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Executive Orders

EXECUTIVE ORDER JML 25-115

Flags at Half-Staff
Representative Leo Wayne Waddell

WHEREAS, former Louisiana legislator Leo Wayne Waddell passed away on October 3, 2025;

WHEREAS, he was born on October 14, 1948, in Shreveport, Louisiana;

WHEREAS, he was married to his wife Susan, the love of his life, for 54 years, and together they had 2 sons, Greg and Riley;

WHEREAS, he was the proud owner of Waddell's Gallery of Distinction and Louisiana Molding and Supply, Inc. for 53 years and became a fixture of the community renowned for his exceptional eye for color and design;

WHEREAS, he was a devoted public servant, who committed his life to public service, serving in many public service roles;

WHEREAS, he began his public service career by serving on the Caddo Parish Commission;

WHEREAS, he was elected to three terms to the Louisiana State House of Representatives, where, he applied his servant's heart to advocate for the betterment of the community and, due to his years of service, earned the title of Dean of the House;

WHEREAS, he later continued to serve the state as Executive Director of the Louisiana State Exhibit Museum, displaying his passion for people, history and the arts;

WHEREAS, he served his community in many ways, including as a member of the Cedar Grove Masonic Lodge, El Karubah Shrine, Downtown Shreveport Rotary Club, and the Louisiana State Fair Board, where he made many lifelong friends;

WHEREAS, he served both the community and the church as a deacon in the Presbyterian Church and exemplifying faith and devotion;

WHEREAS, his greatest joy was his family, and his humor, warmth, and kindness left an indelible mark on all who knew him;

WHEREAS, he will be remembered for his humility, work ethic, leadership, and passion, in addition to his lifetime of service to his community;

WHEREAS, he was preceded in death by his parents, Oliver Leo Waddell and wife Martha Leiendecker, and his sister, Lola Jane Mayo, and he is survived by his beloved wife, Susan Simpson Waddell; sons, Greg Waddell and wife Lindsay, and Riley Waddell and wife Amanda; grandchildren, Harper and Oliver; nephews, Steven Mayo and partner Kharla Barrios, and Kevin and Catrina Mayo; and great-nephew, Zach Mayo;

WHEREAS, Louisiana is indebted to him for his decades of leadership and enduring contributions.

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

Section 1: As an expression of respect and to honor Representative Leo Wayne Waddell, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on October 9, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, October 9, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 7th day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#074

EXECUTIVE ORDER JML 25-116

Renewal of State of Emergency
Office of Broadband Development and Connectivity

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

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

WHEREAS, pursuant to R.S. 29:274 (B)(1), Governor Jeff Landry declared a state of emergency on June 20, 2025, in JML 25-071, which is in effect through Sunday, July 20, 2025;

WHEREAS, JML 25-071 has been renewed and extended every thirty (30) days through JML 25-101 which is in effect through Sunday, October 12, 2025;

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

WHEREAS, the Office of Broadband Development and Connectivity was created to, among other things, promote and encourage broadband adoption for households that have not accessed services, to encourage the assistance of the

private sector, including broadband service providers, to effectuate the deployment and access to broadband and other connectivity services to all residents of the state, and to apply for, receive, and administer grants or financial assistance from persons or government agencies;

WHEREAS, the State of Louisiana, through the Office of Broadband Development and Connectivity, has long been a model for broadband expansion for the country by establishing the State's first broadband deployment program, the Granting Unserved Municipalities Broadband Opportunities ("GUMBO") grant program;

WHEREAS, the Office of Broadband Development and Connectivity ("ConnectLA") currently provides administrative duties and compliance processes for the GUMBO 1.0 grant program, set to serve over 60,000 locations with high-speed, reliable, internet service using up \$176 million in Capital Projects Funds from the U.S. Treasury by December 2026;

WHEREAS, the State of Louisiana and ConnectLA embarked on a challenge to continue to bridge the digital divide by participating in the Broadband, Equity, Access, and Deployment ("BEAD") program administered by the U.S. Department of Commerce;

WHEREAS, the Notice of Funding Opportunities that was released by the U.S. Department of Commerce stipulated numerous steps and requirements to unlock \$1.355 billion in funds to be allocated to the State of Louisiana through this program;

WHEREAS, the State of Louisiana became the first state in the nation to receive approval of the Initial Proposal document from the U.S. Department of Commerce in December of 2023;

WHEREAS, this approval from the U.S. Department of Commerce set a one year timeline to complete a Final Proposal and provided the state the ability to complete its competitive grant process to serve the remaining locations within the state with broadband services;

WHEREAS, the State of Louisiana had become the first in the nation to release results from the program in November of 2024 and secure federal approval in January of 2025 for the Final Proposal, representing a comprehensive BEAD plan totaling \$1.355 billion, through the GUMBO 2.0 program;

WHEREAS, this historic investment represents a generational opportunity to deliver high-speed internet access to approximately 140,000 unserved or underserved locations across all 64 parishes;

WHEREAS, the U.S. Department of Commerce recently completed a review of the BEAD program to offer changes to streamline the program for all state broadband offices across the nation;

WHEREAS, a new policy notice was released on June 6, 2025, to expedite the BEAD award process and ensure all states have completed a "Benefit of the Bargain" grant round;

WHEREAS, the State of Louisiana must complete all new actions and redo the entirety of the bidding process within a 90 day timeframe from the release of the policy notice guidance from the U.S. Department of Commerce, with all results due by September 4, 2025;

WHEREAS, strict compliance with the requirements set forth in La. R.S. 51:2370.21, et seq., do not permit ConnectLA to complete the entirety of this process as required by the U.S. Department of Commerce by September 4, 2025.

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

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

Section 2: Pursuant to La. R.S. 29:724(D)(1), the following provisions are hereby suspended: La. R.S. 51:2370.21-2370.35 and LAC 4:XXI.Chapters 11-17.

