

I. EXECUTIVE ORDERS
 MJF 97-20—Bond Allocation—Public Facilities Authority 533
 MJF 97-21—School Based Health Clinic Task Force 533

II. EMERGENCY RULES
Agriculture and Forestry
 Office of Animal Health Services, Livestock Sanitary Board—Equine Infectious Anemia and Livestock
 Auction Market (LAC 7:XXI.11765 and 11766) 535
 Quarantining, Vaccinating and Testing of Swine (LAC 7:XXI.11776) 538
 Sanitary Disposal of Dead Poultry (LAC 7:XXI.Chapter 117) 539
 Office of the Commissioner—Alternative Livestock—Imported Exotic Deer and Antelope, Elk, and
 Farm-Raised White-Tailed Deer (LAC 7:XXI.11793-11798) 540

Health and Hospitals
 Office of the Secretary, Bureau of Health Services Financing—Mentally Retarded/Developmentally
 Disabled Waiver 544

Public Safety and Corrections
 Liquefied Petroleum Gas Commission—Liquefied Petroleum Gas as a Refrigerant (LAC 55:IX.183) 545

Social Services
 Office of Family Support—Food Stamps—Disqualification of Certain Recipients/Applicants (LAC 67:III.1988) ... 546

Treasury
 Board of Trustees of the State Employees Group Benefits Program—Plan Document—Infertility Exclusion 546
 Plan Document—Prescription Drug Exclusions and Limitations 547
 Plan Document—Prescription Drug Exclusions and Limitations (Serostim) 547
 Board of Trustees of the State Employees' Retirement System—Election of
 Trustees (LAC 58:I.Chapters 3 and 5) 548

Wildlife and Fisheries
 Office of Fisheries—Freshwater Mussel Harvest (LAC 76:VII.161) 550
 Wildlife and Fisheries Commission—Black Bass—John K. Kelly-Grand Bayou Reservoir (LAC 76:VII.149) 551
 Nonresident Duck Stamp Fee Increase (LAC 76:V.317) 552
 Spring Inshore Shrimp Season—1997 552

III. RULES
Agriculture and Forestry
 Office of Forestry—Forest Management Fees (LAC 7:XXXIX.20701) 553
 Indian Creek Recreation Area User Fees (LAC 7:XXXIX.20501) 553

Economic Development
 Economic Development Corporation—BIDCO Investment and Co-Investment Program (LAC 19:X.Chapter 1) ... 554
 Micro Loan Program (LAC 19:VII.Chapter 75) 555
 Venture Capital Match Program (LAC 19:VII.2301-2313) 558

Education
 Board of Elementary and Secondary Education—Bulletin 741—Adding Elective Courses 560
 Bulletin 741—Alternative Schools/Programs 560
 Bulletin 746—Ancillary Secondary and Elementary School Principals 561
 Bulletin 746—Health and Physical Education Certification 562
 Bulletin 1134—Standards for Library Media Programs (LAC 28:I.911) 563

Environmental Quality
 Office of Solid and Hazardous Waste, Hazardous Waste Division—RCRA V Federal Package
 (LAC 33:V.Chapters 1, 15, 22 and 41)(HW055*) 564
 Universal Waste Rule (LAC 33:V.Chapters 1, 3, 15, 22, 35, 38, 39, and 41)(HW054*) 567

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Health and Hospitals	579
Office of Public Health—Genetic Diseases—Neonatal Screening (LAC 48:V.6303)	579
Natural Resources	580
Office of Conservation—Automatic Custody Transfer (LAC 43:XIX.2301-2305)	581
Gas/Oil Ratios, Allowables and Venting Natural Gas (LAC 43:XIX.3501-3511)	583
Multiple Completions (LAC 43:XIX.1301-1305)	584
Oil and Gas Commingling (LAC 43:XIX.1501-1503)	584
Public Safety and Corrections	
Board of Private Security Examiners—Definitions, Organization, Board Membership, Training, Investigations (LAC 46:LIX.Chapters 1-8)	587
Social Services	590
Office of Community Services—Central Registry—Child Abuse and Neglect Cases (LAC 67:V.1103)	590
Office of Family Support—Food Stamp Disqualification (LAC 67:III.1988)	591
Individual and Family Grant Correction of LAC (LAC 67:III.4702)	591
Office of the Secretary—Child Care Eligibility Requirements—Aliens (LAC 67:I.101)	591
Treasury	
Board of Trustees of the State Employees Group Benefits Program—Plan Document—Prescription Drug Exclusions and Limitations	592
Wildlife and Fisheries	
Wildlife and Fisheries Commission—Experimental Dove Field Leasing (LAC 76:XIX.107)	592

IV. NOTICES OF INTENT

Civil Service

Civil Service Commission—Charges, Settlement, and Attorney Fees	594
Performance Planning and Review System	594

Education

Board of Elementary and Secondary Education—Bulletin 746—Noncertified School Personnel (LAC 28:I.903)	595
---	-----

Environmental Quality

Office of Air Quality and Radiation Protection, Radiation Protection Division—Mammography Physicist Certification and Radiographer Trainee Requirements (LAC 33:XV.Chapters 5 and 6)(NE019)	596
Radioactive Material and Waste (LAC 33:IV.325,1302 and 1307)(NE018)	599
Office of the Secretary—Declaratory Rulings (LAC 33:I.Chapter 11)(OS022)	600

Firefighters' Pension and Relief Fund

City of New Orleans and Vicinity—Deferred Retirement Option Plan (DROP)	605
---	-----

