean sea level;

c. the results of the social and economic analysis carried out pursuant to Subparagraph B.1.b, above;

d. a description of those existing and future resource-use conflicts identified pursuant to Subparagraph B.1.c, above;

e. an identification of those particular areas, if any, requiring special management as described in Subparagraph B.1.d above, as well as the special policies and/or procedures to be applied to these areas;

i. statement of the goals, objectives, policies, and priorities of uses included in the program, as described in Subparagraph B.1.e.;

ii. a statement assuring that the policies of the local program are consistent with the policies and objectives of the SLCRMA, as amended, the state guidelines, and Louisiana's Comprehensive Master Plan for a Sustainable Coast; and that the local program shall be interpreted and administered consistently with such policies, objectives, and guidelines;

f. a description of the authorities and administration arrangements regulating uses of local concern, for reviewing, issuing, and monitoring local coastal use permits, and for enforcing the local program, including:

i. a concise explanation of how the local program's coastal management process is to work;

ii. a description and listing of those areas and uses that will require local coastal use permits;

iii. an illustrative list of particular activities which occur on lands more than 5 feet above mean sea level that have, or may have, direct and significant impacts on coastal waters;

iv. an analysis of all ordinances included in the local program demonstrating that the effect of such ordinances, when applied to uses not subject to the local coastal use permit program, would result in compliance with the goals and provisions of the SLCRMA, as amended, the objectives of the Louisiana Coastal Resources Program (LCRP), the policies of the coastal use guidelines, and Louisiana's Comprehensive Master Plan for a Sustainable Coast;

v. a description of the administrative means by which the parish will coordinate with other governmental bodies during program implementation regarding:

(a) local program implementation, including copies of any interagency or intergovernmental agreements;

(b) multiparish environmental considerations;

(c) consideration by the parish of regional, state, or national interests; and

(d) regional, state, or national plans affecting the parish coastal zone and other projects affecting more than one parish;

vi. certified copies of all ordinances, plans, programs, and regulations proposed to be included in the program;

vii. a resolution from the governing body of the parish expressing approval of the local program as submitted and its intent to implement the submitted program subsequent to state approval;

g. documentation that the parish has provided a full opportunity for governmental and general public involvement and coordination in the development of the local program. It must be shown that:

i. at least one public hearing was held in the coastal zone on the total scope of the proposed program;

ii. public notice of the availability of the draft proposed program was given at least 30 days prior to the hearing. Copies of the program must have been available for distribution to relevant state, federal and local governmental agencies, and the general public and were available for public inspection at reasonable hours at the parish library and the parish government offices.

iii. full consideration was given to comments received during program development and the public hearings.

#### D. Program Approval

1. Local programs may be submitted for approval after promulgation of these rules and the state guidelines. The following procedures shall apply.

a. Three hard copies and two electronic copies of the complete proposed local program shall be submitted to the secretary. The local government shall be prepared to provide additional copies available for distribution upon request of the secretary. The secretary shall, within 15 days of the filing of a complete program give public notice of the submittal of the proposed local program, of the availability of copies of the program for public review and of the date, time and place of a public hearing on the program and

request public comment. The secretary shall give full consideration to all comments received.

b. The secretary shall, within 90 days of the giving of public notice, either approve the local program or notify the local government of the specific changes which must be made in order for it to be approved.

c. In order to approve the local program, the secretary must find that:

i. the program is consistent with the state guidelines and with the policies and objectives of the SLCRMA;

ii. the program submitted for approval contains all the elements required by Subsection C above and that the materials submitted are accurate and are of sufficient specificity to provide a basis for predictable implementation of the program;

iii. that the proposed program, and the policies, objectives, and priorities of use in the program, are of a sufficient comprehensiveness and specificity to address the identified resource-use conflicts and are consistent with the goals of the SLCRMA, the objectives of the LCRP, and the policies of the coastal use guidelines, and Louisiana's Comprehensive Master Plan for a Sustainable Coast;

iv. full opportunity has been provided for federal, state, local and municipal governmental bodies and the general public to participate in the development of the program pursuant to Subparagraph C.1.g above;

v. the local government has included within the program all applicable ordinances and regulatory or management programs which affect the coastal zone; that these authorities are of sufficient scope and specificity to regulate uses of local concern; that the regulatory program meets all requirements for procedures and time frames established by the SLCRMA and regulations of the department; that sufficient authority is provided to enforce the local program, including provisions for those penalties provided by §214.36 of the SLCRMA, and that the program has met all substantive requirements of the SLCRMA and the regulations adopted pursuant thereto;

d. in reviewing a local program for consistency with the state guidelines the secretary may make reasonable interpretations of the state guidelines, insofar as they affect that particular program, which are necessary because of local environmental condition or user practices. Local programs that may be inconsistent in part with the state guidelines may be approved notwithstanding the conflicts if the secretary finds that:

i. the local environmental conditions and/or user practices are justified in light of the goals of Act 361, (SLCRMA) the objectives of the LCRP, and the policies of the state guidelines;

ii. approval would result in only minimal and inconsequential variance from the objectives and policies of the Act and the guidelines; and

iii. the local program provides special methods to assure that the conflicts remain minimal and inconsequential;

e. the local program shall become effective when approved by the secretary and officially adopted by the local government.

#### E. Modifications

1. Any significant proposed alteration or modification to an approved local program shall be submitted to the secretary for review and approval along with the following:

a. a detailed description of the proposed change;

b. if appropriate, maps of sufficient scale and detail depicting geographically how the program would be changed;

c. an explanation of how the proposed change would better accommodate local conditions and better serve to achieve the objectives of the state program and the local program;

d. a resolution from the local government expressing approval of the modification as submitted and its intent to implement the change subsequent to state approval;

e. all parish ordinances relevant to the proposed modification;

f. any comments from governmental units that may be affected by the proposed modification;

g. the record of the public hearing on the proposed modification, including any written testimony or comments received; and

h. documentation that the parish has provided a full opportunity for governmental and public involvement in the development of the proposed modification.

2. Significant alterations or modifications shall be reviewed and approved pursuant to Subsection B, C, and D above. They must be consistent with the guidelines and the state program and meet all pertinent substantive and procedural requirements.

3. An alteration or modification shall become effective when approved by the secretary and officially adopted by the local government. If a proposed alteration or modification is not approved, the provisions of the previously approved program shall remain in effect unless specifically rejected by the governing body of the parish.

#### F. Periodic Review of Programs

1. Local governments shall submit an annual report on the activities of an approved local program. This annual report shall include:

a. the number, type, and characteristics of applications for coastal use and other permits;

b. the number, type, and characteristics of coastal use and other permits granted, conditioned, denied, and withdrawn;

c. the number, type, and characteristics of permits appealed to the courts;

d. results of any appeals;

e. a record of all variances granted;

f. a record of any enforcement actions taken;

g. a description of any problem areas within the state or local program and proposed solutions to any such problems;

h. proposed changes in the state or local program.

2. The administrator shall from time to time review the approved local programs to determine the extent to which the implementation of the local program is consistent with and achieving the objectives of the state and local programs. Each program shall be reviewed at least once

every five years, but may be reviewed more frequently as determined by the secretary.

3. Should the secretary determine that any part of the local program is not consistent with the state program or is not achieving its stated objectives or is not effective, he shall notify the local government and recommend changes and modifications which will assure consistency with, and achievement of, the objectives of the overall coastal program or improve the efficiency and effectiveness of the local program.

4. If the local government fails to give official assurance within one month after receipt of the secretary's notice that it intends to modify the local program in a timely manner to conform to these recommendations, or thereafter fails to make the necessary changes within three months, the secretary may, after public notice, revoke approval of the local program. In such an event the local government shall no longer have the authority to permit uses of local concern or otherwise carry out the functions of an approved program and will lose eligibility to receive management funds other than those funds appropriate and necessary to make the necessary changes. If and when the secretary determines that the local program has been appropriately modified to meet his recommendations pursuant to Subsection B above, he may, after public notice, reinstate approval.

#### G. Funding of Local Programs

1. All funds provided to local governments by the department for program development or implementation shall be subject to the following.

a. Any state or federal funds provided to local governments for development or implementation of approved local program shall be by contract with the department. Any such financial assistance shall be subject to these rules and any applicable federal requirements.

b. Such financial assistance shall be on a matching fund basis. The required local match shall be determined by the secretary.

c. Eligibility of a local government for such financial assistance shall be determined by the administrator pursuant to these rules and the contractual requirements of the department.

2. Program development assistance funding shall be subject to the following.

a. Funding for program development of local programs may be available. The level of such funding shall be at the discretion of the administrator and as provided for herein. A base level of funding may be made available to each parish in the coastal zone which does not have an approved program. Any unutilized allocated funds will be available for use by other parishes at the discretion of the administrator for program development.

b. To be eligible to continue receiving program development assistance, the local government must be making substantial progress toward finalization of an approvable local program.

c. Program development funds may only be used for costs incurred in applying for approval from the department, including printing and advertising, holding required public hearings, and making copies of the proposed local program available to governmental bodies and the public.

d. Program development assistance may be provided by the department for a maximum of two years or until a parish receives an approved local program, whichever is sooner.

3. Implementation assistance funding shall be subject to the following.

a. Funding for implementation of a local program shall be available after approval of the local program by the department. A local program shall be eligible for such assistance only so long as it continues to be an approved program.

b. The administrator shall establish and modify, as appropriate, a reasonable allocation formula utilizing objective criteria regarding the coastal zone of the parish.

c. Each parish with an approved program shall be assured of a base level of funding, with additional funding based upon the allocation formula.

d. Implementation funds may only be used to implement the approved local program, carry out planning for or development of approvable alterations or modifications in the local program, and to update or revise the data base utilized by the local program.

H. Written Findings. All findings and determinations required by these rules shall be in writing and made part of the record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.30.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980), amended by the Department of Natural Resources, Office of Coastal Management, LR 47:

#### **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**

In accordance with R.S. 49:965.6, the Department of Natural Resources Office of Coastal Management has conducted a Regulatory Flexibility Analysis and found that the proposed amendment of this Rule will have negligible impact on small businesses.

#### **Public Comment**

All interested persons are invited to submit written comments on the proposed regulation amendment. Persons commenting should reference this proposed regulation by *Rules for Local Coastal Management Programs*. Such comments must be received no later than February 10, 2021 at 4:30 p.m., and should be sent to Sara Krupa, Manager, Office of Coastal Management P.O. Box 44487, Baton Rouge, LA 70804-4487 or by email to [sara.krupa@la.gov](mailto:sara.krupa@la.gov). Copies of this proposed regulation can be purchased by contacting OCM at (225) 342-7360, and is available for viewing and copying on the internet at: <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>

#### **Public Hearing**

Requests for a public hearing must be received by February 10, 2021 at 4:30 p.m.. If determined a public

hearing is warranted, the public hearing will be held on February 25, 2021 from 8:00 a.m. to 11:00 a.m. in the Griffon Room of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, so that interested persons may submit oral comments on the proposed amendments.