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

Section 4: This Order is effective from Friday, October 10, 2025, and shall continue in effect until Sunday, November 9, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 10th day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#075

EXECUTIVE ORDER JML 25-117

State of Disaster—Smitty's Supply Fire

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

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

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

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

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

WHEREAS, the Governor's Office of Homeland Security and Emergency Preparedness is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated disaster area;

WHEREAS, Smitty's Supply Inc. in Tangipahoa parish caught fire on August 24, 2025, resulting in a fire that burned for several days and released thousands of gallons of petroleum products into the surrounding areas;

WHEREAS, soon after the fire began, the U.S. Environmental Protection Agency ("EPA") took the lead on both fire suppression and measures to prevent the spillage of additional pollutants into the environment;

WHEREAS, cleanup crews continue active operations across multiple sites, employing containment booms, skimmers, and vacuum trucks to capture and remove recoverable waste from the Tangipahoa River and affected ponds, while ongoing work at the Smitty's Supply facility focuses on containing and recovering waste on-site;

WHEREAS, the EPA has served as the lead agency for remediation in the affected area and has utilized its federal contractors to execute cleanup and recovery operations;

WHEREAS, the Democratic Party's failure to reach a federal funding agreement has resulted in a shutdown of the United States Government as of October 1, 2025, and the White House has indicated that the shutdown will impact federal contracts;

WHEREAS, the White House has announced that funding for all cost-based federal contracts will cease during the government shutdown;

WHEREAS, the EPA has communicated that it will cease all on-site activities effective October 15, 2025;

WHEREAS, Tangipahoa Parish requires assistance from the State of Louisiana to continue active operations to capture and remove recoverable waste from the Tangipahoa River and affected ponds and to contain and recover waste.

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

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

Section 2: Pursuant to R.S. 29:724 (A)(3), the designated emergency area is the Parish of Tangipahoa.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Secretary of the Department of Environmental Quality (DEQ) are hereby authorized to undertake any activity authorized by law which they deem appropriate in response to this declaration.

Section 4: Pursuant to La. R.S. 29:724(D)(l), the Louisiana Procurement Code (La. R.S. 39:1551. *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services

necessary to respond to this disaster, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to La. R.S. 29:732. during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

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

Section 7: This Order is effective upon signature and shall continue in effect from Friday, October 10, 2025 until Sunday, November 9, 2025 unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 10th day of October 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#076

EXECUTIVE ORDER JML 25-118

Flags at Half-Staff
Deputy Charles William Riley

WHEREAS, Deputy Charles "Charlie" William Riley tragically lost his life in the line of duty on October 6, 2025;

WHEREAS, he was born in Baton Rouge, Louisiana, on January 3, 1992;

WHEREAS, he proudly served our country in the United States Navy, where he was an airman aboard the USS Dwight D. Eisenhower in Norfolk, Virginia, and he achieved the rank of Aviation Boatswain's Mate Third Class (SW);

WHEREAS, he then began his career in law enforcement at the Gonzales Police Department and later joined the Iberville Parish Sheriff's Office, where he served for over six years;

WHEREAS, he was known to have served his community with compassion;

WHEREAS, his dedication to his duties and his community was unwavering, and his integrity and bravery set a high standard in both his military and law enforcement careers;

WHEREAS, he was recognized repeatedly for his outstanding service, including receiving the Outstanding Bearing Award for professional appearance and attitude in 2020 and, later, the Top Gun award in 2024 for his department;

WHEREAS, in a testament to his heroism, he notably received a letter of commendation for saving the life of a gunshot victim on June 26, 2021;

WHEREAS, his selflessness and love were on display for the community to see, from the smiles he put on students' faces to helping individuals in times of need;

WHEREAS, he was known for his positive attitude and beautiful smile;

WHEREAS, he had a love for the outdoors, growing up fishing and hunting, and continuing to enjoy the areas around his home in St. Amant;

WHEREAS, his passions included playing baseball and building bonfires on the levee with his family;

WHEREAS, he is survived by his wife, Carlye; his daughters, the loves of his life, Cassidy and Ella; goddaughter, Emma Ory; parents, Billy Dean, Jr. and Libby Riley; father-in-law, Steve Bezet; sister, Rebecca Riley; brother and sister-in-law, Steven and Rachel Riley; brother, Brian Riley; uncles and aunts, Jeff and Denise Riley, Nancy and Stacy LeBourgeois, Beth and Dewey Frederic, Peter Riley, and Licia and David Chaney; nieces, Jenison Riley, Addison Riley, and Alli Riley; nephew, Joby Mullins; and extended family, Mike, Kristen, Taylor Latiolais, and Rachel Steadman, partner Jordan Ward, and dozens of loving cousins. He is preceded in death by his paternal grandparents, Billy Dean, Sr. and Barbara Riley; and his maternal grandparents, Arthur Joseph and Ruby Ory; godfather, Kevin Ory; uncle, Christopher Drew Riley Sr.; and cousin, Brandy Chaney;

WHEREAS, he will be remembered for standing on the Thin Blue Line, along with so many others who have made the ultimate sacrifice in protecting our communities;

WHEREAS, his unwavering commitment to protecting and serving others is inspiring to all who knew him;

WHEREAS, his legacy of kindness and selflessness will continue to live on for all who knew him;

WHEREAS, Deputy Charles "Charlie" William Riley is a true hero, whose life and sacrifice will forever inspire and resonate within our community.

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

Section 1: As an expression of respect and to honor Deputy Charles Riley, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on October 13, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, October 13, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 10th day of October 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2510#077

EXECUTIVE ORDER JML 25-119

CO₂ Capture and Storage Limits and Moratorium

WHEREAS, on January 20, 2025, President Trump signed Executive Order 14154, titled "Unleashing American Energy," which directs all agencies to review regulations and propose deregulation through efficient permitting, specifically removing the social costs of CO₂ from calculations in any federal permitting or regulatory decision;

WHEREAS, on February 14, 2025, President Trump established the National Energy Dominance Council, through Executive Order 14213, finding it necessary to expand all forms of reliable and affordable energy production to drive down inflation, grow the economy, create good-paying jobs, reestablish American leadership in manufacturing, lead the world in artificial intelligence, and restore peace through strength by wielding commercial and diplomatic levers to end wars across the world;

WHEREAS, on April 8, 2025, President Trump signed Executive Order 14261, to reinvigorate American's clean coal industry and make it a national policy and priority to support "the domestic coal industry by removing Federal regulatory barriers that undermine coal production, encouraging the utilization of coal to meet growing domestic energy demands, increasing American coal exports, and ensuring that federal policy does not discriminate against coal production or coal-fired electricity generation;"

WHEREAS, President Trump continues to champion energy innovation by advancing technologies such as clean coal and CO₂ capture and storage, in order to secure a more sustainable, reliable, and prosperous energy future;