Health and Hospitals

Board of Medical Examiners—Medications Used in the Treatment of Obesity (LAC 46:XLV.6903 and 6907)	605
Board of Veterinary Medicine—Certified Animal Euthanasia Technicians (LAC 46:LXXXV.1201)	606
Fees (LAC 46:LXXXV.501 and 503)	607
Licensure Procedures (LAC 46:LXXXV.301-307)	608
Operations of the Board of Veterinary Medicine (LAC 46:LXXXV.Chapter 1)	610
Preceptorship Program (LAC 46:LXXXV.Chapter 11)	613
Professional Conduct—Specialty List (LAC 46:LXXXV.1063)	614
Veterinary Practice (LAC 46:LXXXV.Chapter 7)	614
Office for Citizens with Developmental Disabilities—Certification of Medication Attendants (LAC 48:IX.915 and 917)	616
Office of the Secretary, Bureau of Health Services Financing—Nursing Facility Services—Standards for Payment (LAC 50:II.Chapter 101)	617

Public Safety and Corrections

Gaming Control Board—Designated Gaming Area (LAC 42:XIII.1701)	623
Liquefied Petroleum Gas Commission—Liquefied Petroleum Gas as a Refrigerant (LAC 55:IX.183)	623
Office of Motor Vehicles—Privacy of Records (LAC 55:III.Chapter 5)	624

Social Services

Office of Rehabilitation Services—Vocational Rehabilitation Policy Manual (LAC 67:VII.101)	628
--	-----

Treasury

Board of Trustees of the State Employees' Retirement System—Election of Trustees (LAC 58:I.Chapters 3 and 5)	629
--	-----

Wildlife and Fisheries

Wildlife and Fisheries Commission—Black Bass—Daily Take and Size Limits (LAC 76:VII.149)	630
Nonresident Duck Stamp Fee Increase (LAC 76:V.317)	631

V. COMMITTEE REPORTS

House of Representatives

Committee on Administration of Criminal Justice—Progressive Mega Jackpot Bingo (LAC 42:I.1791)	632
--	-----

VI. POTPOURRI

Agriculture and Forestry

Office of Agricultural and Environmental Sciences, Horticulture Commission—Retail Floristry Examination	633
---	-----

Environmental Quality

Office of Air Quality and Radiation Protection—Request for MSW Landfill Annual Report	633
Governor	
Oil Spills Coordinator's Office—Restoration Planning—Myette Point Oil Spill (Attakapas WMA)	633
Health and Hospitals	
Board of Embalmers and Funeral Directors—Embalmer/Funeral Director Examinations	634
Natural Resources	
Office of Conservation, Injection and Mining Division—Public Hearing—Oilfield Waste Facility	634
Public Hearing—Oilfield Waste Facility	635
Public Hearing—Oilfield Waste Facility	635
Transportation and Development	
Sabine River Compact Administration—Spring Meeting Notice	635

Executive Orders

EXECUTIVE ORDER MJF 97-20

Bond Allocation—Public Facilities Authority

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Louisiana Public Facilities Authority has requested an allocation from the 1997 Ceiling to be used in connection with providing funds for the purchase of student loans which bear interest rates at approximately 1 percent below the rates established by the United States Department of Education and which (1) are made (a) to residents of the state of Louisiana attending a post-secondary school located within or without the state, or (b) to an out-of-state resident attending a post-secondary school located within the state; (2) are guaranteed; (3) are "eligible student loans" within the meaning of the Higher Education Act of 1965 (hereafter "the Higher Education Act"); and (4) meet certain additional requirements under financing documents (hereafter "the Student Loan Program"). "Eligible student loans" include consolidation loans and other loans which are guaranteed and meet all the requirements of the Higher Education Act and applicable financing documents;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., 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: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$43,500,000	Louisiana Public Facilities Authority	Student Loan Revenue Bonds

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the state of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect through the end of 1997, provided that

such bonds are delivered to the initial purchasers thereof on or before July 9, 1997.

SECTION 4: All references in this order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code* of 1986, as amended.

SECTION 6: This order is effective upon signature and shall remain 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, at the Capitol, in the City of Baton Rouge, on this 10th day April, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9705#010

EXECUTIVE ORDER MJF 97-21

School Based Health Clinic Task Force

WHEREAS, Executive Order MJF 96-74, signed on December 16, 1996, created and established within the Executive Department, Office of the Governor, the School Based Health Clinic Task Force (hereafter "Task Force") and ordered it to submit two reports to the Governor by specified dates;

WHEREAS, the dates specified for submitting the reports to the Governor were amended by Executive Order 97-13, signed on February 25, 1997; and

WHEREAS, it is once again necessary to change the dates on which the task force shall submit its reports to the governor on the progress and/or fulfillment of its primary and secondary objectives and duties;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., 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: Section 4 of Executive Order MJF 96-74 and Section 1 of Executive Order MJF 97-13 are amended to provide as follows:

The task force shall prepare and submit a report to the governor on the progress and/or fulfillment of its primary objectives and duties, no later than June 30, 1997, and on the progress and/or fulfillment of its secondary objectives and duties, no later than August 15, 1997.

SECTION 2: All other Sections and Subsections of Executive Order MJF 96-74 and 97-13 shall remain in full force and effect.

SECTION 3: The provisions of this order are effective upon signature and shall remain 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, at the Capitol, in the City of Baton Rouge, on this 6th day May, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9705#069

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board

Equine Infectious Anemia and Livestock
Auction Market (LAC 7:XXI.11765 and 11766)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), R.S. 3:2093, and R.S. 3:2095, the Department of Agriculture and Forestry, Livestock Sanitary Board finds that this emergency rule setting forth the equine infectious anemia eradication program is required so that the eradication program can continue uninterrupted. The board has been advised of allegations that legal defects exist in the present equine infectious anemia eradication program. The board has further been advised that in the event the alleged legal defects are found to exist, the equine infectious anemia eradication program could be interrupted. The resultant interruption in the equine infectious anemia eradication program would cause imminent peril to public health, safety, and welfare of the citizens of this state in the that a major disease eradication program would be compromised. Out of an abundance of caution and in order to insure that the equine infectious anemia eradication program remains in place and uninterrupted pending final adoption of this rule through the normal promulgation process, the board declares an emergency to exist and adopts by emergency process the attached rule setting forth the equine infectious anemia eradication program. The effective date of this emergency rule is June 17, 1997, and it shall be in effect for 120 days or until an appropriate final rule takes effect through the normal adoption and promulgation process, whichever occurs first.