Keith Lovell  
Assistant Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Local Coastal Management Programs

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no expected implementation costs or savings to state or local governmental units as a result of these proposed rule changes.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule changes will have no 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)

There are no expected costs and/or economic benefits or directly affected persons, small businesses, or non-governmental groups by the proposed rule changes.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes have no known effect on competition and employment.

Keith Lovell  
Assistant Secretary  
2101#045

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Office of State Police

#### Motor Carrier Safety and Hazardous Materials (LAC 33:V.10301 and 10303)

Under the authority of R.S. 32:1501 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Police, hereby gives notice of its intent to promulgate and re-enact rules regarding Motor Carrier Safety and Hazardous Materials. These rules revise current rules by updating the Code of Federal Regulations reference due to the reference that currently exists has been re-categorized from 49 CFR 350.211 to 49 CFR 350.207. 49 CFR 350.207 sets forth the conditions for a state to qualify for Motor Carrier Safety Assistance Program (MCSAP) funds. Louisiana receives MCSAP funds. The proposed Rule further updates the revision date of the referenced United States Department of Transportation rules and regulations from January 2018 to January 2021. It is imperative that a recent reference be indicated so that the State of Louisiana can continue to receive federal motor carrier funds. These rules are for

clarification and reference purposes and not a substantive change.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Wastes and Hazardous Materials Subpart 2. Department of Public Safety and Corrections Hazardous Materials

#### Chapter 103. Motor Carrier Safety and Hazardous Materials

#### §10301. General Provisions

A. Through contract between the Department of Public Safety and Corrections and the United States Department of Transportation, the state has agreed to adopt and assume responsibility for enforcing certain federal regulations as required by 49 CFR 350.207 and additional regulations listed below. The authority to adopt such regulations is provided in R.S. 32:1501 et seq.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 47:

#### §10303. Federal Motor Carrier Safety and Hazardous Materials

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of January 1, 2021, and contained in the following parts of 49 CFR as now in effect or as hereafter amended, are made a part of this Chapter.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 19:351 (March 1993), LR 20:58 (January 1994), LR 24:956 (May 1998), LR 24:2321 (December 1998), LR 29:711 (May 2003), LR 30:447 (March 2004), LR 32:641 (April 2006), LR 34:882 (May 2008), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 37:1613 (June 2011), LR 38:1417 (June 2012), amended by the Department of Public Safety and Corrections, Office of State Police, LR 40:371 (February 2014), LR 42:280 (February 2016), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 43:537 (March 2017), amended by the Department of Public Safety and Corrections, Office of State Police, LR 44:921 (May 2018), LR 47:

#### Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed rules. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

#### Poverty Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in R.S. 49:973.

2. The agency has considered economic welfare factors 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 poverty.

#### Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors considered and, where possible, has utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the 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 on these proposed rules via U.S. Mail or hand delivery to Paeton L. Burkett, Attorney, Office of State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. She is responsible for responding to inquiries regarding this proposed Rule. All written comments must be signed and dated.

#### Public Hearing

Requests for a public hearing must be submitted in writing either via email or written correspondence. Requests for a public hearing shall be sent to Paeton.Burkett@la.gov or to Paeton L. Burkett, Attorney, Office of State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. The deadline for submitting a request for public

hearing is February 10, 2021. All requests for a public hearing sent via written correspondence must be received on or before February 10, 2021.

Lt. Colonel Jason Starnes  
Chief Administrative Officer

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Motor Carrier Safety and Hazardous Materials**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will not result in costs or savings to state or local governmental units. The proposed rule updates the reference to the Code of Federal Regulations from 49 CFR 350.211 to 49 CFR 350.207 as a result of the existing regulation being re-categorized. Conditions for a state to qualify for Motor Carrier Safety Assistance Program (MCSAP) funds is set forth in 49 CFR 350.207. Louisiana receives MCSAP funds. The proposed rule further updates the revision date of the referenced United State Department of Transportation rules and regulations from January 2018 to January 2021.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collection of state or local governmental units as there is no cost associated indicating a new federal regulation and updated revision date.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will not result in any costs or economic benefits to affected persons, small businesses, or non-governmental groups. The proposed change references the new federal regulation and makes no change to the rule that is already in effect as well as updates the reference year already in place to reference to the current year.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not have an effect on competition and employment. The regulations are already in effect and the proposed rule just updates the references.

Lt. Colonel Jason Starnes  
Chief Administrative Officer  
2101#014

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Transportation and Development Offshore Terminal Authority

#### Superport Environmental Protection Plan

Under the authority of R.S. 34:3101, et seq., the Department of Transportation and Development, Offshore Terminal Authority proposes to amend Section 7 of Chapter 5 of the Authority's Superport Environmental Protection Plan in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The proposed amendments will add additional provisions:



1. requiring the Authority, in considering the air quality effects of a project or activity, to examine whether the project or activity has a significant effect on onshore air quality by considering compliance with applicable National Ambient Air Quality Standards (NAAQS) through air quality monitoring; and

2. assuring continuing compliance with the NAAQS by requiring the owner or operator to maintain records of operating data necessary to estimate actual annual emissions in each calendar year and to submit a report to the Authority by March 31 of the following calendar year on those emissions and a comparison to modeled potential emissions, which have been demonstrated to comply with the NAAQS.

**Environmental Protection Plan of the Offshore Terminal Authority  
State of Louisiana**

**Chapter 5. Operation and Enforcement Procedures**

**Section 7. Approval of Projects and Activities**

a. - j.(2).(a). ...

j.(2).(b).(1). In considering the effect on air quality of a project or activity, the Authority shall examine whether the project or activity has a significant effect on onshore air quality in the State of Louisiana through consideration of compliance with applicable National Ambient Air Quality Standards (NAAQS) through air quality modeling based on the project or activity's location, projected operations, and potential emission rates.

k. - l. ...

m. Each owner or operator shall establish and maintain such records, make such reports and provide such information as the Authority shall reasonably require or request to assure compliance with this Protection Plan. Each such owner or operator shall submit such reports and make available such records and information to the Authority as required under this Protection Plan or under other rules, regulations, or orders of the Authority.

(1). The Authority shall require the owner or operator to establish and maintain records of operating parameters necessary to estimate actual air emissions in each calendar year and to submit a report to the Authority by March 31 of the following calendar year on those emissions and a comparison to modeled potential emissions, which have been demonstrated to comply with the NAAQS.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3113.

HISTORICAL NOTE: Promulgated by the Offshore Terminal Authority (January 1974), amended (October 1975), amended (August 1976).

**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 proposed Rule should have no foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

- 1. the effect on household income, assets, and financial security;
- 2. the effect on early childhood development and preschool through postsecondary education development;
- 3. the effect on employment and workforce development;

- 4. the effect on taxes and tax credits;
- 5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014 Regular Legislative Session.

**Public Comments**

Interested persons may submit written comments or a hearing request relative to the proposed amendments until 4:30 p.m., February 10, 2021, to Julie Silva, Louisiana Offshore Terminal Authority, 1201 North Third Street, Suite-7-210, Baton Rouge, LA 70802.

Marty J. Chabert  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Superport Environmental  
Protection Plan**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are not anticipated to result in any costs or savings to state or local governmental units. The proposed amendments to the environmental protection plan clarify the type of information and reporting frequency an owner or operator must provide to the Louisiana Offshore Terminal Authority in order to demonstrate the effects its offshore terminal facility may have on air quality. The proposed rule and/or amendments do not materially impact enforcement or accounting duties to the extent that departmental resources will be impacted.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units. There are no additional fees or new permitting practices included in the proposed rule and/or amendments.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes clarify information that must be supplied by an owner or operator with regard to estimated actual air emissions in each calendar year to the Louisiana Offshore Terminal Authority. This provision may result in a workload adjustment for owners and operators. The Louisiana Offshore Oil Port (LOOP) is the only such licensee currently. Compliance with the proposed amendments is not expected to have a material impact on LOOP's costs. The proposed rule change is not anticipated to result in other costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes are not anticipated to affect competition and employment.

Marty J. Chabert  
Executive Director  
2101#031

Christopher A. Keaton  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Deer Management Assistance Program Signage Change (LAC 76:V.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the Deer Management Assistance Program regulations as they relate to posting of signs.

The proposed rule change removes a requirement that signs be posted every 1,000 feet along all boundaries of land enrolled in the voluntary Deer Management Assistance Program (DMAP). Instead, the proposed rule requires that signs identifying the property as DMAP enrolled land to be posted only at the entrance and exit points and all points of ingress and egress used by motorized vehicles as well as at 1,000-foot intervals along public roads.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of intent and final Rule and the preparation of reports and correspondence to other agencies of government.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part V. Wild Quadrupeds and Wild Birds

#### §111. Rules and Regulations for Participation in the Deer Management Assistance Program

A. The following rules and regulations shall govern the Deer Management Assistance Program.

1. Application Procedure

1.a. - 1.f. ...

g. Entrances and public road frontage of lands enrolled in DMAP shall be clearly marked and posted with DMAP signs in compliance with R.S. 56:110 and the provisions of R.S. 56:110 are only applicable to property enrolled in DMAP. DMAP signs shall be removed if the land is no longer enrolled in DMAP. Rules and regulations for compliance with R.S. 56:110 are as follows.

i. The color of DMAP signs shall be orange. The words "DMAP" and "posted" shall be printed on the sign in letters no less than four inches in height. Signs may be constructed of any material and minimum size is 11¼ inches x 11¼ inches.

ii. Signs will be placed at 1000-foot intervals along any public road frontage and at all points of ingress and egress used by motorized vehicles to access the property.

1.h. - B.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:110.1 and R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:204 (February 1991), amended LR 25:1656 (September 1999), LR 26:2011 (September 2000), LR 30:2496 (November 2004), LR 34:1427 (July 2008), LR 35:1910 (September 2009), LR 37:2187 (July 2011), repromulgated LR 37:2753 (September 2011),

amended LR 39:2292 (August 2013), LR 41:1123 (June 2015), LR 46:704 (May 2020), LR 47:

#### Family Impact Statement

In accordance with Act No. 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

#### Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

#### Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

#### Public Comments

Interested persons may submit written comments relative to the proposed Rule to Johnathan Bordelon, Louisiana Department of Wildlife and Fisheries, 765 Maryhill Road, Pineville, Louisiana, 71360, or via e-mail to [jbordelon@wlf.la.gov](mailto:jbordelon@wlf.la.gov) prior to Thursday, March 4, 2021.