WHEREAS, President Trump has identified dangerous state and local energy policies as direct threats to the nation's domestic energy supply, warning that such actions jeopardize "our Nation's core national defense and security needs, and devastate the prosperity of not only local residents but the entire United States population;"

WHEREAS, Louisiana plays a central role in our nation's energy, transportation, and petrochemical sectors, producing the second-largest volume of oil and gas in the United States and President Trump's executive orders on energy necessitate constant evaluation of Louisiana's own energy policies and laws;

WHEREAS, Louisiana's refineries account for 16% (1/6th) of the country's refining capacity, and its network of pipelines transport 90% of the nation's offshore energy production and 30% of the total oil and gas supply, making it essential to national energy security. However, the volatility of the oil and gas industry has, at times, created a stagnant economy for our state;

WHEREAS, Louisiana's extensive industrial infrastructure—including pipelines, liquefied natural gas ("LNG") facilities, a highly skilled energy workforce, and expansive port system, is in conformity with President Trump's policies, and it uniquely positions the State as a national leader in CO₂ capture and storage, capable of seamlessly integrating CO₂ capture into existing processes, enhancing America's energy competitiveness globally;

WHEREAS, Louisiana, for over 40 years, has injected CO₂ into the geological formations of our state for the use of enhanced oil recovery ("EOR") in projects;

WHEREAS, CO₂ has been safely transported via pipelines across Louisiana since 1986;

WHEREAS, Louisiana's unparalleled capability to produce, transport, process, utilize, and liquefy natural gas while simultaneously sequestering CO₂ entirely within its borders, and its position on the Gulf of America, makes the state indispensable to the pursuit of energy dominance, fostering strategic reliance from European and Asian markets seeking dependable, large-scale carbon-neutral feedstocks, thereby solidifying Louisiana's role at the forefront of global energy leadership and economic competitiveness;

WHEREAS, CO₂ capture and storage will extend Louisiana's presence in energy by creating 17,000 potential new jobs, investing seventy-six billion dollars in potential capital for communities throughout Louisiana from announced projects alone, and driving economic growth on a scale unimaginable for Louisiana;

WHEREAS, CO₂ capture and storage will provide additional revenue sources for local governments, has the potential to create a more diversified economy for Louisiana, and continue to serve as a catalyst for multiple industries, while sustaining and enhancing existing industries;

WHEREAS, Louisiana, with its natural geological formations, provides a favorable subsurface environment for CO₂ storage;

WHEREAS, the Environmental Protection Agency ("EPA") is authorized to develop requirements and provisions for Underground Injection Control ("UIC") pursuant to the Safe Drinking Water Act ("SDWA") of 1974—a federal law establishing comprehensive standards to protect public drinking water from contaminants;

WHEREAS, since 1982, Louisiana has maintained primary enforcement authority ("primacy") for the UIC program, ensuring that the State's regulation of injection wells remains consistent with federal requirements;

WHEREAS, just five states, Arizona, Louisiana, North Dakota, West Virginia and Wyoming, have primacy for Class VI wells;

WHEREAS, Louisiana is the only state to have primacy in the U.S. Environmental Protection Agency ("EPA") Region 6; however, neighboring states are rapidly pursuing primacy for Class VI underground injection well permits for CO₂;

WHEREAS, in the summer of 2025, the EPA announced its proposed approval of permitting for Class VI underground injection wells in Texas under the SDWA, and we anticipate that Class VI permits will be issued in Texas in the very near future;

WHEREAS, Louisiana, ahead of other states with regard to CO₂ regulations, has continued to enact laws to ensure the health and safety of Louisiana citizens with regard to CO₂. The Louisiana Legislature passed, unanimously, Act No. 517 of the 2009 Regular Session, the Louisiana Geologic Sequestration of Carbon Dioxide Act, granting the Louisiana Department of Conservation and Energy (the "Department"), the authority, now codified in R.S. 30:1104, to promulgate rules, regulations, and issue orders and permits;

WHEREAS, Class VI wells must comply with existing laws and the rules, regulations, and orders issued by the Department including Louisiana's Statewide Order No. 29-N-6 (LAC 43:XVII, Subpart 6) and the SDWA of 1974;

WHEREAS, with a balanced approach, considering concerns of citizens and investing in economic growth, CO₂ capture and sequestration will provide an opportunity to lift citizens of Louisiana out of poverty;

WHEREAS, reasonable limits and regulation of CO₂ capture and sequestration is necessary, since Louisiana also has a vital obligation to protect the health, safety, and welfare of its citizens and the environment;

WHEREAS, the injection and long-term storage of CO₂ in deep geologic formations—commonly referred to as Class VI wells are specialized injection wells designed exclusively for the geologic sequestration of CO₂ distinct from other classes of injection wells regulated under separate statutory and regulatory frameworks;

WHEREAS, since Louisiana has obtained Class VI primacy, applications for 33 carbon sequestration projects have been filed with the Department, and each application is estimated to require approximately 2,000 hours of review between its submission and a permit decision being made;

WHEREAS, it is imperative that the Department be allowed to put into place a well-thought-out and methodical approach to application review and permitting that takes into consideration of the safety of our citizens and environment and that streamlines the process for greater efficiency;

WHEREAS, the federal government through the Pipeline and Hazardous Materials Safety Administration ("PHMSA") has been engaged in strengthening CO₂ pipeline safety requirements ("PHMSA-2022-0125"), and the proposed federal rules for CO₂ pipelines—consistent with Louisiana's Statewide Order 29-N-6 and LAC 33:V ("Hazardous Wastes and Hazardous Materials") requirements—provide a framework mandating that pipelines be designed, constructed, and operated with enhanced safety measures, including:

- A. Clearly defined emergency planning zones
- B. Thorough corrosion control measures.
- C. Automatic shut-off valves in strategic locations.
- D. Expanded public awareness programs.
- E. Mandatory minimum setback distances from residential communities.
- F. Comprehensive emergency response protocols.
- G. Enhanced design features to protect against pipeline shearing or rupture and monitoring requirements.

WHEREAS, to support balanced economic growth and safeguard public trust, I, as Governor, have heard the concerns of citizens and communities and am stepping in to require agencies to work together—particularly the Department and Louisiana Economic Development ("LED") to:

A. Evaluate economic potential for projects associated with Class VI applications, reporting on their projected economic impact including local and regional economic growth, workforce opportunities, and any community benefit plan adopted by parish governments.