This declaration of emergency and adoption of rule by emergency process is in accordance with and under the authority of the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), R.S. 3:2093, and R.S. 3:2095.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

§11765. Equine Infectious Anemia and Livestock Auction Market

A. Identification. Beginning February 1, 1994, all equine prior to an official test for Equine Infectious Anemia (EIA) shall be individually and permanently identified by one of the following means:

1. implanted electronic identification transponder with individual number;
2. individual lip tattoo;
3. individual hot brand or freeze brand.

B. Equine Required to be Tested

1.a. All equine moving into the state of Louisiana for any purpose other than immediate slaughter, shall be accompanied by a record of a negative official test for EIA, conducted within the past 12 months.

b. The official test shall be conducted by an approved laboratory.

c. The name of the laboratory, the case number, and the date of the official test shall appear on the health certificate, as required in LAC 7:XXI.11761.

2.a. All equine moving within the state to fairs, livestock shows, breeders association sales, rodeos, racetracks, or to any other concentration point, shall be accompanied by an official record of a negative official test for EIA, conducted within the past 12 months.

b. The official test shall be conducted by an approved laboratory and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

3.a. All equine sold or purchased in Louisiana shall have been officially tested negative for EIA within six months of the date of the sale or shall be officially tested negative for EIA at the time of sale or purchase.

b. The official test shall be conducted at an approved laboratory.

c. The official test record shall accompany the horse at the time of the sale or purchase and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

4.a. All equine offered for sale at Louisiana livestock auction markets must be accompanied by an official record of a negative official test for EIA conducted by an approved laboratory within six months of the date of the sale, except as provided in this Subsection hereof.

b. Exceptions are untested equine arriving at a Louisiana livestock auction market shall have a blood sample drawn for official EIA testing.

i. A fee of no more than \$18 shall be collected from the seller and paid to the testing veterinarian by the auction market.

ii. The buyer of the equine shall be charged a \$5 identification fee which will be collected by the auction market before the equine leaves the auction market. This fee will be forwarded to the Louisiana Department of Agriculture and Forestry.

iii. After the blood sample is obtained and the fee paid, untested horses may move to the purchaser's premises under a quarantine issued by Louisiana Livestock Sanitary board personnel until results of the official tests are received.

iv. The seller of any equine whose gross proceeds from the sale are less than \$50 will not be required to pay the fee for an official EIA test.

v. If no veterinarian is available for official EIA testing of equine at a Louisiana livestock auction market, the testing shall be done by Louisiana Livestock Sanitary Board personnel.

c. Authorized buyers for approved slaughter establishments may request that any equine they have purchased at a Louisiana livestock auction market be restricted to slaughter.

i. After the request, such equine shall be branded with the letter "S" on the left shoulder prior to leaving the auction market and shall be issued a VS Form 1-27 permit.

ii. The branding and permit issuing shall be done by Louisiana Livestock Sanitary Board personnel.

5. All equine domiciled within the state of Louisiana shall be maintained with a negative current official test for Equine Infectious Anemia.

a. A negative current official test is a written result of a test conducted by an approved laboratory where said official test was performed not more than 12 months earlier.

b. An equine is domiciled within the state when the equine has been pastured, stabled, housed, or kept in any fashion in the state more than 30 consecutive days.

c. Written proof of a negative current official test shall be made available in the form of negative results from an approved laboratory upon request by an authorized representative of the Louisiana Livestock Sanitary Board.

C. Identification and Quarantining of Equine Positive to the Official EIA Test

1.a. With the exception of the equine stabled at a racetrack regulated by the Louisiana State Racing Commission, all equine testing positive to the official test for EIA shall be quarantined to the owners premises and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA.

i. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian.

ii. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Louisiana Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility.

b. The owner or trainer of all equine stabled at a racetrack regulated by the Louisiana State Racing Commission testing positive to an official EIA test shall be notified immediately by the testing veterinarian, or by racetrack officials, or by Louisiana Livestock Sanitary Board personnel and the equine testing positive shall be removed from the racetrack premises immediately.

c. Exceptions are:

i. Upon request by the owner, any female equine testing positive to the official test for EIA that is at least 270 days pregnant or has a nursing foal no more than 120 days of age at her side may be quarantined to the owner's premises and kept at least 200 yards away from any other equine.

(a). The female equine shall be identified with a "72A" brand at least 3 inches in height on the left shoulder.

(b). The female equine may remain in quarantine until her foal dies or reaches an age of 120 days at which time

the female equine shall be destroyed or sold for immediate slaughter within 20 days.

(i). If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian.

(ii). If sold for slaughter, the female equine shall be accompanied by a VS Form 1-27 permit issued by Louisiana Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility.

(c). Any foal kept in quarantine with its EIA positive dam shall be officially tested for EIA no later than 90 days after it is weaned.

ii. Any equine testing positive to the official EIA test prior to the effective date of this regulation may be quarantined to the owner's premises and kept at least 200 yards away from any other equine.

(a). This equine shall be identified with a "72A" brand at least 3 inches in height on the left shoulder.

(b). If the EIA positive equine is sold, it must be sold for slaughter and a VS Form 1-27 permit must be issued by Livestock Sanitary Board personnel to move the EIA positive equine from the owner's premises to slaughter.