William Hogan  
Chairman

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Deer Management Assistance Program Signage Change

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not impact state or local governmental unit expenditures. The proposed rule change removes a requirement that signs be posted every 1,000 feet along all boundaries of land enrolled in the voluntary Deer Management Assistance Program (DMAP). Instead, the proposed rule requires that signs identifying the property as DMAP enrolled land to be posted only at the entrance and exit points used by motorized vehicles as well as at 1,000-foot intervals along public roads.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local government.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to reduce the cost of compliance with DMAP regulations for individuals and organizations that choose to participate in the voluntary program. The annual enrollment in DMAP is approximately 700 individuals and organizations. The proposed rule change is anticipated to reduce signage expenditures in half from \$39.60 to \$45 per parcel (\$27,720 to \$31,500 total statewide) to \$19.80 to \$22.50 per parcel (\$13,860 to \$23,625 total statewide) based on an estimated cost per sign of approximately \$1.10 to \$1.25 each. Also, time and labor associated with placing and posting the signs are anticipated to reduce significantly although the exact amount of cost savings associated with labor is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed rule change is not anticipated to impact competition or employment.

Bryan McClinton  
Undersecretary  
2012#037

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Hunting Regulations for the 2021-2023 Season  
(LAC 76:XIX.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the general and wildlife management area rules and regulations for the 2021-2022 season, the resident game hunting season for the 2021-2023 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2022 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2021-2023 hunting season.

The new hunting rules and regulations for the 2021-2022 and 2022-2023 seasons clarify closing dates of certain hunting seasons; establish new regulations for certain wildlife management areas (WMA); changes rules regarding the preservation of evidence of the gender of harvested deer; permits the operation of all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) with tracks on WMA; removes physically challenged and handicapped hunter blinds on the Russell Sage WMA; replaces a youth lottery hunt on the Atchafalaya Delta WMA with an open youth hunt; restricts the use of dogs during hunting in the Biloxi WMA; adds a woodcock hunting season on the Elbow Slough WMA; moves the opening hour for sport fishing on the Grassy Lake and the Pomme de Terre WMA during early teal season from 2:00 p.m. to 10:00 a.m.; prohibits the use of dogs during hunting on the Marsh Bayou WMA; closes waterfowl hunting for waterfowl on the Salvador/Timken WMA at 2:00

p.m.; transfers St. Tammany and Washington parishes from Turkey Hunting Area B to Turkey Hunting Area A; closes turkey hunting in East Carroll Parish; alters the timing of dove hunting season in the South Zone; and alters the timing of duck, coot, and merganser season in the West Zone.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§101. General**

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020), LR .

**§103. Resident Game Birds and Animals**

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Opens: 3rd Saturday of November Closes: Last Day of February	10	30
Rabbit and Squirrel	Opens: 1st Saturday of October Closes: Last Day of February	8	24
Squirrel*	Opens: 1st Saturday of May for 23 days	3	9
Deer 2021-2022	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

\*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2021-2022

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after the last day of Modern Firearm Season in Jan. Closes: After 7 days.	Opens: Last Sat. of Oct. Closes: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	Opens: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years Closes: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: After 35 days
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
5	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. before 3 <sup>rd</sup> Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Sun. of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2nd Sat. of Dec. (EITHER SEX) Closes: Sun. after 2nd Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas (EITHER SEX).
6	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2nd Sat. of Nov. Closes: Fri. before 3rd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Next to last Sun. of Jan.
7	Opens: 3rd Sat. of Sept. Closes: Jan. 15.	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving	Opens: Mon. after Thanksgiving Day Closes: After 35 days
8	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day.	Opens: Mon. after Thanksgiving Day Closes: After 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
9	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. before 3 <sup>rd</sup> Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan. Bucks Only	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Sunday of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 <sup>nd</sup> Sat. of Dec. Closes: Sun. after 2 <sup>nd</sup> Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas.
10	Opens: 3 <sup>rd</sup> Sat. of Sept. Closes: Jan. 15	Opens: 2 <sup>nd</sup> Sat. of Oct. Closes: Fri. before 3 <sup>rd</sup> Sat. of Oct. Opens: Mon. after last day of Modern Firearms Closes: after 7 days	Opens: 3 <sup>rd</sup> Sat. of Oct. Closes: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2022-2023

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. after 2 <sup>nd</sup> Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec. Opens: Mon. after 1 <sup>st</sup> Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Sun. after 1 <sup>st</sup> Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after the last day of Modern Firearm Season in Jan. Closes: After 7 days.	Opens: Last Sat. of Oct. Closes: Tues. before 2 <sup>nd</sup> Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1 <sup>st</sup> Sat. of Dec.	Opens: Wed. before the 2 <sup>nd</sup> Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1 <sup>st</sup> Sat. of Dec. on odd years and Thurs. during even numbered years Closes: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	Opens: 3 <sup>rd</sup> Sat. of Sept. Closes: Jan. 15	Opens: 2 <sup>nd</sup> Sat. of Oct. Closes: Fri. before 3 <sup>rd</sup> Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3 <sup>rd</sup> Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: After 35 days
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. after 2 <sup>nd</sup> Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec. Opens: Mon. after 1 <sup>st</sup> Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Sun. after 1 <sup>st</sup> Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. before 3 <sup>rd</sup> Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Sun. of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 <sup>nd</sup> Sat. of Dec. Closes: Sun. after 2 <sup>nd</sup> Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas.
6	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. before 3 <sup>rd</sup> Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec.	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Next to last Sun. of Jan.
7	Opens: 3 <sup>rd</sup> Sat. of Sept. Closes: Jan. 15.	Opens: 2 <sup>nd</sup> Sat. of Oct. Closes: Fri. before 3 <sup>rd</sup> Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3 <sup>rd</sup> Sat. of Oct. Closes: Sun. after Thanksgiving	Opens: Mon. after Thanksgiving Day Closes: After 35 days
8	Opens: 3 <sup>rd</sup> Sat. of Sept. Closes: Jan. 15	Opens: 2 <sup>nd</sup> Sat. of Oct. Closes: Fri. before 3 <sup>rd</sup> Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3 <sup>rd</sup> Sat. of Oct. Closes: Sun. after Thanksgiving Day.	Opens: Mon. after Thanksgiving Day Closes: After 35 days
9	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 <sup>nd</sup> Sat. of Nov. Closes: Fri. before 3 <sup>rd</sup> Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Closes: Last day of Jan. Bucks Only	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Fri. before 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 <sup>st</sup> Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 <sup>rd</sup> Sat. of Nov. Closes: Sunday of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 <sup>nd</sup> Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 <sup>st</sup> Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 <sup>nd</sup> Sat. of Dec. Closes: Sun. after 2 <sup>nd</sup> Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas
10	Opens: 3 <sup>rd</sup> Sat. of Sept. Closes: Jan. 15	Opens: 2 <sup>nd</sup> Sat. of Oct. Closes: Fri. before 3 <sup>rd</sup> Sat. of Oct. Opens: Mon. after last day of Modern Firearms Closes: After 7 days		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Atchafalaya Delta, Pass-a-Loutre and Salvador/Timken. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR

29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020), LR 47:

## **§111. General and Wildlife Management Area Hunting Rules and Regulations**

### **A. Hunting Seasons and Wildlife Management Area (WMA) Regulations**

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

### **B. Resident Game Birds and Animals**

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

### **C. Other Season Dates**

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle, archery gear, air rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta,

Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

*Exotics*—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

*Hunting*—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

*Same as Outside*—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

*Supplemented Hunting Preserve*—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

*White-Tailed Deer*—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the

open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.



c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredate commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:1.317)

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana Pearlshell	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T

5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sternula antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
E = Endangered; T = Threatened		

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or

within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and the tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.11 identifying the sex of the animal.

#### E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters shall validate deer by calling the validation toll free number or using the validation website.

2. 2021-2022 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

3. 2022-2023 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or

daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A dog may be used to trail and retrieve wounded or unrecovered deer. The dog must be leashed during legal hunting hours, but may be unleashed after legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in the Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a Bucks Only season is in progress. In such cases, hunters must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only,

including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA.

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for

persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD 214 equivalents:

i. pre DD 214 era documents (1941-1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53\_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB\_22 with 6 or more years of service.

F. Description of Areas, 2021-2023

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carrol.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

vi. Richland—all;

vii. West Carroll.

## 2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

## 3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from

the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

#### 7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

#### 8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

#### 9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

#### 10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

#### G. WMA Regulations

##### 1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Private lands, regardless of number of parcels or size, completely within WMA boundaries (including those that are bordered by a public road or waterway) will have the same deer season dates and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; except private lands enclosed within a WMA and enrolled in DMAP may elect to hunt according to regular deer season dates and baiting regulations applicable to the Deer Area in which the lands are located. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited

without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Operation of trolling motors allowed. A *trolling motor* is defined as a self-contained unit that includes a completely submerged electric motor at the end of the shaft, propeller and controls, and is affixed to a vessel, either at the bow or stern. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

r. Shooting ranges: Non-toxic shot required for all shotguns, effective January 1, 2021.

## 2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs,

hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Additionally, a self-clearing WMA permit, detailed above, is required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

## 3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must

possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

*Nighttime Experimental*—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

#### 4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs

provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs (consult regulations pamphlet for specific WMA regulations):

i. centerfire rifles;

ii. centerfire break-action and centerfire bolt-action handguns;

iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

#### 5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs, except Floy McElroy WMA, the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from



the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except

waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

#### 6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system

on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

#### 7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

#### 9. Vehicles

a. An all-terrain vehicle is a wheeled or tracked off-road vehicle (not legal for highway use) with specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, wheeled or tracked, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires or tracks, with

specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of

60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

#### 10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, and Pass-a-Loutre. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex. PCHP blinds: Oct. 1-Oct. 7, either sex.

(b). Firearms: First Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only. PCHP blinds: Fri. after Thanksgiving Day for 3 days, bucks only; 4<sup>th</sup> Sat. of Oct. for 2 days, 1<sup>st</sup> Sat. of Nov. for 2 days, Mandatory Deer Check; 2<sup>nd</sup> Sat. in Dec. for 2 days, 3<sup>rd</sup> Sat. in Dec. for 2 days, either sex.