B. Ensure a process to incorporate stakeholder input from businesses, industry associations, and local communities, ensuring transparency and broad engagement.

C. Collaborate with other agencies, including but not limited to, Louisiana Department of Environmental Quality ("DEQ"), Louisiana Department of Revenue ("LDR"), and Louisiana Department of Wildlife and Fisheries ("LDWF"), to balance robust industrial development with rigorous environmental and safety protections.

D. Ensure a process where the applicant recommends strategies to prevent and mitigate long-term unintended consequences while fostering innovation and investment in CO₂ capture technologies so that projects not only offer broad economic benefits but also ensure diligent environmental and safety protections.

WHEREAS, in accordance with LAC 43:XVII.3615 promulgated by the Department, each Class VI applicant must conduct an area of review analysis and address any wells that could affect containment integrity, in addition to other critical site characterization and review steps;

WHEREAS, the Department has promulgated requirements for Class VI injection wells, including but not limited to plugging and abandonment (LAC 43:XVII.3631), pre-operational reviews (LAC 43:XVII.3619), emergency and remedial response (LAC 43:XVII.3623), financial assurance (LAC 43:XVII.3609), and public notification (LAC 43:XVII.3611) to ensure exhaustive analysis before granting a permit to operate;

WHEREAS, Department Guidance No. B-2025-01 and No. B-2025-01-A establish agency expectations for Class VI permit application review, including a standard two-year processing timeframe, structured technical review and public hearing stages, prioritization of projects with economic development significance, and alignment with federal EPA standards to ensure transparency and protection of underground sources of drinking water;

WHEREAS, in order to create further transparency for the citizens of our state, the Louisiana Legislature passed Senate Bill 244 of the 2025 Regular Session, Act 458, changing the process that will be followed any time an applicant claims portions of records are confidential business information and exempt from production under the Public Records Law;

WHEREAS, local government and citizens, through their local government, have a right to be heard to ensure safety, transparency, and local input;

WHEREAS, Act Nos. 407 and 414 of the 2025 Regular Session require the Department to give substantial consideration to oral or written comments submitted by local governments in any matter requiring public comment or a public hearing;

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

Section 1: Moratorium

I hereby direct the Department to suspend review of any new Class VI applications to construct that are submitted to it after the effective date of this order, unless directed otherwise.

Section 2: Concentration on Specific Class VI permits

Due to the Department's volume of applications received, over the next forty-five days, the Department is ordered to reevaluate the status of applications for assessment and prioritization for the Class VI permits listed in Section III. of Department Guidance No. B-2025-01.

For those Class VI applications to construct received prior to the effective date of this order, no other permit application shall be prioritized until there has been compliance with Sections 4 and 6-10 herein.

Section 3: Applicability and Purpose

The purpose of this Order is to provide a clear roadmap for citizens and local officials, ensuring that applications for proposed Class VI projects comply with existing Louisiana rules for carbon injection (LAC 43:XVII, Subpart 6 – Statewide Order 29-N-6) and carbon dioxide pipelines (LAC 33:V Hazardous Wastes and Hazardous Materials), including any forthcoming changes to pipeline safety regulations by PHMSA, and all relevant federal and state environmental laws.

Section 4: Permit Issuance Requirements

The Department shall not issue any Class VI permit to inject or operate a CO₂ injection well until the applicant has satisfactorily demonstrated compliance with rules, regulations, and orders issued by the Department, including, but not limited to rules, regulations, and orders addressing the following:

A. Gathering necessary pre-application data in order to complete the required application components;

B. Application requirements found in LAC 43:XVII.3607, which include among other things: maps of the area of review showing ownership, topographical information, existing wells, surface bodies of water, roads, and habitable structures; comprehensive site characterization plan showing underground sources of drinking water, confining layer(s), geologic and geochemical data, mineralogy, and other pertinent data; proposed operating data and well operations plan with well controls and safeguards; determination of appropriate area of review ("AOR"); corrective action plan for addressing any deficient wells within the AOR; environmental analysis; proposed well design and construction plan including materials analysis; data collection and monitoring plan; proposed emergency response plan; post-injection monitoring plan; plug and abandonment plan; financial security and assurance to cover the costs of emergency response, post injection monitoring, and plugging, abandonment and restoration requirements;

C. Compliance with the State and Local Coastal Resources Management Act requirements (if the proposed project is located within the coastal zone);

D. Emergency Operations Plan;

E. Well Control procedures;

F. Identification and mitigation of any existing well, formerly plugged, abandoned, or otherwise; ensuring that all wells are properly plugged and abandoned or otherwise properly addressed with materials resistant to corrosion by CO₂ potentially posing a risk consistent with LAC 43:XVII.3615;

G. Materials analysis ensuring that well casing for Class V monitor wells, Class VI injection wells, all prior, current, and future artificial penetrations within the AOR, including pipeline materials are fit for CO₂ service;

H. Construction Plan that meets all Class VI well design standards (LAC 43:XVII.3617);

I. Data Collection and Monitoring;

i. Receive approval of a Testing and Monitoring Plan in accordance with LAC 43:XVII.3625) to set forth monitoring requirements so as to protect USDWs and to use continuous recording devices to monitor injection pressure, rates, and volumes;

ii. Receive approval of a plan to delineate Area AOR and of a Corrective Action plan in accordance with LAC 43:XVII.3615, including a well-by-well plan for corrective action when required;

iii. Acquire 3D seismic or other acceptable forms of geophysical data to identify any faults or fractures;

iv. Conduct geologic data and analysis establishing adequate confining layers and injection zones;

J. Plume Modeling analysis (including pressure front) to demonstrate that all zones outside the approved injection and confining zones (including the USDWs) are protected;

K. Comprehensive Site Characterization describing geologic structures, geochemistry, and any risk factors pertinent to long-term CO₂ containment;

L. Submit a Plugging and Abandonment Plan that meets or exceeds the requirements of LAC 43:XVII.3631;

M. Demonstrate adequate Financial Responsibility in accordance with LAC 43:XVII.3609;

N. Minimum Financial Assurance Amount—Companies must maintain financial assurance to cover state-approved cost estimates for well closure, post-closure care, and emergency response. (LAC 43:XVII.3609.C);