(c). If the EIA positive equine is destroyed or dies, verification of said destruction or death by written and signed statement must be furnished to the office of the state veterinarian.

iii. Any EIA positive equine found in violation of this quarantine shall be required to be sold for slaughter or destroyed within 20 days.

2. All equine stabled at a racetrack regulated by the Louisiana State Racing Commission, testing positive to the official EIA test and immediately removed from the racetrack shall be quarantine to the premises to which they are moved and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA.

a. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian.

b. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Louisiana Livestock Sanitary Board personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility.

3. With the exception of the equine stabled at a racetrack regulated by the Louisiana State Racing Commission, the following shall be quarantined and officially tested for EIA no sooner than 30 days after the positive equine has been removed:

a. all equine on the same premises as an equine testing positive to the official EIA test;

b. all equine on all premises within 200 yards of the premises of the equine testing positive to the official EIA test; and

c. all equine which have been on these aforementioned premises within the past 30 days at the time the equine which is positive to the official EIA test was tested.

4. All equine stabled at a racetrack regulated by the Louisiana State Racing Commission which are stabled in the

same barn or in a directly adjacent barn of an equine which tests positive to the official EIA test shall be quarantined until the positive equine is removed and all other horses in the aforementioned barns are tested negative to the official EIA test.

5.a. Equine which are required to be officially tested for EIA as a result of being quarantined due to the circumstances described in §11765.C.3 and 4 of this Section may be tested by an accredited veterinarian chosen by the owner or by a state employed veterinarian if requested by the owner of the quarantined equine.

b. In the event that the official testing for EIA is done by a state employed veterinarian, the official record (VS Form 10-11) will not be made available to the owner.

6. Equine positive to the official test for EIA:

a. shall be identified with a "72A" brand on the left shoulder at least 3 inches in height, by Louisiana Livestock Sanitary Board personnel;

b. will be retested prior to identification by branding upon request by the owner, by Louisiana Livestock Sanitary Board personnel and the blood sample submitted to the Louisiana Veterinary Medical Diagnostic Laboratory for confirmation.

D. Collection and Submission of Blood Samples

1.a. All blood samples for official EIA testing must be drawn by an accredited veterinarian and submitted to either an approved laboratory or the Louisiana Veterinary Medical Diagnostic Laboratory as provided herein.

b. The seller of any equine which sells at a Louisiana livestock auction market in which the gross proceeds from the sale are less than \$50 may request that the blood sample be drawn by Louisiana Livestock Sanitary Board personnel.

2.a. Blood samples for official EIA testing shall be accompanied by a VS Form 10-11, Equine Infectious Anemia Laboratory Test Report, with completed information as to the equine owner's name, address, telephone number, and permanent individual identification of the equine.

b. The VS Form 10-11 shall be considered the official record for all official EIA tests conducted in Louisiana.

3. Only serum samples in sterile tubes shall be accepted for testing.

4. Blood samples drawn for EIA testing at Louisiana livestock auction markets and blood samples drawn for EIA testing by Louisiana Livestock Sanitary Board personnel shall be submitted to the Louisiana Veterinary Medical Diagnostic Laboratory for testing.

E. Testing of Blood Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the official test for EIA in Louisiana and such laboratories must also receive approval by the Louisiana Livestock Sanitary Board.

2. Approved laboratories shall submit the original (white copy) of each VS Form 10-11 at the end of each week to the Louisiana Livestock Sanitary Board office.

3. Approved laboratories may charge a fee to the accredited veterinarian for conducting the official test.

F. Requirements for a Permit for the Operation of an Equine Quarantine Holding Area

1. Any buyer desiring to operate an equine quarantine holding area must file an application for approval of the facility on forms to be provided by the Louisiana Livestock Sanitary Board.

2. The facility to be operated as an equine quarantine holding area, must have an area where equine testing positive to the official EIA test and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Louisiana Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. The buyer desiring to operate an equine quarantine holding area, must agree, in writing, to comply with the rules and regulations of the Louisiana Livestock Sanitary Board.

5. No other equine except equine consigned for slaughter, shall be kept in an equine quarantine holding area.

6. No equine shall be kept in the equine quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 11:243 (March 1955), amended LR 11:615 (June 1955), LR 14:223 (April 1988), LR 14:697 (October 1988), LR 20:406 (April 1994), LR 20:1257 (November 1994), LR 23:

§11766. Equine Infectious Anemia Testing Laboratory

A. No person shall operate an Equine Infectious Anemia testing laboratory without first obtaining approval from the Louisiana Livestock Sanitary Board.

B. Conditions for Approving an Equine Infectious Anemia Testing Laboratory

1. The person must submit an application for approval to the office of the state veterinarian.

2. An inspection of the facility must be made by someone representing the office of the state veterinarian and who shall submit a report to the Louisiana Livestock Sanitary Board indicating whether or not the person applying for an Equine Infectious Anemia testing laboratory approval has the facilities and equipment which are called for in Veterinary Service Memorandum 555.8.

3. The applicant must agree, in writing, to operate the laboratory in conformity with the requirements of the regulation and Veterinary Service Memorandum 555.8.

4. The applicant must show the board that there is a need for the laboratory.

5. If the application is approved by the Louisiana Livestock Sanitary Board, the applicant will proceed with training, examination, and United States Department of Agriculture laboratory visitation.

6. Laboratory check test results shall be provided to the state veterinarian for final approval.

7. All Equine Infectious Anemia testing laboratories which have been approved by the United States Department of Agriculture, prior to the adoption of this regulation, shall

be automatically approved at the time this regulation goes into effect.

C. Conditions for Maintaining Equine Infectious Anemia Testing Laboratory Approval

1. Laboratories must maintain a work log clearly identifying each individual sample and tests results, which must be available for inspection, for a period of 18 months from the date of the test.