(c). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed

ONLY in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: Except for youth deer hunting (provided for below), all other hunting activities closed from October 1 through the last day of youth deer seasons. Main Delta area closed to all hunting except for youth deer hunting during youth deer seasons.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only; no deer hunting on Wax Lake Delta.

ii. Deer Youth Shotgun (buckshot only) and Archery (either-sex): 1<sup>st</sup> Sat. of Oct. for 2 days; 2<sup>nd</sup> Sat. of Oct. for 2 days on Main Delta only; no deer hunting on Wax Lake Delta.

iii. Small Game: Same as outside except Rabbit Only:

(a). Wax Lake Delta: 1<sup>st</sup> Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: 1<sup>st</sup> day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: Same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3<sup>rd</sup> Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits

and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: 3<sup>rd</sup> Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1<sup>st</sup> Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2<sup>nd</sup> weekend of 1<sup>st</sup> split and 1<sup>st</sup> and 4<sup>th</sup> weekends of 2<sup>nd</sup> split of the West Zone season.

iv. Other Small Game: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only.

Fri. after Thanksgiving for 3 days, either-sex and 2<sup>nd</sup> Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2<sup>nd</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: Same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: Same as outside except closed during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All airboats, ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited. Dogs are prohibited except retrievers allowed for waterfowl hunting. No structures may be erected including fixed or permanent blinds of any type.

- i. Deer
  - (a). Archery (bucks only): Oct. 1-15
  - (b). Deer Archery (either-sex): Oct. 16 - Jan. 31
- ii. Small Game and Waterfowl: Same as outside except closed to squirrel hunting during the spring season.
- j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion.
  - i. Deer
    - (a). Archery: Oct. 1-Jan. 31, either-sex.
    - (b). Youth: Sat. after 2<sup>nd</sup> Fri. of Oct. for 2 days, either-sex on designated portion.
    - (c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.
    - (d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
  - ii. Turkey
    - (a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
    - (b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4<sup>th</sup> Sat. of April for 2 days.
  - iii. Small Game and Waterfowl: Same as outside except closed during the youth deer hunt on designated portion and entire area 1<sup>st</sup> 2 days of modern firearms deer season except spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.
    - (a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.
  - iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.
  - v. Bird Dog Training Area: Permit required. Open all year except closed during WMA Turkey Season. Contact Minden Office for permits and information.
  - vi. Fishing: Nets and traps prohibited on Ivan Lake.
  - k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.
    - i. Deer
      - (a). Archery: Oct. 1-Jan. 31, either-sex.
      - (b). Youth: 2<sup>nd</sup> Sat. of Oct. for 2 days, either-sex.
      - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.
      - (d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 14 days.
      - (e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2<sup>nd</sup> Sat. of Nov. for 7 days.
    - ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.
    - iii. Small Game and Waterfowl: Same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the 1<sup>st</sup>

Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

1. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

- i. Deer
  - (a). Archery: Oct. 1-Jan. 31, either-sex.
  - (b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

- (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2<sup>nd</sup> Sat. of Dec. for 2 days.

- (d). Firearms Bucks Only: 3<sup>rd</sup> Sat. of Dec. for 14 days.

- (e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

- (f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

- (g). Youth Lottery: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec. and 1<sup>st</sup> consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

- (h). Physically Challenged Wheelchair Confined: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec. and 1<sup>st</sup> consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

- ii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

- iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

- m. Bussey Brake. Area closed to all hunting and trapping activity. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be fish (5) fish, in the aggregate;

(ii). Possession limit: possession limit shall be five (5) fish while on water and ten (10) fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters 2<sup>nd</sup> full weekend in November.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 2<sup>nd</sup> full weekend in November, either-sex on designated portion of the WMA.

(c). Firearms Bucks Only: Dec. 26-Jan. 1.

(d). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2<sup>nd</sup> Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open.

Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1<sup>st</sup> either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2<sup>nd</sup> Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb. Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1<sup>st</sup> Sat. of Dec. for 2 days, 1<sup>st</sup> Sat. of Jan. for 2 days, 2<sup>nd</sup> Sat. of Jan. for 2 days, and 3<sup>rd</sup> Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2<sup>nd</sup> Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3<sup>rd</sup> Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1<sup>st</sup> split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. Woodcock: Same as outside.

v. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4<sup>th</sup> Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: 2<sup>nd</sup> weekend and last consecutive Sat. and Sun. of Dec., and 2<sup>nd</sup> consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: 1<sup>st</sup> weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on 22<sup>nd</sup> St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink"



and wear a “hunter orange” or “blaze pink” cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2<sup>nd</sup> Saturday of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer:

Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan to the last day of Feb.

iv. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3<sup>rd</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2<sup>nd</sup> Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b) Archery (either-sex): Oct. 16 - Jan. 31

- ii. Waterfowl: Same as outside.
- iii. Small Game: 1<sup>st</sup> day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.
  - z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.
    - i. Deer
      - (a). Archery only, Oct. 1-Jan. 31, either-sex.
    - ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
    - iii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.
    - iv. Foot traffic only - All vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.
    - v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.
  - aa. Little River
    - i. Deer
      - (a). Archery: Oct. 1-Jan. 31, either-sex.
      - (b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.
      - (c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2<sup>nd</sup> Sat. of Dec. for 2 days.
    - ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
    - iii. Raccoon
      - (a). Nighttime: Mon. after 2<sup>nd</sup> Sat. of Jan. to last day of Feb.
      - (b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.
    - iv. Small Game and Waterfowl: Same as outside except spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.
      - (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.
    - v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.
- bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.
  - i. Deer
    - (a). Archery: Oct. 1-Jan. 31, either-sex.
    - (b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.
    - (c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
  - ii. Small Game and Waterfowl: Same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on

- WMAs), and except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.
  - iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.
    - cc. Manchac.
      - i. Deer
        - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.
        - ii. Small Game and Waterfowl: Same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.
        - iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.
        - iv. Crabs: No crab traps allowed. Attended lift nets are allowed.
      - dd. Marsh Bayou.
        - i. Deer: Same as outside, Archery Only, Either-sex.
        - ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.
        - iii. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan to the last day of Feb.
      - ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. gage height and reopens to deer hunting when water levels recede to 2.5 ft. gage height following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.
        - i. Deer
          - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.
          - (b). Youth: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.
          - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit
          - (d). Firearms Bucks Only: 3<sup>rd</sup> Sat. of Dec. for 16 days.
          - (e). Primitive Firearms: 2<sup>nd</sup> Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot for seven days starting the day after the closure of the first split of duck season.

ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or [www.honeyisland.org](http://www.honeyisland.org). No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except

waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1<sup>st</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game: Same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website:

<http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2<sup>nd</sup> Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2<sup>nd</sup> Sat. of Dec. for 7 days.

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements.

During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1300-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School, the Point Farm levee and the WMA boundary, and on the north by the WMA boundary, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1<sup>st</sup> Sat. of Oct. for 2 days, 2<sup>nd</sup> Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: closed

(c). Small Game: Same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, except opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4<sup>th</sup> Sat. of April for 9 days.

(a). Youth Lottery: 3<sup>rd</sup> Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3<sup>rd</sup> and 4<sup>th</sup> Sat of Dec. except if the 4<sup>th</sup> Sat. is Christmas Day, then the hunt will be the 2<sup>nd</sup> and 3<sup>rd</sup> Sat. of Dec. and the 1<sup>st</sup> and 2<sup>nd</sup> Sat. in Jan. except when the 1<sup>st</sup> Sat. of Jan. is New Year's Day then the hunt will be the 2<sup>nd</sup> and 3<sup>rd</sup> Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2<sup>nd</sup> Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

ll. Russell Sage. AREA closed: Last Sat. of Oct. for 2 days South of I-20 only to all except Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2<sup>nd</sup> Sat. of Dec. for 14 days.

(e) Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive)

to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3<sup>rd</sup> Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1<sup>st</sup> Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed to all activities 3<sup>rd</sup> Sat. of Oct. for 2 days to all but Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3<sup>rd</sup> Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4<sup>th</sup> Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4<sup>th</sup> Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: 2<sup>nd</sup> Fri. of April for 3 days, 4<sup>th</sup> Fri. of April for 3 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: 4<sup>th</sup> Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4<sup>th</sup> Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside except closed 4<sup>th</sup> Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3<sup>rd</sup> Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat

Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31<sup>st</sup> in which case the season will be the 1<sup>st</sup> four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside, except closes at 2 p.m.

iii. Small Game: Same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone

possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1<sup>st</sup> Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1<sup>st</sup> Sat. of Nov. For 2 days, either-sex.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3<sup>rd</sup> Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2<sup>nd</sup> Sat. of Dec. for 7 days, 4<sup>th</sup> Sat. of Dec. for 7 days, and the 1<sup>st</sup> Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1<sup>st</sup> day and 2<sup>nd</sup> Sat. through end of 1<sup>st</sup> split. Closed remainder of 1<sup>st</sup> split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1<sup>st</sup> segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1<sup>st</sup> lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS closed. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4<sup>th</sup> Mon. of Dec., and 1<sup>st</sup> and 2<sup>nd</sup> Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2<sup>nd</sup> Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3<sup>rd</sup> Sat. of April for 3 days.

(a). General Lottery: 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: 2<sup>nd</sup> Sat. in April

iii. Small Game: Same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the 1<sup>st</sup> Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1<sup>st</sup> Sat. of Oct.-Oct. 31, and Mon. after close of 2<sup>nd</sup> firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 – August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: Same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of “South Farm.”

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: closed

vi. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

Note: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1<sup>st</sup> and 2<sup>nd</sup> segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited EXCEPT:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed

in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4<sup>th</sup> Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4<sup>th</sup> Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2<sup>nd</sup> Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside except only allowed after 2 p.m. during waterfowl season, except during early TEAL SEASON, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles



restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1<sup>st</sup> Saturday of Dec. for 9 days, and 4<sup>th</sup> Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2<sup>nd</sup> Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. and Sun. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1<sup>st</sup> Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1<sup>st</sup> Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2<sup>nd</sup> Sat. of Dec. for 9 days, except when there are 5 Sats. in Dec. then it will open on the 3<sup>rd</sup> Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: Mon. after 3<sup>rd</sup> Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days, 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3<sup>rd</sup> Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hill.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1<sup>st</sup> Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1<sup>st</sup> Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2<sup>nd</sup> Sat. of Sept. for 16 days and 1<sup>st</sup> Sat. of Jan. to the last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside except shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3<sup>rd</sup> Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2<sup>nd</sup> Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1<sup>st</sup> either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2<sup>nd</sup> Sat. of April for 2 days, 3<sup>rd</sup> Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1<sup>st</sup> Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4<sup>th</sup> Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2<sup>nd</sup> Sat. in November for 3 days. Restricted to scout program.

19. U.S. Forest Service Areas

a. Kisatchie National Forest (KNF)

i. Vehicles

(a). Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie website ([www.fs.usda.gov/kisatchie](http://www.fs.usda.gov/kisatchie)).