O. Coverage Requirements—Financial assurance must specifically cover corrective action, well plugging, post-injection site monitoring and closure, address any endangerment of underground sources of drinking water, and emergency and remedial response actions (LAC 43:XVII.3615, 3623, 3631, and 3633);

P. Allowed Financial Instruments—Permitted instruments include surety bonds, letters of credit, third-party insurance, and trust accounts; Self-insurance or basic operator-held escrow accounts are strictly prohibited (LAC 43:XVII.3609.C);

Q. Annual Adjustments (Indexing and Cost-estimate Updates)—Financial assurance amounts are reviewed and updated yearly to match inflation and any changes in cost estimates (LAC 43:XVII.3609.C.);

R. Availability of Funds (Readiness)—Financial assurance must remain available until official state approval of well closure and post-closure care completion. Financial tools cannot be easily canceled, even if the company faces financial difficulties (LAC 43:XVII.3609.C);

S. Survey Plats identifying location and layout details of the proposed well and associated pipelines;

Section 5: Pipeline Safety Integration

For pipelines transporting CO₂ to or from Class VI wells, all operators shall adhere to the existing requirements found at LAC 33:V (Hazardous Wastes and Hazardous Materials) and any forthcoming federal CO₂ pipeline safety standards currently under PHMSA rulemaking (PHMSA–2022–0125). Where any provision has been delayed at the federal level but is consistent with LAC 33:V (Hazardous Wastes and Hazardous Materials) and Statewide Order 29–N-6, the Department shall require equivalent protective measures, including remote or automatic shut-off valves, robust emergency planning, and corrosion-control protocols.

The Department shall continue to monitor any updates to PHMSA rules and incorporate these updated federal standards into its requirements (LAC 33:V.Subpart 3) as warranted to protect public safety and environmental quality.

Section 6: Public Engagement Rules

Public Engagement recommendations will be considered as set forth in Department Guidance No. B-2025-01-A.

Section 7: Landowner Rights and Comments

It is the policy of the State of Louisiana that the requirements set forth in Act Nos. 407 and 414 of the 2025 Regular Session, codified in R.S. 30:1104, *et seq.*, shall serve as Louisiana's Landowner Bill of Rights for Geologic Sequestration Projects, and local governments shall be given due consideration in their comments, and that these protections shall help to guide all permitting, orders, authorizations, certificates of public necessity and convenience, unitization, negotiation undertaken pursuant to the Louisiana Geologic Sequestration of Carbon Dioxide Act.

The Department shall document, in writing, all relevant local government concerns received and demonstrate how these comments were taken into account in the permitting decision.

Section 8: Coordination on Other Regulatory Requirements

The Department shall ensure that Class VI projects address other applicable regulatory requirements under its purview and coordinate with other regulatory agencies to ensure that Class VI projects are addressing applicable requirements, including:

A. Compliance with the State and Local Coastal Resources Management Act requirements (if the proposed project is located within the coastal zone);

B. Analysis of Threatened and Endangered Species (in coordination with U.S. Fish and Wildlife Service);

C. Compliance with all relevant U.S. Army Corps of Engineers rules and regulations, including wetlands and waterbody impact review;

D. Compliance with requirements delegated to the DEQ, where applicable;

E. Compliance with State and federal Fish and Wildlife Conservation Acts to protect ecosystem health;

F. Preservation of Louisiana's Historic Items, if discovered, pursuant to the State Historic Preservation Office rules;

Section 9: Coordination with Department of Economic Development

For proposed projects applying for Class VI permits with potential for significant economic impact, LED shall be consulted to ensure that project benefits to the local economy are maximized without compromising public health, safety, or environmental standards. LED's economic impact figures shall be the figures the Department uses in its analysis.

Section 10: Public Transparency and Access to Information

The Department shall provide public access via its website to all draft permits, project summaries, and final approved permits, consistent with LAC 43:XVII.3611.

Where applicable, the Secretary may hold public meetings or hearings to address local concerns, consistent with LAC 43:XVII.3611 and the relevant requirements for notice and comment.

Section 11: Enforcement and Severability

This Order shall be enforced by the Department, in coordination with the Louisiana State Police, DEQ, and other authorities, if necessary.

If any provision of this Order, or the application thereof, is held to be invalid, such invalidity shall not affect other provisions or applications of this Order, which can be given effect without the invalid provision or application; the provisions of this Order are severable.

Section 12: Effective Date

This Order is effective upon signature and shall remain in effect unless amended, modified, rescinded, or terminated by further Executive Order. All state agencies, offices, boards, and commissions are hereby directed to comply with the provisions of this Order.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15th day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#078

EXECUTIVE ORDER JML 25-120

State of Emergency
Maximum Security Camp J Repairs and Operation
Louisiana State Penitentiary

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

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

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

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

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

WHEREAS, La. R.S. 29:274(D)(2) permits the Governor during a declared state of emergency the capacity to utilize all available resources of the state government and of each

political subdivision of the state as reasonably necessary to cope with the disaster or emergency;

WHEREAS, La. R.S. 29:274(D)(3) authorizes the Governor during a declared state of emergency the capability to transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, La. R.S. 29:274(D)(4) gives the Governor during a declared state of emergency the ability to make provisions for the availability and use of temporary emergency housing;

WHEREAS, the Louisiana State Penitentiary lacks adequate bed capacity to accommodate violent offenders who require the highest degree of security and will be transferred to its facilities;

WHEREAS, Camp J, within the Louisiana State Penitentiary, was designed to provide that maximum security, but Camp J has deteriorated into a condition that creates a significant threat of injury to individuals and property who enter or are in and around its premises;

WHEREAS, in the first seven months of 2017, dozens of weapons were found at Camp J due to security malfunctions;

WHEREAS, within just one year, approximately 85 corrections officers assigned to Camp J had resigned, retired, or were terminated due to the complex challenges presented there;

WHEREAS, locks for the cells in Camp J malfunctioned, allowing offenders to jam cell doors and circumvent security checks, which resulted in a decision to close Camp J in 2018;

WHEREAS, the security conditions of Camp J present a threat of injury and a threat to the lives of offenders housed or working within Camp J as well as employees, contractors, or members of the public who may be within Camp J at any time;

WHEREAS, Camp J and the surrounding infrastructure requires facility improvements and maintenance to adequately hold any violent offenders and to protect the lives of any employees, contractors, or members of the public who may be within Camp J at any time;

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

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

Section 2: Pursuant to R.S. 29:724(A)(3), the designated emergency area, which is or may be affected, shall include Camp J and surrounding infrastructure, within the Louisiana State Penitentiary.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Secretary of the Department of Public Safety and Corrections are hereby authorized to undertake any activity authorized by law that they deem appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services

necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, any other emergency amendments to existing contracts, or any public work necessary to respond to this emergency.