2. Laboratories must maintain on file and make available for inspection, a copy of all submitting forms for a period of 18 months.

3. Laboratories must continually meet all the requirements of Veterinary Services Memorandum 555.8.

4. Samples shall be periodically collected and laboratories periodically inspected without prior notification.

5. Laboratories shall report, immediately, by telephone or telephonic facsimile, all positive results to the official test for EIA to the state veterinarian's office.

6. The state veterinarian shall renew the approval in January of each year, as long as laboratories maintain the standards required by this regulation and Veterinary Services Memorandum 555.8.

D. Cancellation of Equine Infectious Anemia Testing Laboratory Approval. An Equine Infectious Anemia testing laboratory may have its approval canceled if the Louisiana Livestock Sanitary Board finds, at a public hearing, that the laboratory has failed to meet the requirements of this regulation or has falsified its records or reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 14:698 (October 1988), amended LR 20:408 (April 1994), LR 23:

Maxwell Lea, Jr.
Executive Secretary

9705#053

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

**Quarantining, Vaccinating and
Testing of Swine (LAC 7:XXI.11776)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), R.S. 3:2093, and R.S. 3:2095, the Livestock Sanitary Board finds an emergency situation to exist due to the continued persistent incidence of brucellosis and pseudorabies in the swine population in Louisiana. The board finds that immediate implementation of change in ownership test requirements is necessary for Louisiana to reach a goal of eradication of brucellosis and pseudorabies in swine and to keep pace with the progress of the national eradication programs. The effective date of this emergency rule is May 9, 1997, and it

shall be in effect for 120 days or until the final rule takes effect through normal promulgation process whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

§11776. Quarantining, Vaccinating and Testing of Swine for Brucellosis and Pseudorabies

A.1. The state veterinarian, or his representative, shall have the authority to conduct epidemiologic investigations and quarantine of:

a. swine herds in which one or more of the animals are found to be positive to pseudorabies, as determined by the epidemiologist, based on the interpretation of official tests;

b. the herd of origin of swine that have been added to a herd that becomes quarantined because of pseudorabies, if swine have been acquired from said herd of origin within the last 12 months;

c. herds which have received swine from herds found to have pseudorabies;

d. herds of swine including feedlots, within a 1.5 mile radius of the quarantined herd, will be monitored in accordance with the recommendation of the state veterinarian and/or epidemiologist by either a test of all breeding swine or by an official random sample test.

2. A herd plan and epidemiology report must be completed within 30 days from the date an animal that originated from the herd was found to be a reactor at slaughter.

3. A herd test must be completed within 45 days from the date an animal that originated from the herd was found to be a reactor at slaughter.

B. To be eligible for release from quarantine, a swine herd must meet the following requirements:

1.a. All swine positive to an official pseudorabies test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws within 15 days.

b. All swine, over 6 months of age and a random sampling of any growing/finishing swine which remain in the herd, must be tested negative 30 days or more after removal of reactors.

c. No livestock on the premises shall have shown signs of pseudorabies after removal of reactors.

2. Whole Herd Depopulation

a. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws.

b. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

C. A herd of swine quarantined because of brucellosis must meet one of the following requirements:

1.a. All swine positive to an official brucellosis test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises by disposal means authorized by applicable state laws within 15 days.

b. All swine over 6 months of age which remain in the herd, must be tested according to an approved herd plan.

c. A herd may be released from quarantine upon completion of three negative Complete Herd Tests (CHT).

i. The first test must be completed at least 30 days after removal of the last reactor.

ii. A second CHT must be conducted 60-90 days following the first CHT.

iii. A third CHT is required 60-90 days following the second CHT.

iv. A fourth CHT is required six months after the third CHT.

2. Whole Herd Depopulation

a. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws.

b. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

D. All movement from pseudorabies/brucellosis quarantined herds, must be accompanied by a VS Form 1-27, Permit for Movement of Restricted Animals, listing the official, individual identification of each animal to be removed.

1. This form must be delivered to an authorized representative at destination.

2. These permits will be issued by a representative of the Louisiana Livestock Sanitary Board.

E. All exposed swine moving from quarantined premises in interstate or intrastate commerce, must move directly to a recognized slaughter establishment or to an approved swine quarantined feedlot or rendering plant.

F. The use of pseudorabies vaccine is prohibited, except by permission of the state veterinarian.

G.1. All swine, 6 months of age or older, must be tested negative for pseudorabies and brucellosis by an official test within 30 days prior to sale.

2. Swine originating from a brucellosis validated-pseudorabies qualified free herd or from a monitored feeder pig herd are exempt from this testing requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990) amended LR 18:839 (August 1992), LR 20:1258 (November 1994), LR 23:

§11777. Operation of Livestock Auction Markets

All swine which are sold or offered for sale in livestock auction markets must meet the general requirements of

LAC 7:XXI.11709 and the following specific Pseudorabies/Brucellosis requirements:

1. All breeder and feeder swine moving to Louisiana auction markets from farms outside Louisiana, must meet the requirements of LAC 7:XXI.11709; and

2. All swine over 6 months of age, being sold at Louisiana livestock auction markets must be identified by an official swine backtag, placed on the animals's forehead and an official metal eartag.

3.a. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official backtag numbers applied to the consignor's livestock.

b. It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that is not the name and address of the owner consigning the livestock to the auction market.