(b). ATV/UTV (50" maximum width); operation is prohibited on public roads and road rights-of-ways. Use is allowed on Forest roads designated as open seasonally to ATV/UTV use. Use is prohibited in some campsites and recreation areas; see bulletin boards for additional information. (Also see MVUM)

(c). Nighttime ATV/UTV travel is prohibited. ATV/UTV travel is allowed between one hour before sunrise and one hour after sunset.

(d). Game retrieval with an ATV/UTV is only allowed within designated 300-foot corridors (see MVUM).

(e). Camping corridors for highway legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

ii. Firearms

(a). Hunting or discharging a firearm is prohibited as follows:

(i). In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;

(ii). Across/on/from a National Forest System Road (NFSR) legally open to motorized use;

(iii). Across a body of water where any person/property is exposed to injury/damage as a result of such a discharge;

(iv). Hunting within 50 feet of any NFSR.

(b). It is prohibited to possess a firearm having live ammunition in the chamber, magazine, cylinder or clip (when attached to a firearm), or crossbow cocked and in the ready position in or on any type vehicle while on KNF.

(c). All deer must be tagged as required by LDWF regulations.

(d). Active and retired law enforcement officers in compliance with POST requirements, Federal Law Enforcement Officers, holders of Louisiana concealed handgun permits or permit holders from a reciprocal state, who are in compliance with all other state and federal firearms regulations, may possess firearms while on KNF lands, provided these firearms are not used for any hunting purposes.

(e). The following cannot be carried while hunting on KNF lands except during modern and primitive deer seasons.

(i). Centerfire rifles;

(ii). Break-action centerfire and bolt-action centerfire handguns;

(iii). Scoped centerfire handguns;

(iv). Shotgun slugs or shot larger than BB lead or F steel.

iii. Hunter Orange: LDWF WMA regulations for hunter orange and blaze pink apply.

iv. General: Hunting or discharging a firearm in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, across/on a NFSR legally open to motorized use, across a body of water where any person/property is exposed to injury/damage as a result of such discharge, is prohibited.

v. Hunting General:

(a). Deer Bag Limit: 1 per day up to the statewide seasonal limit.

(b). All deer hunting is still-hunting only.

(c). All deer must be tagged as required by LDWF regulations.

(d). Hunting stand, blind, tripod, baiting, spotlighting, etc. regulations applicable to LDWF WMAs are in effect on KNF (unless otherwise specified, refer to "Methods of Taking Game" section of the LDWF WMA Regulations) excluding the "Bag Limit" section and "Horses and Mules" section.

(e). Hunting from a permanent stand prohibited. Placing or leaving a temporary stand limited to 24 hours.

(f). The training of deer dogs is prohibited year round.

(g). LDWF Youth Deer Hunt regulations apply for all KNF lands except that archery and open season small game hunting is allowed (excluding those portions of the Vernon Unit within Fort Polk-Vernon WMA).

vi. Archery Deer Hunting:

(a). Either-sex deer may be taken at any time by archers during the archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

(b). Archers must adhere to the full hunter orange requirements during any firearm season for deer.

(c). Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA): Same as outside.

(d). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and Caney Range District (Webster and Claiborne Parishes): Same as outside (including Catahoula and Red Dirt National Wildlife Management Preserves).

vii. Firearms for Deer Hunting (excludes the Catahoula and Red Dirt National Wildlife Management Preserves):

(a). Catahoula (Grant and Rapides Parishes), Winn (Win, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and the Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA).

(b). Youth only, either-sex, same as outside, still hunt only; LDWF regulations for hunter orange apply.

(c). Primitive Firearms, either-sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., Sat. after close of Dec. firearms bucks only hunt for 2 days, still hunt only.

(d). Firearms, either-sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., Fri. after Thanksgiving, still hunt only.

(e). Firearms, bucks only: Sat. after the last Sat. of Oct. through Thanksgiving, Sat. after Thanksgiving through Sun. after Thanksgiving, 2<sup>nd</sup> Sat. of Dec. for 16 days, still hunt only.

viii. Caney Ranger District (Webster and Claiborne Parishes): Same as outside including Youth Hunt and Primitive Firearms (Area 2) except still hunt only. Either-sex entire season.

ix. Turkey: Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday (on all ranger districts except the

Caney Ranger District); Caney Ranger District: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

x. Turkey Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days (on all Ranger Districts except Vernon Unit lands within Fort Polk-Vernon WMA).

xi. Other seasons on entire KNF (See Catahoula/Red Dirt National Wildlife Management Preserve section for additional information):

(a). Rabbit, Squirrel, Quail and Migratory Game Birds: Same dates and bag limits as outside except closed to squirrel hunting during the spring season. Youth squirrel: 4<sup>th</sup> Sat. of Sept. for 2 days.

(b). Waterfowl: Same as outside except waterfowl hunting ceases at 2 p.m. If hunting on Corney Lake (Caney Ranger District), a permit (free of charge) is required for the use of a duck blind on the lake.

(c). Feral Hogs, Coyotes, Armadillos and Beavers: May be taken during daylight hours only, on any KNF hunt by properly licensed hunters with weapons legal for that hunt.

(d). Raccoons, Opossums, Fox (chase only) (nighttime, chase only): May be hunted during daylight or nighttime from Oct. 1 through Feb. 28 unless otherwise stated. A licensed hunter may take raccoon or opossum, two per person per day, except during the trapping season when there shall be no limit. (Please see Louisiana Trapping Regulations pamphlet for additional information. Also please see "Hunting-dog usage during deer firearm seasons" section below for exceptions).

(e). Bobcat and Nutria: LDWF regulations apply.

(f). Crows, Blackbirds, Grackles and Cowbirds: May be taken Sept. 1 through Jan. 1 only.

(g). Fishing: LDWF state creel limits apply (See Louisiana Fishing Regulations pamphlet for additional information).

(h). Trapping: See LDWF Trapping Regulations pamphlet for additional information.

(i). Hunting Dog Usage: Hunting dog usage during deer firearm seasons (only for KNF areas outside the Catahoula and Red Dirt National Wildlife Management Preserves): Hunting dogs that are legal for hunting species other than deer, and that stay within voice-command distance of handler are allowed during deer gun hunts. Hunting dogs that range beyond voice-command distance of handler are prohibited during deer gun hunts. The training of deer or hog dogs is prohibited year-round. Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable.

(j). Hunting-dog training: March 1 through Sept. 30 (except all dogs prohibited during turkey hunting season), allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in nighttime raccoon chases mentioned above; dogs are

participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required – contact Forest Supervisor's office); dogs are under close control of hikers; and any dog on a leash. No firearms allowed while training dogs. Hunting-dog training prohibited in Catahoula and Red Dirt National Wildlife Management Preserves.

(k). Bird Dog Training Area: Only that portion of the Vernon Unit known as the "dove field". Bird dogs may be trained year round except closed during turkey season. Permit required from LDWF to use pen-raised quail.

(l). Hunting-Dog Nighttime Chase Only: (All breeds allowed, no deer dogs or hog dogs). May 1 through Sept. 30, Tuesdays and Fridays only. No firearms allowed. Nighttime ATV/UTV travel is prohibited. Hunting-dog nighttime chase is prohibited in the Catahoula and Red Dirt National Wildlife Management Preserves during this period.

xii. Catahoula and Red Dirt National Wildlife Management Preserves (NWMP). Owner: U.S. Forest Service: Catahoula NWMP – 36,000 acres in Grant and Winn Parishes; Red Dirt NWMP – 38,000 acres in Natchitoches Parish.

(a). Season Permit required for hunting, fishing and/or trapping on the preserve; for a permit or to get additional information contact the Forest Supervisor's Office, Winn, Catahoula or Kisatchie Ranger District offices or [www.fs.fed.us/r8/kisatchie/hunting/index.html](http://www.fs.fed.us/r8/kisatchie/hunting/index.html). In addition to the Season Permit, a Self-Clearing Daily Permit is required for all hunters during all deer gun hunts and turkey hunts. The Self-Clearing Daily Permits will be available at the main check stations, hunter-camps within the NWMPs, Kisatchie, Winn and Catahoula district offices, and at the Forest Supervisor's Office. Permits are free of charge. The Self-Clearing Permit consists of two portions: check-in and check-out. The check-in portion must be completed and put in the permit box before each hunt on the day of the hunt. The check-out portion must be carried by each person while on the NWMP and must be completed and put in the permit box immediately at the end of the day's hunt. Hunters can also check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. Note: When Mandatory Deer Checks are specified (see below), all hunters must check deer at the NWMPs main check stations.

(b). Hunting with Dogs: Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season, and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable. No training of dogs in the NWMPs outside of pertinent seasons.

(c). Select Prohibitions: Additional information and prohibitions are provided on Season Permit for the NWMPs.

(d). Deer:

(i). Archery Season: Same as Area 2. Archers are required to check harvested deer at the main check station during the mandatory deer check days, see dates below.

(ii). Youth Only Hunt, Either-Sex: Same as outside, still hunt only. Self-Clearing Daily Permit required.

(iii). Physically Challenged Hunt, Either-Sex: Second Sat. of Oct. through Sun. after the second Sat. of Oct., still hunt only, Self-Clearing Daily Permit required; hunters must also have in possession a LDWF Physically Challenged Hunters Permit.

(iv). Primitive Firearms, Either-Sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(v). Firearms, Either-Sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., and Fri. after Thanksgiving, still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(vi). Firearms, Bucks Only: Sat. after Thanksgiving through Sun. after Thanksgiving, still-hunt only, self-clearing daily permit required.

(e). Turkey:

(i). Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday.

(ii). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

(f). Squirrel, Rabbit, Quail, Dove, Woodcock and Waterfowl (without dogs): All seasons same as outside (unless otherwise stated) except closed during deer firearm hunts. Consult LDWF hunting pamphlet for additional information. No spring squirrel season.

(g). Youth Squirrel: 4<sup>th</sup> Sat. of Sept. for 2 days.

(h). Squirrel/Rabbit (with dogs): 1<sup>st</sup> Sat. of Jan. through last day of Feb.

(i). Quail (with dogs): Same as outside.

(j). Raccoon/Opossum (non-dog season/daylight hours): May be taken by properly licensed hunter as incidental take with gear legal for the season in progress.

(k). Raccoon (nighttime, with dogs): 1<sup>st</sup> Sat. of Jan. through last day of Feb.

(l). Fishing: Closed to fishing during deer gun hunts.