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

Section 6: This Order is effective upon signature and shall remain in effect from Wednesday, October 22, 2025, until Friday, November 21, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22nd day of October 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#079

EXECUTIVE ORDER JML 25-121

Renewal of State of Emergency—Hurricane Ida

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

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

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 25-107, which is in effect through Sunday, October 26, 2025;

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

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

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

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

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

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

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

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

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

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

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

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

Section 7: This Order is effective upon signature and shall continue in effect from Friday, October 24, 2025 to Sunday, November 23, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 24th day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#080

EXECUTIVE ORDER JML 25-122

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

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

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-108 which is in effect through Sunday, October 26, 2025;

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

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

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

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

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

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

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

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

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

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

Section 4: This Order is effective upon signature and shall continue in effect from Friday, October 24, 2025, through Sunday, November 23, 2025, to, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 24th day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#081

EXECUTIVE ORDER JML 25-123

State of Emergency—Schumer Shutdown
Creates Food Insecurity

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

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

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

WHEREAS, the Democratic Party's failure, under U.S. Senate Democrat Leader Chuck Schumer, to reach a federal funding agreement has resulted in a shutdown of the United States Government as of October 1, 2025;

WHEREAS, the ongoing federal government shutdown has resulted in a lapse of federal funding for numerous programs administered by the U.S. Department of Agriculture ("USDA");

WHEREAS, on October 10, 2025, the USDA directed States to hold November SNAP benefits as the USDA would be delaying transmission to State EBT vendors due to the Schumer Shutdown;

WHEREAS, any interruption in SNAP benefits will significantly increase food insecurity among Louisiana's most vulnerable populations, including the elderly, children, and individuals with disabilities;

WHEREAS, as of October 2025, an estimated 792,769 Louisianians rely on SNAP benefits to meet their basic nutritional needs;

WHEREAS, over 120,000 of SNAP recipients in Louisiana are disabled;

WHEREAS, approximately 356,825 Louisiana children live in households that receive SNAP assistance;

WHEREAS, an estimated 88,208 elderly residents of Louisiana depend on SNAP benefits for essential food support;

WHEREAS, Congressional Republicans, under the leadership of Speaker Mike Johnson of Louisiana, voted to fund the federal government and our U.S. Senators representing Louisiana have repeatedly done the same to ensure federal employees are paid, federal services continue, and funding for programs like the Supplemental Nutrition Assistance Program ("SNAP") is provided, at the same time Washington, D.C. Democrats in large part have voted over and over again to keep the federal government closed; the Revenue Stabilization Fund is intended to be available for appropriation to deal with emergency situations;

WHEREAS, the legislative leadership and I share a deep concern for Louisiana's elderly, disabled, and children in light of the potential shortage of SNAP benefits created by the Schumer Shutdown;

WHEREAS, this Executive Order declares and recognizes that an emergency situation exists in the State of Louisiana;

WHEREAS, Louisiana Constitution Article 7, Section 10.5 allows the Legislature to authorize an appropriation from the Revenue Stabilization Fund at any time for any purpose with the consent of two-thirds of the elected members of each house of the legislature, even while out of session in writing;

WHEREAS, the Legislature is currently convened in a special legislative session and can easily arrange a vote to consent and authorize such an appropriation to support our most vulnerable citizens;

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

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

Section 2: Pursuant to La. R.S. 29:724 (A)(3), the designated emergency area is the State of Louisiana.

Section 3: This emergency declaration shall be transmitted to the Speaker of the Louisiana House of Representatives and the President of the Louisiana Senate;

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

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision

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

Section 6: This Order is effective upon signature and shall continue in effect from Friday, October 24, 2025, through Tuesday, November 4, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 24th day of October 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#082

EXECUTIVE ORDER JML 25-124

State Department Directives
Resulting from the Schumer Shutdown

WHEREAS, the Democratic Party's failure, under U.S. Senate Democrat Leader Chuck Schumer, to reach a federal funding agreement has resulted in a shutdown of the United States Government as of October 1, 2025;

WHEREAS, Congressional Republicans, under the leadership of Speaker Mike Johnson of Louisiana, voted to fund the federal government, and our U.S. Senators representing Louisiana have repeatedly done the same to ensure federal appropriations continue. At the same time, Washington D.C. Democrats, in large part, have voted over and over again to keep the federal government closed;

WHEREAS, the ongoing federal funding impasse has widespread repercussions, adversely affecting the elderly, individuals with disabilities, children, and countless federal and state employees, along with the essential services they deliver;

WHEREAS, the State of Louisiana is no exception, and due to the lapse in federal funding, the furlough of some employees whose positions are supported by federal funds is expected;

WHEREAS, the Louisiana Department of Health and the Louisiana Workforce Commission both play critical roles in administering the SNAP program and are faced with the difficult task of preparing for anticipated shutdown furloughs that will negatively impact our dedicated state employees and the services they provide for our most vulnerable citizens;

WHEREAS, as of October 2025, an estimated 792,769 Louisianians rely on SNAP benefits to meet their basic nutritional needs, including over 120,000 individuals with disabilities, approximately 356,825 children, and about 88,208 elderly residents who depend on this vital assistance for essential food support;

WHEREAS, the uncertainty of the shutdown looms over the livelihoods of many state employees, causing anxiety and hardship for those who serve the state with unwavering dedication, and further threatens the well-being of the elderly, individuals with disabilities, and children who rely on the services these employees provide;

WHEREAS, impacted state employees should be planning for the upcoming holidays; instead, they will be faced with determining how to pay their bills because of the Schumer Shutdown;

WHEREAS, it is imperative to recognize the seriousness of this shutdown and the urgent need for decisive action to lessen its impact on the elderly, individuals with disabilities, children, our state employees, and the services they provide for our most vulnerable citizens;

WHEREAS, it is with this understanding that we must approach the impending shutdown furloughs with a sense of solidarity and support, ensuring that those impacted receive the necessary guidance to weather this period of uncertainty;

WHEREAS, the State is compelled to draw upon Revenue Stabilization Fund dollars to maintain SNAP benefits, it is essential to uphold fiscal responsibility and take decisive measures to prevent fraud, waste, and abuse and ensure these funds stay within the State of Louisiana;

WHEREAS, the State of Louisiana remains committed to identifying and implementing alternative measures to safeguard the well-being of the elderly, individuals with disabilities, and children, ensuring that their critical needs continue to be met even amidst fiscal uncertainty and operational disruptions.