4.a. All swine 6 months of age or older arriving at a livestock auction market without an official negative test will have a blood sample drawn for testing.

b. Swine originating from a brucellosis validated-pseudorabies qualified free herd or from a monitored feeder pig herd are exempt from this testing requirement.

c. Testing for pseudorabies and brucellosis at livestock auction markets may be suspended by the state veterinarian due to climatic conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:245 (March 1985), amended LR 11:615 (June 1985), LR 16:392 (May 1990), LR 18:839 (August 1992), LR 23:

Maxwell Lea, Jr.
Executive Secretary

9705#052

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board

Sanitary Disposal of Dead Poultry
(LAC 7:XXI.Chapter 117)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), R.S. 3:2093 and R.S. 3:2095, the Department of Agriculture and Forestry, Livestock Sanitary Board finds that this emergency rule, setting forth the regulations governing the sanitary disposal of dead poultry, is necessary for the health and safety of the citizens of Louisiana. The board has discovered that certain Subsections of §11771 of the Livestock Sanitary Board regulations which outline the approved methods for the sanitary disposal of dead poultry were deleted through a

clerical error which occurred during an amendment of that Section in August, 1994. The lack of approved methods of sanitary disposal of dead poultry, and the resultant disposal of dead poultry through unapproved methods would cause imminent peril to public health, safety, and welfare of the citizens of this state in that other, unsanitary, disposal methods may be employed and could result in a health crisis in Louisiana. In order to insure that noted methods of sanitary disposal of dead poultry remains in place and uninterrupted pending final adoption of this rule through the normal promulgation process, the board declares an emergency to exist and adopts by emergency process the following emergency rule. The effective date of this emergency rule is June 17, 1997, and it shall remain in effect for 120 days or until the final rule takes effect through the normal adoption and promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

§11701. Definitions

* * *

Digester—a specially designed water tight system which is buried in the ground below the frost line and has the ability and strength to hold liquid, without leakage or seepage, and is used to dispose of dead poultry through use of bacteria.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986), LR 12:498 (August 1986), LR 14:217 (April 1988), LR 15:811 (October 1989), LR 16:391 (May 1990), LR 17:29 (January 1991), LR 18:840 (August 1992), LR 23:

Subchapter D. Poultry

§11771. Sanitary Disposal of Dead Poultry

A. All commercial poultry producers are required to obtain a certificate of approval. Failure to obtain a certificate shall be considered a violation of this regulation. Certificates of approval are continuous, but subject to review and cancellation should the poultry producer fail to dispose of dead poultry in accordance with this regulation.

B. Approved Methods. Dead poultry must be removed from the presence of the live poultry without delay. The carcasses, parts of carcasses and offal must be held in covered containers until disposal is made by one of the approved methods. In no instance, however, will the storage of dead poultry be allowed to create sanitary problems. Commercial poultry producers shall be required to dispose of dead poultry by one of the following methods:

1. Disposal pits shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

a. Effective January 1, 1993, no disposal pits will be approved.

b. Disposal pits that are currently in use will be allowed to operate until January 1, 1995.

2. Incinerators. Incinerators shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Livestock Sanitary Board.

3. Rendering Plant. Dead poultry, parts of carcasses and poultry offal may be transported in covered containers to approved rendering plants. Poultry carcasses may be held on the premises of commercial poultry producers as long as the storage does not create a sanitary problem. All such methods of storage and transportation of dead poultry to approved rendering plants must be approved by an authorized representative of the Livestock Sanitary Board.

4. Composting. The design, construction, and use of compost units must be approved by an authorized representative of the Livestock Sanitary Board.

5. Digesters. Poultry digesters may be used if the following conditions are met:

a. The design, construction, location, and use of digesters must be approved by an authorized representative of the Livestock Sanitary Board.

b. The bacteria being used in the digester must be approved by an authorized representative of the Livestock Sanitary Board.

c. The digester must be maintained according to recommendations of an authorized representative of the Livestock Sanitary Board.

C. In the event of the death of more than 1 percent of broilers or 0.5 percent of pullets or breeders over 4 weeks of age on the same premises within a 24-hour period of time, the death of which is not known to be caused by a contagious or infectious disease, the dead poultry may be disposed of by on-site burial. The state veterinarian's office must be notified immediately by telephone or facsimile in the event of excessive mortality requiring on-site burial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985), LR 17:874 (September, 1991), amended LR 18:1355 (December 1992), LR 20:550 (August, 1994), LR 23:

Maxwell Lea, Jr.
State Veterinarian

9705#044

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Alternative Livestock—Imported Exotic
Deer and Antelope, Elk, and Farm-Raised
White-Tailed Deer (LAC 7:XXI.11793-11798)

In accordance with the Administrative Procedure Act, specifically R.S. 49:953(B), and R.S. 3:3101, the

commissioner of Agriculture and Forestry finds that this emergency rule regulating the slaughter and sale of imported exotic deer and antelope, elk and farm-raised white-tailed deer for commercial purposes in the state of Louisiana is necessary to prevent imminent peril to the health, safety and welfare of the citizens of Louisiana.

Without regulations in place, diseased or contaminated animals may be brought into the state of Louisiana or slaughtered and sold as food to be consumed by Louisiana citizens. Louisiana is certified by the United States Department of Agriculture (USDA) as a tuberculosis- and brucellosis-free state. The introduction of any imported exotic deer and antelope, elk and farm-raised white-tailed deer infected with either of these diseases will subject Louisiana cattle and other livestock to infection. Any infection of cattle or other livestock will cause the owner of such livestock to lose the commercial value of such animals. In addition, introduction of these diseases into the state will jeopardize Louisiana's certifications from the USDA. The loss of the commercial value of infected livestock, as well as the loss of USDA certification, will cause a substantial adverse economic impact on the agricultural economy of this state.

For these reasons, the commissioner of Agriculture and Forestry has determined that this emergency rule is necessary in order to immediately regulate the raising, slaughtering and sale of imported exotic deer and antelope, elk and farm-raised white-tailed deer for commercial purposes in the state of Louisiana.