20. Bayou Teche National Wildlife Refuge: Owned by U.S. Fish and Wildlife Service, 9,028 acres within St. Mary Parish

a. Deer

i. Archery: Same as outside, except closed during youth and firearms deer seasons, limit one deer per day; Franklin Unit closed.

ii. Youth Firearms: Last Sat. of Oct. for 2 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

iii. Firearms: Fri. after Thanksgiving for 3 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

b. Small Game: Same as outside, except closed during youth and firearms deer seasons; Franklin Unit closed.

c. Waterfowl: Same as outside except closed after 12:00 noon, and except closed during firearms deer season; Franklin Unit closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:

### **§113. General and WMA Turkey Hunting Regulations**

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags

until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

#### F. Turkey Hunting Area Descriptions

##### 1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;

vi. East Feliciana;

vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

viii. Jackson;

ix. LaSalle;

x. Lincoln;

xi. Livingston;

xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

xiii. Sabine;

xiv. St. Helena;

xv. St. Tammany;

xvi. Tangipahoa;

xvii. Union;

xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

xix. Washington;

xx. Webster

xxi. West Feliciana (including Raccourci Island);

xxii. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Richland—that portion south of US 80 and east of LA 17;

xiii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

- i. DeSoto;
- ii. Red River.

b. Portions of the following parishes are open:

i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Iberville;
- iv. Pointe Coupee;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. Iberia—east of the west Atchafalaya Basin protection levee;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;

ix. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:

**§115. Turkey Hunting Areas, Seasons, and Bag Limits**

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR

37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020), LR 47:

## §117. Migratory Bird Seasons, Regulations, and Bag Limits

### A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 4-Sept. 18 Oct. 16-Nov. 28 Dec. 18-Jan. 17 North Zone: Sept. 4-Sept. 26 Oct. 9-Nov. 14 Dec. 24-Jan. 22	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 11-Sept. 26	6	18
King and Clapper Rails	Sept. 11-Sept. 26 Nov. 13-Jan. 5	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 11-Sept. 26 Nov. 13-Jan. 5	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 11-Sept. 26 Nov. 13-Jan. 5	15	45
Snipe	West Zone: Nov. 2-Dec. 5 Dec. 18-Feb. 28 East Zone: Nov. 2-Dec. 5 Dec. 18-Feb. 28	8	24
Ducks, Coots and Mergansers	West Zone: Nov. 6-Nov. 7 (youth and veterans only) Nov. 13-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Jan. 30 East Zone: Nov. 13 (youth and veterans only) Nov. 20-Dec. 5 Dec. 18-Jan. 30 Feb. 5 (youth and veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 mottled duck, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	East Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 30 West Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Feb. 6	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 30 West Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Feb. 6	1	3

### B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	East Zone: Dec. 6-Dec. 17 Jan. 31-March 6 West Zone: Dec. 6-Dec. 17 Jan. 3-Jan. 9 Feb. 7-March 6	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 2-Jan. 31	
Ducks	Nov. 2-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to 12 p.m. (noon) on opening weekend of first split.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl and Veterans Season Regulations.

1. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

2. Veterans refers to those persons who served in the active military, naval or air service who were discharged or released under conditions other than dishonorable, and members of the Armed Forces on active duty including members of the National Guard and Reserves on active duty (other than for training). Veterans and active duty military personnel must possess a valid proof of service such as DD214 form, Active Military ID, Retired Military ID, Veterans Administration ID, or Veterans designation on their Driver's License as well as mandatory waterfowl license(s), HIP certification, and Federal duck stamp to participate on these hunt days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:

**Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

**Poverty Impact Statement**

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

**Provider Impact Statement**

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 4, 2021 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

William Hogan  
Chairman



**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Hunting Regulations  
for the 2021-2023 Season**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no material effect on state or local governmental unit expenditures.

The new hunting rules and regulations for the 2021-2022 and 2022-2023 seasons clarify closing dates of certain hunting seasons; establish new regulations for certain wildlife management areas (WMA); changes rules regarding the preservation of evidence of the gender of harvested deer; permits the operation of all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) with tracks on WMA; removes physically challenged and handicapped hunter blinds on the Russell Sage WMA; replaces a youth lottery hunt on the Atchafalaya Delta WMA with an open youth hunt; restricts the use of dogs during hunting in the Biloxi WMA; adds a woodcock hunting season on the Elbow Slough WMA; moves the opening hour for sport fishing on the Grassy Lake and the Pomme de Terre WMA during early teal season from 2:00 p.m. to 10:00 a.m.; prohibits the use of dogs during hunting on the Marsh Bayou WMA; closes waterfowl hunting for waterfowl on the Salvador/Timken WMA at 2:00 p.m.; transfers St. Tammany and Washington parishes from Turkey Hunting Area B to Turkey Hunting Area A; closes turkey hunting in East Carroll Parish; alters the timing of dove hunting season in the South Zone; and alters the timing of duck, coot, and merganser season in the West Zone.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local government.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change may have minimal economic impact on persons and non-governmental entities.

The proposed rule change eliminating the need to retain evidence of the gender of a harvested deer once the animal has been tagged is expected to benefit hunters by reducing the amount of material they are required to transport and expected to reduce the risk of transferring material that may be infected with chronic wasting disease (CWD) prions.

The proposed rule change regarding the type of ATV and UTV that may be used on WMA will benefit persons who use vehicles with tracks on those areas.

The proposed rule change replacing the youth lottery hunt with an open youth hunt on the Atchafalaya Delta WMA is expected to benefit young hunters by providing more opportunities for them to hunt deer.

The proposed rule change prohibiting or restricting the use of dogs to hunt on the Biloxi WMA and the Marsh Bayou WMA will reduce hunting opportunities for hunters who hunt with dogs. Proposed rule change may benefit area landowners and others who have cited user conflicts with hunters who use dogs.

The proposed rule change adding a woodcock season on the Elbow Slough WMA will increase hunting opportunities on the WMA which has had relatively low levels of utilization. The WMA is situated along a flyway for woodcock and may provide ample opportunities for hunting the species.

The proposed rule change allowing sport fishing on the Grassy Lake WMA and the Pomme de Terre WMA after 10:00 during early teal season will provide four additional hours of recreational fishing per day in those areas during the season.

The proposed rule change closing waterfowl hunting on the Salvador/Timken WMA at 2:00 p.m. will reduce hunting opportunities on the WMA.

The proposed rule change transferring St. Tammany and Washington parishes from Turkey Hunting Area B to Turkey Hunting Area A will benefit hunters who pursue turkeys in those parishes (with a combined area of 1,800 square miles) by offering them an additional seven days of hunting opportunities. Data for the number of hunters who pursue turkeys within these parishes are not available.

The proposed rule changes in the timing of dove season in the South Zone and of duck, coot, and merganser season in the West Zone is expected to benefit hunters who pursue those species in those areas by aligning the seasons more closely with expressed hunter interests.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change is expected to have no effect on competition and employment.

Bryan McClinton  
Undersecretary  
2012#043

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDA

### Office of the Governor Division of Administration Office of State Procurement

Delegated Procurement Authority; Standard and Special Delegations—PPM Number 56 (LAC 4:V.Chapter 53)

Policy and Procedure Memorandum Number 56, Delegated Procurement Authority; Standard and Special Delegations, has been amended. These changes were adopted on December 18, 2020 to be effective upon adoption.

#### Title 4

#### ADMINISTRATION

#### Part V. Policy and Procedure Memoranda

#### Chapter 53. Delegated Procurement Authority; Standard and Special Delegations—PPM Number 56

##### §5301. Authority

A. Pursuant to R.S. 39:1566, the Chief Procurement Officer for the State of Louisiana may delegate authority to governmental bodies within the limitations of law and the state's procurement regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2020).

##### §5303. Policy

A. To respond to the needs of state agencies, as well as for auditing purposes and for programming purposes in the State's LaGov SRM system, it shall be the policy of the Office of State Procurement to delegate to agencies which are subject to the provisions of the Louisiana Procurement Code the authority to purchase, procure and contract up to maximum limits by assigning to each a Delegated Procurement Authority ("DPA").

1. DPA refers to the maximum amount an agency may purchase, procure or contract for without utilizing the services of, or having to seek preapproval from, the Office of State Procurement.

2. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for ensuring that any purchase or contract fully complies with all applicable requirements under the Procurement Code, rules and applicable OSP policy, including, but not limited to:

a. any and all requirements to seek approval to use a Request for Proposals ("RFP") solicitation before it is issued or to seek approval from a Procurement Support Team where applicable;

b. any and all requirements to solicit quotes, to competitively bid or to seek competitive proposals, or to post solicitations to the State's electronic vendor notification system;

c. any and all requirements to report contracts, including sole source and emergency contracts, to the Office of State Procurement, the Legislature and the Louisiana Legislative Auditor as may be applicable; and

d. any and all requirements to seek ratification of purchases or contracts that do not comply with law.

3. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for:

a. maintaining comprehensive records of such procurement transactions in an organized format;

b. making such records available to OSP for review within three business days in the format prescribed by OSP, upon request; and

c. retaining such records for a minimum of five years or the corresponding regular retention period prescribed by the State Archives for the types of documents involved, whichever is greater.

B. Any contract for professional, personal, consulting or social services, entered into by an agency must be:

1. reduced to writing;

2. signed by the contractor and the agency head; and

3. entered into the state's LaGov SRM system.

C. Any contract for complex services, IT hardware maintenance, software, software maintenance, or major repairs entered into by an agency must be:

1. reduced to a purchase order;

2. signed by authorized agency personnel; and

3. entered into the state's LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2020).

##### §5305. Standard Delegation of Procurement Authority

A. Standard DPA—Purchases. Unless otherwise specified, any agency may purchase a single supply or service not exceeding the amount provided in Section 4(a) of the Governor's Executive Order on Small Purchase Procedures without obtaining preapproval from, or having to utilize the services of, the Office of State Procurement.

B. Standard DPA—Contracts

1. Unless otherwise specified, any agency may contract for professional, personal, consulting and social services up to \$5,000 without obtaining preapproval or authorization from the Office of State Procurement.

2. Unless otherwise notified of a revocation of autonomy, an institution of higher education that has been granted autonomy under the "LaGrad" Act may contract for professional, personal, consulting and social services up to the level of the LaGrad autonomy granted without seeking preapproval from the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:198 (January 2020).

**§5307. Special Delegation of Procurement Authority; Master List of Special DPAs**

A. Special DPA. A DPA set by the Office of State Procurement above the Standard DPA for purchases and/or contracts, or a DPA set below the Standard DPA for purchases and/or contracts, shall be referred to as a “Special DPA.”

1. An agency or department head may present a request to the State Chief Procurement Officer for a special DPA under the categories of “purchases” and/or “contracts” or for specific items or categories of purchases or contracts.

2. Additionally, the State Chief Procurement Officer may take the initiative to assign a special DPA by increasing or decreasing an agency’s existing purchases DPA or contracts DPA to a level above (or below) the standard DPA.

3. Any special DPA may place additional or specific allowances or conditions upon purchasing or contracting by an agency.