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

Section 1: It is ordered that the Louisiana Department of Health and Louisiana Workforce Commission comply with all State Civil Service Rules for required notice to employees who may be furloughed due to the Schumer Shutdown.

Section 2: It is ordered that Louisiana Department of Health and Louisiana Workforce Commission identify which organizational units are impacted and where necessary, identify employees exempt from furlough by virtue of their responsibilities and job duties.

Section 3: It is ordered that Louisiana Department of Health and Louisiana Workforce Commission prepare a layoff avoidance plan to be submitted to the State Civil Service Commission Director for consideration.

Section 4: It is ordered that the Division of Administration work with impacted State Departments expecting shutdown furloughs develop guidelines that ensure the continuity of health coverage for state employee members of Office of Group Benefits through the most fiscally responsible means.

Section 5: It is ordered that the Division of Administration work with impacted State to compile a list of resources state employees.

Section 6: It is ordered that the Secretary of the Louisiana Department of Health pursue and implement a waiver request to prevent Louisiana SNAP cardholders from using their SNAP benefit cards outside of the State of Louisiana.

Section 7: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this disaster.

Section 8: This Order is effective upon signature and shall continue in effect unless amended, modified, terminated,

or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 27th day of October 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#083

EXECUTIVE ORDER JML 25-125

State of Emergency—City of Tallulah Water System

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. 25-018;

WHEREAS, Executive Order No. 25-018 has been renewed and extended every thirty (30) days through JML 25-113, which is in effect through Sunday, November 2, 2025;

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

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

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

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

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

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

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

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

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

WHEREAS, there is a need to continue Executive Order Number JML 25-113 because the designated certified operator is still working to repair the Tallulah Water System in order to provide safe and accessible water to the residents of Tallulah on a consistent basis.

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

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

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

Section 3: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

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

Section 5: This Order is effective Friday, October 31, 2025, and shall continue in effect until Sunday, November 30, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

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

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#084

EXECUTIVE ORDER JML 25-126

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that

preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-114, which is in effect through Sunday, November 2, 2025;

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

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

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

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

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

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

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

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

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency,

including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

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

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

Section 8: This Order is effective upon signature and shall continue in effect from Friday, October 31, 2025 to Sunday, November 30, 2025, unless terminated sooner.

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

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#085

EXECUTIVE ORDER JML 25-127

Carry-Forward Bond Reallocation—2022 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986, as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Code and Act No. 51 of 1986, Executive Order No. JML 2024-123 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
 - (b) the method to be used in allocating the ceiling,
 - (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
 - (d) a system of record keeping for such allocations;
- and

WHEREAS, pursuant to Executive Order No. JBE 2023-4 (the “Prior Executive Order”) and the IRS Form 8328 submitted in connection therewith, \$175,000,000 of private

activity bond volume limit for the year 2022 (the “2022 Carryforward”) was allocated as carryforward to the Louisiana Public Facilities Authority as issuer for a solid waste disposal facility project, which project was then designated as the Origin US Megasite I, LLC project (the “Prior Project”); and

WHEREAS, the Prior Project will not be able to use the 2022 Carryforward, therefore, the Governor desires to reallocate said 2022 Carryforward to another solid waste disposal facility project; and

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

Section 1: A portion of the 2022 Carryforward allocated to the Previous Project shall hereby be reallocated to the solid waste disposal facility project named below in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$75,000,000	Louisiana Public Facilities Authority	Waste Pro USA, Inc. Project

Section 2: The reallocation granted herein shall be used only for the bond issue described in Section 1, which project is for the general purpose of solid waste disposal facilities as set forth in Section 142(a)(6) of the Code and as designated in the IRS Form 8328 submitted in 2023 in connection with the 2022 Carryforward allocation.

Section 3: 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 in the City of Baton Rouge, on this 31st day of October, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#086

EXECUTIVE ORDER JML 25-128

Flags at Half-Staff
Deputy Eddie “Boo Boo” Melson

WHEREAS, Deputy Eddie “Boo Boo” Melson lost his life while serving his community on October 28, 2025;

WHEREAS, he was born on August 4, 1951 in Savannah, Tennessee to Lillian Holt Melson and Edd “Revious” Melson;

WHEREAS, he worked for years as a Reserve Officer for the Livingston Parish Sheriff’s Office and returned in 2017 as courthouse security for the Livingston Parish Courthouse;

WHEREAS, he passed away doing what he loved, surrounded by what he considered his “Second Family” at the Livingston Parish Courthouse;

WHEREAS, in addition to his public service in law enforcement, he owned Eddie Melson Equipment, LLC and was a truck driver for many years;

WHEREAS, he also served as the community president of the Blue Knights LA IX Club;

WHEREAS, he was admired for his passion for life, as well as his deep love for the outdoors, particularly through camping, and antique vehicles;

WHEREAS, he served as a model of a servant's heart both through his work and through his membership and involvement at Christ's Community Church;

WHEREAS, he will be remembered for standing on the Thin Blue Line for his service in law enforcement;

WHEREAS, his unwavering commitment to protecting and serving others is inspiring to all who knew him;

WHEREAS, his legacy of kindness, positivity, and selflessness will continue to live on for all who knew him;

WHEREAS, he took immense pride in his children, who were the true pride and joy of his life;

WHEREAS, he is survived by his daughter, Carolyn Louise Melson Dillon (Brent); son, Eddie "Bren" Melson, II (Leslie); grandchildren, Brittany (Anthony), Ra'Lee (Kierra), Chase (Megan), Lauren (Trey), Brookelyn, Kaitlyn (Bryan), Bubba (Theresa), Taylor (Christian), Bayle'e, Sarah (Michael), and Sadie Mae; great grandchildren, Sierra, Beau, Sterling, Kennedy, Chase, Lincoln, Duce, Natalee, Nash, Kashton, Langston, Beaux, Oakley, Hadleigh, Presley, and Cambren; sisters, Alice Melson Wiley and Cheryl (Marvin) Ratcliff; brother, Donny Melson (Pamela); along with a host of nieces, nephews, friends and coworkers.