This emergency rule becomes effective April 22, 1997. It shall remain in effect 120 days or until the final rule becomes effective, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter K. Alternative Livestock—Imported Exotic Deer and Antelope, Elk, and Farm-Raised White-Tailed Deer

§11793. Scope

A. Statement of Purpose

1. The purpose of these Subchapter K Rules and Regulations is to protect the industry related to wild native and domesticated species against infringement by overpopulation and disease from non-native species of animal.

2. Additionally, these regulations augment and support the legislation authorizing the Louisiana Department of Agriculture and Forestry to administer and enforce the laws dealing with the production, raising, slaughtering, sale, and transfer of certain native and non-native wild species which are farm-raised.

B. Definitions

Alternative Livestock—farm-raised animal species and farm-raised avian species which are normally found in the wild in substantial populations.

Commerce/Commercial—the buying, selling, trading, or transferring ownership of a commodity from one person to another.

Elk—any animals of the species and genus *Cervus canadensis*.

Farm-Raised—any animal and avian species including but not limited to imported exotic deer and antelope, elk, and white-tailed deer which is bred, born, raised, and/or kept within a closed circumscribed fenced premise for the purpose of buying, selling, or trading in commerce. This definition does not include animal and avian species which are part of a zoo, game park or wildlife exhibit where the purpose of the same is the exhibition of animals.

Identify/Identification—the implantation of an electronic transponder, also known as a microchip, which has a unique alpha-numeric code which can be detected and displayed by an appropriate scanner, into the subcutaneous tissue at the base of the left ear of any imported exotic deer or antelope, elk, or farm-raised white-tailed deer.

Imported Exotic Deer and Antelope—any animal of the family *Cervidae*, including but not limited to red deer, seika deer and fallow deer, which are not indigenous to North America.

Livestock—cattle, sheep, swine, goats, horses, mules, burros, asses and alternative livestock of all ages including but not limited to ratites and *Cervidae* when maintained under farm-raised circumstances.

Quarantine—the secure and physical isolation of an animal or animals in a specified confined area to prevent the spread of a contagious disease.

White-Tailed Deer—any animal of the species and genus *Odocoileus virginianus*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§11794. Obligations of the Owner

A. Any person who operates a farm for the purpose of raising, slaughtering, selling, and/or trading of imported exotic deer and antelope, elk, or farm-raised white-tailed deer for commercial purposes shall obtain a license from the Louisiana Department of Agriculture and Forestry before engaging in such activity.

B. A person may apply for a license to operate a farm for the purpose of raising, slaughtering selling and/or trading of imported exotic deer, antelope, elk, or white-tailed deer for commercial purposes if said person is the owner of at least one pregnant female or one male and one female of the same species.

C. Each applicant for a license to operate a farm shall:

1. submit a written application. The written application shall contain the following:

- a. name of the applicant;
- b. mailing address of the applicant;
- c. telephone number of the applicant;
- d. physical location of the premise;
- e. the size of the premise;
- f. the specie(s) of animals to be kept on the premise
- g. the approximate number of animals to be kept on

the premise; and

h. a plan for recapture of any animals that escapes;

2. submit to an inspection of the premises by Louisiana Department of Agriculture and Forestry personnel to verify the following requirements:

- a. the premise is located in a rural area;
- b. adequate shelter and water is available for the number of animals to be located there;
- c. the area of the premise for elk and white-tailed deer is at least 5000 square feet for the first animal and 2500 square feet for each subsequent animal if the total area of the premise is less than five acres;
- d. the fences meet the following specifications:
 - i. minimum height of 7 feet;
 - ii. minimum gauge wire is 12½;
 - iii. the fencing material is chain link, woven wire, solid panel, or welded panel:
 - (a). welded wire fences are not acceptable unless approved by the Louisiana Department of Wildlife and Fisheries prior to the effective date of these regulations;
 - (b). any previously approved welded wire fences that are replaced must be replaced with a type listed in Paragraph 2.d.i - iii;

- e. premises have sufficient drainage to prevent extended periods of standing water;
- 3. pay a license fee of \$50.

D. License

- 1. A license shall be valid for one calendar year, from January 1 through December 31.
- 2. A license can be renewed each year upon written request for renewal and submission of a renewal fee of \$50 to the Louisiana Department of Agriculture and Forestry.
- 3. Written requests for renewal and renewal fees received after January 31 will be rejected and the license deemed expired as of December 31.

E. Records

- 1. Each licensee shall maintain records of all sales, trades, purchases, or transfers of any type for at least 24 months.
- 2. These records shall include:
 - a. the total number of animals, or the parts thereof, killed, sold, or transported;
 - b. the complete name and address of the person to whom the animals were sold or transported;
 - c. the permanent identification number of the animal; and
 - d. copies of any health certificates issued.
- 3. These records shall be made available to representatives of the Louisiana Department of Agriculture and Forestry upon request.

F. Sellers or transferors of alternative livestock shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of farm-raised status.

G. All imported exotic deer and antelope, elk and farm-raised white-tailed deer in Louisiana shall be identified by means of an implanted electronic device (microchip). The microchip shall be implanted under the skin at the base of the left ear.

H. All imported exotic deer and antelope, elk, and farm-raised white-tailed deer, prior to entering Louisiana, shall be permanently and individually identified by means of an implanted electronic device (microchip) which shall be:

- 1. listed on the Certificate of Veterinary Inspection; and
- 2. implanted under the skin at the base of the left ear.

I. Hunting

1. Any person who owns or leases a premise on which imported exotic deer and antelope, elk, and/or farm-raised white-tailed deer are located or any person who engages in business with said person where said animals are bought, sold, or traded in commerce by means of hunting shall abide by all laws, rules, and regulations of the Louisiana Department of Wildlife and Fisheries that pertain to hunting.