B. Master List. An agency’s Special DPA shall be placed on a master list.

1. Any Special DPA, along with any other specific allowances, conditions or limitations, will be documented on a Master List maintained by the Office of State Procurement.

2. The master list will be made available (when requested) to an agency, department, the Legislative Auditor or to any other person deemed appropriate by the State Chief Procurement Officer, or as may otherwise be required by the Public Records Act.

3. Any agency not listed on the master list should operate under a standard DPA equal to the amount provided in Section 4(A) in the Governor’s Executive Order on Small Purchase Procedures for purchasing and \$5,000 for contracts, excepting specific agencies’ special categorical delegations, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:199 (January 2020).

**§5309. Reduction or Suspension of DPA; Additional Restrictions or Allowances; Review of DPA**

A The Office of State Procurement shall periodically review an agency’s DPA, and may increase, maintain or decrease the DPA after considering the following factors:

1. whether increasing, maintaining or decreasing an agency’s DPA is consistent with the state’s strategic priorities;

2. whether the agency has demonstrated (or can no longer demonstrate) an ability to responsibly handle its current DPA in accordance with Office of State Procurement policy, guidance and directions; and

3. whether the agency has adequate resources and personnel (or no longer has adequate resources and personnel) to comply with all requirements of the Procurement Code and other applicable provisions of law.

B. Nothing in this policy shall prevent the Office of State Procurement from assigning a special DPA to an agency, or increasing an agency’s existing special DPA, in advance of or during emergencies; lowering, reducing or suspending an agency’s DPA at any time in whole or in part; or removing an agency’s DPA altogether, when the State Chief Procurement Officer determines that it is in the best interests of the state to do so.

C. Nothing in this policy shall prevent the Office of State Procurement from placing specific restrictions or providing for special allowances on an individual or on specific categories of purchases, procurements or contracts.

D. Nothing in this policy shall prevent the Office of State Procurement from increasing or decreasing the Standard DPA by amending this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016), amended LR 47:199 (January 2020).

Paula Tegre  
Director

2101#063

# Administrative Code Update

CUMULATIVE: January-December 2020

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	LR 46 Page #				Month	LR 46 Page #
1	I.111,113	Adopted	Mar.	334	28	CXXXI.629,761,805,1103	Repealed	Oct.	1373
	III.101,103,105,301,303,305	Amended	Mar.	315		CXXXI.705,725,743,745,747,749,751,755	Amended	Oct.	1373
	III.107,109,111,113,115,117,505,703,715	Adopted	Mar.	315		CXXXI.783,787,	Amended	Oct.	1373
	III.501,503,507,509,511,513,701,705,707	Repromulgated	Mar.	315		CXXXI.803	Amended	Oct.	1373
	III.509	Amended	Oct.	1371		CXXXI.1001,1105,1203,1205,	Amended	Oct.	1373
	III.709,711,713,721,723,725,901,1101,1103	Repromulgated	Mar.	315		CXXXI.1305	Amended	Oct.	1373
	III.1105,1107	Repromulgated	Mar.	315		CXXXIX.103	Amended	Dec.	1669
						CXXXIX.1505	Amended	June	788
						CXXXIX.3709	Adopted	June	788
4	I.101,103	Adopted	Mar.	337	32	CXXXIX.4101,4103,4105	Adopted	Dec.	1669
	III.1301,1303	Adopted	Mar.	335		CLXIII.201	Amended	Aug.	1085
	VII.2201,2203	Adopted	Mar.	331		CLXV.509	Amended	Oct.	1373
	VII.2301	Amended	Jan.	020		CLXVII.901,903,905,909	Adopted	Apr.	555
	VII.2401	Amended	Jan.	020					
	XIII.301,303	Adopted	Mar.	335					
	XV.103,105	Adopted	Mar.	336					
7	V.2901,2903,2905	Amended	Jan.	010	33	I.3925	Amended	July	949
	XIII.1301,1303,1305,1307,1309,1311,1313	Adopted	Feb.	169		III.327	Adopted	Apr.	558
	XIII.1315,1317,1319,1321,1323,1325,1327	Adopted	Feb.	169		III.505,507,2160,3003,5116,5122,5311,5901	Amended	July	893
	XIII.1329,1331,1332,1333,1335,1337,1339	Adopted	Feb.	169		III.531,533	Amended	Oct.	1387
	XIII.1341,1343	Adopted	Feb.	169		III.2301	Amended	Sept.	1223
	XV.171	Amended	Oct.	1371		V.105,110	Amended	July	896
	XXIII.711	Amended	Feb.	169		V.108	Repealed	July	896
	XXIII.715	Amended	Nov.	1540		V.109	Repromulgated	July	896
	XXV.101,117,119,121,141,147	Amended	Nov.	1540		V.301,305,311,321,329	Amended	July	896
	XXV.111	Repealed	Nov.	1540		V.501	Amended	July	896
	XXVII.103,141	Amended	Mar.	312		V.503,505,507,509,512	Amended	Nov.	1574
	XXIX.113,115,117	Amended	Aug.	1076		V.518	Adopted	Nov.	1574
						V.713	Amended	Nov.	1574
						V.717,719	Adopted	Nov.	1574
						V.921	Amended	Nov.	1574
				V.923	Repealed	Nov.	1574		
				V.927	Adopted	Nov.	1574		
10	I.501,509,511,513	Amended	Oct.	1387	V.1001,1003,1005,1007,1009,1011,1013	Adopted	July	896	
					V.1015,1017,1019,1021,1023,1025,1027	Adopted	July	896	
					V.1029,1031,1033,1035,1037,1039,1041	Adopted	July	896	
13	III.2101,2103,2105,2107,2109,2111,2113	Adopted	Aug.	1077	V.1043,1045,1047,1049,1051,1053,1055	Adopted	July	896	
	III.2115	Adopted	Aug.	1077	V.1057,1059,1061,1063,1065,1067	Adopted	July	896	
	III.2125,2127,2129,2131,2133,2135	Adopted	Aug.	1079	V.1101,1107,1113,1127	Amended	July	896	
17	I.111	Amended	Nov.	1611	V.1103,1105,1109,1111,1121,1199	Repealed	July	896	
					V.1103,1105,1109,1110	Amended	Nov.	1574	
19	V.102,702,902,1102,1302	Adopted	Sept.	1233	V.1151	Repealed	Nov.	1574	
					V.1164,1165	Adopted	Nov.	1574	
					V.1301,1305,1309,1319	Amended	July	896	
					V.1307,1511,1513,1515,1713,1721	Amended	Nov.	1574	
					V.1501,1509,1513,1516,1529	Amended	July	896	
22	I.315	Amended	Oct.	1395	V.1705,1709,1713,1717	Amended	July	896	
	III.4703	Amended	May	693	V.1725	Adopted	Nov.	1574	
	XI.504	Amended	Jan.	042	V.1802	Amended	July	896	
	XI.511	Amended	Sept.	1232	V.1901,1903,1905,1907,1909,1915	Amended	July	896	
					V.1917,1925, 1933, 2107,2313,2317,2719	Amended	Nov.	1574	
					V.1926	Adopted	Nov.	1574	
					V.2101,2109,2117	Amended	July	896	
					V.2145,2306	Adopted	Nov.	1574	
					V.2201,2203,2205,2245,2246,2249	Amended	July	896	
					V.2317,2523,2604,2723,2805,2917	Amended	July	896	
25	III.301,303,305	Repealed	May	692	V.2707,2724,2732,2910,2912,2920	Adopted	Nov.	1574	
					V.2950,2956	Adopted	Nov.	1574	
					V.2725,2940,3105,3309,3311	Amended	Nov.	1574	
					V.3001,3003,3017,3121,3513,3515	Amended	July	896	
					V.3317,3321,3323,3333,3335,3337,3339	Amended	Nov.	1574	
					V.3349	Repealed	Nov.	1574	
					V.3801,3805,3821,3829,3843,3851,3867	Amended	July	896	
					V.3873,3883	Amended	July	896	
					V.4003,4007,4013,4035,4049,4069	Amended	July	896	
					V.4105,4141,4143,4145,4217	Amended	July	896	
					V.4301,4317,4385	Amended	July	896	
					V.4438	Repealed	July	896	
28	IV.703	Amended	Mar.	326	V.4501,4549,4561,4901,4907	Amended	July	896	
	IV.1501,1503,1505,1507,1509,1511	Amended	Jan.	019	V.5101,5121,5307	Amended	July	896	
	VI.107,315	Amended	Sept.	1222	V.5103	Amended	Nov.	1574	
	XI.409,4001,5701,7301,7311,8307,8505	Amended	Jan.	014	V.5111	Adopted	Nov.	1574	
	XI.301,801,803,6829	Amended	Oct.	1372	V.6300	Amended	Nov.	1574	
	XXXIX.503,705,707,901	Amended	Jan.	017	V.30103,30105,30107,30146,30177,30191	Amended	Nov.	1574	
	XLIII.101,153,450,508,904,1101,1153	Amended	Feb.	180	V.30119,30121,30147,30414,30416,30454	Adopted	Nov.	1574	
	XLIII.1508,1511	Amended	Feb.	180	V.30214,30222,30401,30452	Amended	Nov.	1574	
	XLV.303	Repromulgated	July	892	IX.1101,1105,1107,1109,1113,1115,1119	Amended	Nov.	1544	
	XLV.745	Amended	Mar.	324	IX.1121,1123	Amended	Nov.	1544	
	LXXIX.1101,1103	Repromulgated	Dec.	1674	IX.1123	Amended	Aug.	1086	
	LXXIX.1105,1107,1109	Adopted	Dec.	1674	IX.2501,2707,3113,3705	Amended	June	789	
	LXXIX.2102,2109,2319	Amended	Aug.	1084					
	LXXIX.2320	Adopted	Aug.	1084					
	LXXIX.3303	Amended	Dec.	1674					
	CXV.345,2319	Amended	Aug.	1085					
	CXV.351	Adopted	Jan.	014					
	CXV.401,403,405	Adopted	Dec.	1672					
	CXV.507	Adopted	Mar.	324					
	CXV.901,2324	Amended	Aug.	1083					
	CXV.2317	Amended	Dec.	1671					
	CXV.2318,2319	Amended	Apr.	556					
	CXV.3703	Amended	Dec.	1672					
	CXXXI.101	Amended	Jan.	017					
	CXXXI.201,203,239,	Amended	Oct.	1373					
	CXXXI.203	Amended	Apr.	557					
CXXXI.203,305,313	Amended	Mar.	324						
CXXXI.303	Amended	Oct.	1373						
CXXXI.304	Adopted	Mar.	324						
CXXXI.305,307,309,313,315,325,328,341	Amended	Oct.	1373						
CXXXI.344,345,346,348,350,	Amended	Oct.	1373						
CXXXI.403,409,410,411,415,417,421,	Amended	Oct.	1373						
CXXXI.501,506,507,509	Amended	Oct.	1373						
CXXXI.601,627,630,657,663,665,669,671	Amended	Oct.	1373						

LAC Title	Part #,Section #	Action	Location:		LAC Title	Part #,Section #	Action	Location:	
			Month	LR 46 Page #				Month	LR 46 Page #
33	IX.4901,4903	Amended	Mar.	330	46	LIII.1503,1519,2503,2517,2701,2749 LIII.1507,1527	Amended Repealed	June Apr.	792 579
34	III.101,103,107,109,111,115,117,119,121	Amended	Nov.	1566	48	LIII.1529	Adopted	Apr.	575
	III.129	Amended	Nov.	1566		LIII.1701,1703, 1705,1711,1713,1717,1705	Amended	Apr.	579
	III.105,113,123,125,127	Repealed	Nov.	1566		LIII.1711,1713,1717,1719,1721,1725	Amended	Apr.	579
	III.1101,1103	Adopted	Mar.	331		LIII.1801,1803,1805,1807,1809,1811,1813	Amended	Apr.	571
	V.3501,3503	Adopted	Mar.	334		LIII.1815,1817,1819,2303	Amended	Apr.	571
	VII.107,109	Adopted	Mar.	337		LIII.2425	Amended	Apr.	586
	IX.107,109	Adopted	Mar.	337		LIII.2441,2443,2451	Amended	Sept.	1226
35	I.1506	Amended	Feb.	182	LIII.2443	Amended	Apr.	568	
					LIII.2447	Amended	Apr.	576	
37	I.1101,1103	Adopted	Mar.	333	LIII.2505	Amended	Apr.	575	
	III.2101,2103	Adopted	Feb.	181	LIII.2507,2511,2513,2519,2521	Amended	Apr.	579	
	XL.301,304,311	Amended	Aug.	1103	LIII.2519	Amended	Apr.	575	
	XIII.1701,1703,1705,1707	Amended	Dec.	1688	LIII.2535,2747	Amended	Apr.	577	
	XIII.4503,4505,4507,4511,4513,4515	Amended	Mar.	360	LIII.2701,2705,2707,2731,2733,2735	Amended	Apr.	569	
	XIII.8101,8102	Amended	Dec.	1687	LIII.2741,2751	Amended	Apr.	569	
	XIII.9501,9503,9509,9511,9513,9515,	Amended	Nov.	1572	LV.312	Amended	Mar.	400	
	XIII.9517,9521	Amended	Nov.	1572	LX.503,505	Amended	Dec.	1686	
	XIII.12301,12303,12305,12307,12309,12311	Repealed	May	696	LX.3701	Amended	Dec.	1685	
	XIII.12313,12315,12317,12319,12321,12323	Repealed	May	696	LXI.105,2303	Amended	Oct.	1397	
	XIII.12325,12327,12329,12331,12333,12335	Repealed	May	696	LXI.2305	Repromulgated	Dec.	1694	
	XIII.12337,12339	Repealed	May	696					
	XIII.13705,13713,13727	Amended	Jan.	035	I.601,603,605,607	Adopted	Mar.	356	
	XIII.13728	Adopted	Jan.	035	I.5603,5605	Amended	Apr.	587	
	XIII.16101	Amended	July	993	I.5606	Adopted	Apr.	587	
	XIII.16501,16503,16505,16507,16509,16511	Adopted	Jan.	037	I.6210	Adopted	Mar.	345	
	XIII.16513,16515,16517,16519,16521,16523	Adopted	Jan.	037	I.8201,8235	Amended	Mar.	343	
XIII.16525,16527,16529,16531,16533,16535	Adopted	Jan.	037	I.9301	Amended	Dec.	1682		
XIII.16537	Adopted	Jan.	037	I.9505	Amended	Aug.	1087		
XIII.16901,16903,16905,16907,16909,16911	Adopted	May	698	I.9701,9943	Amended	Oct.	1393		
XIII.16913,16915,16917,16919,16921	Adopted	May	698	I.9781	Adopted	Mar.	344		
40	I.2013,2015,2017,2019,2021,2023	Amended	Sept.	1243	I.10080,10081,10082,10083,10084,10085	Amended	Jan.	029	
	I.2101,2103,2105,2107,2109,2111,2113	Amended	Feb.	194	I.10086,10087,10088,10089,10090	Amended	Jan.	029	
	I.2115,2117,2119,2125,2127,2131,2133	Amended	Feb.	194	I.12529	Amended	July	953	
	I.2135	Amended	Feb.	194	I.18701,18703,18705	Amended	Aug.	1088	
	I.2104	Adopted	Feb.	194	I.18706,18708	Adopted	Aug.	1088	
	I.2111,2113,2115	Repromulgated	Mar.	364	V.8001,8003,8005,8007,8009,8011,8013	Amended	Aug.	1090	
	I.2111,5701	Amended	June	797	V.8015,8017,8019,8021,8023,8025,8027	Amended	Aug.	1090	
	I.5125,5157	Amended	Oct.	1400	V.8029,8031,8033,8035,8037,8039,8041	Amended	Aug.	1090	
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	IV.381	Adopted	Oct.	1400	V.8057,8059,8061,8063,8065,8067,8069	Amended	Aug.	1090	
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					V.8064	Adopted	Aug.	1090	
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	XLV.7801,7803,9902	Adopted	Mar.	339	V.111	Adopted	Aug.	1088	
	XLV.9701,9703,9705,9709,9711,9713	Amended	Mar.	339	V.553,953,955,959,961,967	Amended	Dec.	1682	
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55	I.583	Amended	June	796			I.707,909	Adopted	June	785				
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	III.114	Adopted	Dec.	1689			IX.5015,5017,5019,5021,5023,5025,5027	Adopted	Dec.	1690				
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# Potpourri

## POTPOURRI

### Department of Children and Family Services Division of Family Support Economic Stability Section

#### Temporary Assistance for Needy Families (TANF) Caseload Reduction

The Department of Children and Family Services, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance for Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all State and Federal eligibility changes, as defined at §261.42, made by the State after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the State's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from Federal and State eligibility changes; and
7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana 70804-9065, by telephone at 225-342-4096, or via e-mail at [brandy.bonney.dcfcs@la.gov](mailto:brandy.bonney.dcfcs@la.gov).

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2021.

Marketa Garner Walters  
Secretary

2101#015

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

#### Regional Haze 5 Year Report State Implementation Plan (SIP) Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning Division, will submit to the Environmental Protection Agency (EPA) a revision to the Louisiana State Implementation Plan (SIP) for regional haze, namely the Regional Haze 5 Year Report as required by 40 CFR 51.308 (g) and (h). (2101Pot1)

The regional haze rule requires a comprehensive analysis of each state's regional haze SIP every 10 years and a progress report every 5 years. This 5-year review is intended to provide a progress report on, and, if necessary, mid-course corrections to, the regional haze SIP. The progress report provides an opportunity for public input on the state's (and the EPA's) assessment of whether the approved regional haze SIP is being implemented appropriately and whether reasonable visibility progress is being achieved consistent with the projected visibility improvement in the SIP.

All interested persons may submit written comments concerning the revision no later than 4:30 p.m., Friday, February 26, 2021, to Vivian H. Johnson, Office of Environmental Assessment, P. O. Box 4314, Baton Rouge, LA. 70821-4314, or by email at [vivian.johnson2@la.gov](mailto:vivian.johnson2@la.gov). A public hearing will be held upon request. The deadline for requesting a public hearing is Friday, February 12, 2021. The revision is available for review via LDEQ's electronic document management service (EDMS), AI# 174156, or at LDEQ Headquarters, 602 North 5th Street, Baton Rouge, Louisiana, 70802.

Courtney J. Burdette  
General Counsel

2101#029

## POTPOURRI

### Department of Natural Resources Coastal Protection and Restoration Authority

#### Public Hearings—Louisiana Coastal Protection and Restoration Authority Fiscal Year 2022 Draft Annual Plan

The Louisiana Coastal Protection and Restoration Authority (CPRA), in accordance with state law and the emergency proclamations of the Governor related to the

COVID-19 Public Health Emergency (Proclamation Numbers 209 JBE 2020 and 210 JBE 2020 and any extensions thereof), will hold the following virtual public hearings to receive public comments on Louisiana’s “Fiscal Year 2022 Draft Annual Plan: Integrated Ecosystem Restoration and Hurricane Protection in Coastal Louisiana.”

Monday, Feb. 22	6:00 PM Virtual Hearing – Southwest Louisiana
Link: <a href="https://cpa.webex.com/cpra/j.php?MTID=m189f96e68276d42d7df836e2427e8961">https://cpa.webex.com/cpra/j.php?MTID=m189f96e68276d42d7df836e2427e8961</a> Password: AnnualPlan01 Join by phone: (408) 418-9388 Access code: 146 269 5050	
Tuesday, Feb. 23	6:00 PM Virtual Hearing – Southcentral Louisiana
Link: <a href="https://cpa.webex.com/cpra/j.php?MTID=m016a5d854193d5e9779886d996c8f8f7">https://cpa.webex.com/cpra/j.php?MTID=m016a5d854193d5e9779886d996c8f8f7</a> Password: AnnualPlan02 Join by phone: (408) 418-9388 Access code: 146 110 9297	
Wednesday, Feb. 24	6:00 PM Virtual Hearing – Southeast Louisiana
Link: <a href="https://cpa.webex.com/cpra/j.php?MTID=m8768cd98ae48793e4ffa899d54f259bf">https://cpa.webex.com/cpra/j.php?MTID=m8768cd98ae48793e4ffa899d54f259bf</a> Password: AnnualPlan03 Join by phone: (408)418-9388 Access code: 146 973 9882	

In-person viewing sessions of the meetings will be offered if COVID restrictions at the time of the meetings allow. CPRA will post location information as it becomes available on its website at <https://coastal.la.gov/calendar/>.

CPRA will receive written comments and recommendations on the Fiscal Year 2022 Draft Annual Plan until March 27, 2021. Written comments should be mailed (to arrive no later than March 27, 2021) to the following address:

Coastal Protection and Restoration Authority  
 Public Comments  
 150 Terrace Avenue  
 Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Please visit [coastal.la.gov/calendar/](https://coastal.la.gov/calendar/) for more detailed information and copies of the Fiscal Year 2022 Draft Annual Plan which will be posted prior to the public hearings.

For questions regarding the hearings, please contact Chuck Perrodin at (225) 342-7615.

Bren Haase  
 Executive Director

2101#064



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