2. In the event that there are *Cervidae* species for which species the Louisiana Department of Wildlife and Fisheries has no applicable laws, rules or regulations pertaining to hunting then, in the event, the Louisiana Department of Agriculture and Forestry may establish rules for the hunting of those species.

J. Hunting Fee

1. Any person who owns or leases a premise on which imported exotic deer and antelope, elk, and/or farm-raised white-tailed deer are located or are to be located where said animals are or are to be bought, sold, or traded in commerce by means of hunting shall pay a fee of \$500 per white-tailed deer contained on said premise before any imported exotic deer and antelope, elk, or farm-raised white-tailed deer are introduced onto the premise.

2. The fee shall be paid to the Louisiana Department of Agriculture and Forestry and be forwarded to the Louisiana Department of Wildlife and Fisheries within 30 days of receipt.

3. The number of white-tailed deer for which compensation is due shall be determined by the population of white-tailed deer per acre as estimated by the Louisiana Department of Wildlife and Fisheries for the parish in which the premise is located.

K. All imported exotic deer and antelope, elk, and farm-raised white-tailed deer entering Louisiana must meet the general requirements of LAC 7:XXI.11705.

L. Import Requirements

1. All imported exotic deer and antelope, elk, and farm-raised white-tailed deer entering Louisiana shall be accompanied by a Certificate of Veterinary Inspection (health certificate) including an entry permit number which:

- a. is issued by the state veterinarian's office no more than 15 days before entry into Louisiana; and
- b. shall be included on the Certificate of Veterinary Inspection.

2. Imported exotic deer and antelope consigned directly to an approved slaughter establishment are exempt from §11794.L.

M. Brucellosis Testing

1. Prior to entering Louisiana all imported exotic deer and antelope, elk, and farm-raised white-tailed deer moving into Louisiana shall be tested for brucellosis in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* when published by USDA, APHIS.

2. Until such time as the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* is published, all imported exotic deer and antelope, elk, and farm-raised white-tailed deer 6 months of age and older shall be tested negative for brucellosis within 30 days of entry into Louisiana unless they originate from a herd which has been officially declared as a certified brucellosis free herd by the state of origin.

N. Tuberculosis Testing. Prior to entering Louisiana all imported exotic deer and antelope, elk, and farm-raised white-tailed deer moving into Louisiana shall be tested for tuberculosis in accordance with the *Tuberculosis Eradication in Cervidae Uniform Methods and Rules* as published by USDA, APHIS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§11795. Prohibitions

A. No imported exotic deer or antelope, elk, or farm-raised white-tailed deer shall be released into the wild without written permission from both the Louisiana Department of Agriculture and Forestry and the Louisiana Department of Wildlife and Fisheries.

B. Alternative Livestock Meat

1. White-tailed deer meat shall not be bought, sold, traded, or moved in commerce in any way.

2. Elk meat shall not be bought, sold, traded, or moved in commerce without written approval from the Louisiana Department of Agriculture and Forestry.

3. Imported exotic deer and antelope meat shall be subject to and handled in accordance with state and federal meat inspection laws and regulations.

C. It is a violation of this regulation to sell, purchase or otherwise transfer any imported exotic deer and antelope, elk, or farm-raised white-tailed deer for any purpose other than immediate slaughter, unless said animal(s) originates from a herd which is not under quarantine for brucellosis and/or tuberculosis.

D. Failure to comply with any mandatory provisions of these Subchapter K Regulations or an order of quarantine is prohibited and each such act or omission shall constitute a violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§11796. Exceptions

A. Licensed Game Breeder

1. Any person holding a valid game breeders license issued by the Louisiana Department of Wildlife and Fisheries for the possession of imported exotic deer and antelope, elk, and/or farm-raised white-tailed deer at the time these Subchapter K Regulations become effective who makes written application for a license from the Louisiana Department of Agriculture and Forestry, as stated in §11794.C will have the initial license fee of \$50 waived if the application is made within the same calendar year as these regulations become effective.

2. This license shall be valid until the end of the calendar year in which it is issued at which time normal renewal procedures and fees will be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§11797. Other

A. The owner or leasee of any premise from which imported exotic deer or antelope, elk, or farm-raised white-tailed deer are bought, sold, or traded in commerce by means of hunting may apply to the Louisiana Department of Agriculture and Forestry for removal, by hunting, of additional white-tailed deer over and above the number allowed by hunting regulations if:

1. said owner or leasee participates in the Louisiana Department of Wildlife and Fisheries Deer Management Assistance Program; and

2. such application is accompanied by a favorable recommendation from a Louisiana Department of Wildlife and Fisheries biologist.

B. The additional removal of white-tailed deer shall be done during the regular hunting season established by Louisiana Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§11798. Enforcement and Penalties

A. Enforcement

1. Any imported exotic deer or antelope, elk or farm-raised white-tailed deer which has been exposed to brucellosis and/or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within 60 days of the date of the quarantine.

2. Authorized representatives of the Louisiana Department of Agriculture and Forestry may inspect all premises on which imported exotic deer and antelope, elk and farm-raised white-tailed deer are located for the purposes of issuing and/or reviewing licenses and to insure that fencing, space, and other premise conditions meet regulation standards.

3. Authorized representatives of the Louisiana Department of Agriculture and Forestry may inspect any records dealing with purchases sales or any transfer of ownership of imported exotic deer and antelope elk and farm-raised white-tailed deer. These records may be inspected during any reasonable hours.

4. Any exotic deer or antelope, elk or farm-raised white-tailed deer which escapes the premise on which it is located and is not captured within 96 hours of the escape may be captured by authorized representatives of the Louisiana Department of Agriculture and Forestry by whatever means deemed necessary by that agency.

B. Penalties

1. The penalty for a violation of Subchapter K, Alternative Livestock Rules and Regulations, shall be a fine of up to \$100 for each violation.