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

Section 1: As an expression of respect and to honor Deputy Eddie "Boo Boo" Melson, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on November 1, 2025.

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

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

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#087

EXECUTIVE ORDER JML 25-129

Restoring Presidential Fitness Test

WHEREAS, President Donald Trump, on July 31, 2025, signed Executive Order 14327, revitalizing the President's Council on Sports, Fitness, and Nutrition, and reestablishing the Presidential Fitness Test;

WHEREAS, the order directed the President's Council on Sports, Fitness and Nutrition to develop fitness goals for young Americans to help foster a new generation of healthy, active citizens;

WHEREAS, the order directed the Council to create school-based programs that reward excellence in physical education and develop criteria for a Presidential Fitness Award;

WHEREAS, the order reestablished the Presidential Fitness Test to be administered by the Secretary of Health and Human Services;

WHEREAS, the order was issued to ensure that American youth will have opportunities at the global, national, State, and local levels to emphasize the importance of an active lifestyle, good nutrition, American sports, and military readiness;

WHEREAS, rates of obesity, chronic disease, inactivity, and poor nutrition are at crisis levels, particularly among children, across America and here in Louisiana;

WHEREAS, these trends weaken our economy, military readiness, academic performance, and national morale;

WHEREAS, President Eisenhower recognized this issue when he first created the President's Council on Youth Fitness decades ago in response to reports on the poor state of youth fitness in America;

WHEREAS, through his order, President Trump is creating a national culture of strength, vitality, and excellence for the next generation by promoting the physical, mental, and civic benefits of exercise and good nutrition;

WHEREAS, the Louisiana Department of Education ("LDOE") has worked tirelessly to promote lifelong fitness and health for all Louisiana students;

WHEREAS, LDOE is currently reviewing its physical education standards for grades K-12, in accordance with Bulletin 741, Louisiana Handbook for School Administrators, Section 2301;

WHEREAS, LDOE's standards for physical education include building physical competence and knowledge to promote lifelong healthy activity for all students through high-quality instruction;

WHEREAS, LDOE seeks to ensure that students develop the knowledge, skills, and confidence of lifelong physical activity, including foundational movement skills across grade bands and developmentally appropriate motor skills and movement patterns;

WHEREAS, Louisiana recognizes the importance of physical activity as it relates to both personal and community health, as reflected in R.S. 17:17, which states, "that regular physical activity and healthy eating habits can contribute to the protection from cardiovascular disease, diabetes, and other chronic diseases; reduce symptoms of depression and anxiety; help control weight; and help build and maintain healthy bones, muscles and joints;"

WHEREAS, the importance of physical activity cannot be overstated in a student's personal development, including physical, mental, and civic benefits;

WHEREAS, Louisiana students would tremendously benefit from the Louisiana Department of Education incorporating the Presidential Fitness Test into its physical education standards;

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

Section 1: It is ordered that the Louisiana Department of Health (“LDH”) work with the LDOE to re-establish the Presidential Fitness Test in Louisiana and that the LDH coordinate with the LDOE to determine programming and funding requirements necessary to re-establish the Presidential Fitness Test in Louisiana.

Section 2: I hereby urge and request the LDOE, in its process to review the physical education content standards, to determine how to integrate the Presidential Fitness Test into its standards.

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

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

Section 4: This Order is effective upon signature and shall continue in effect unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4th day of November 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2511#088

Emergency Rules

DECLARATION OF EMERGENCY

Louisiana Economic Development Office of Economic Development

Site Investment and Infrastructure Improvement Fund (LAC 13:I.Chapter 55)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:962 (A)(1)(a) and R.S. 51:2316, which provide for emergency procedures to establish rules, and R.S. 51:921 and R.S. 36:104, which allows Louisiana Economic Development (LED) to promulgate rules and regulations to protect the welfare and prosperity of the citizens of the state.

Louisiana Economic Development has an immediate need for rules to implement the program in alignment with Act 365 of the 2025 Regular Legislative Session. Whereas Act 365 outlines a basic framework, additional guidance on some components of the program, such as guidelines for interested parties to assess their program eligibility, is needed. A delay in imposition would hinder effective administration of this program and delay access to the program by qualified applicants, resulting in an adverse financial impact on the Louisiana economy.

This Emergency Rule shall be effective October 30, 2025, and shall remain in effect for a period of 180 days unless renewed or revoked, or until adoption of the final Rule, whichever occurs first.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 55. Site Investment and Infrastructure Improvement Fund

§5501. Purpose

A. The purpose of this Chapter is to implement the Site Investment and Infrastructure Improvement Fund, hereafter referred to as the “fund”, as established by R.S. 51: 2316.

B. This Chapter shall be administered solely for site investment and infrastructure improvements for economic development purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5503. Definitions.

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2316, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Begin Construction—construction of an infrastructure project shall begin when:

a. in the case of a new building, either:

i. materials to be used in the project, worth more than 5 percent of the construction budget, are placed at the project site; or

ii. other work is performed on the site which is visible from a simple inspection and reasonably indicates that the work has begun, such as substantial land fill, soil reinforcement or pouring of a foundation.

b. in the case of a retrofit project to an existing structure:

i. materials to be used in the project, worth more than 10 percent of the construction budget, are placed at the project site; or

ii. equipment to be used in the project, worth more than 20 percent of the construction budget, is placed and operational at the project site.

c. or as otherwise approved by the secretary

Department—Louisiana Economic Development. Abbreviated and also known as “LED”

Distressed Community—an area that is economically distressed or underdeveloped, which is defined as:

a. lowest 25 percent of parishes by average annual wage according to the Bureau of Labor Statistics (BLS), or

b. areas considered *Deeply Distressed* within the New Market Tax Credit program administered by the U.S. Department of the Treasury’s (Treasury) Community Development Financial Institutions Fund (CDFI) in accordance with Internal Revenue Code 26 U.S.C. 45D, and applicable Treasury regulations 26 CFR 1.45D-1, as may be amended, or

c. as approved by the Secretary.

Other Property—property that is not publicly owned, to the extent allowable under Article VII, Section 14 of the Louisiana Constitution or other applicable state law, as approved by LED, and subject to the provisions of 5507A(2)(b).

Public-Private Partnerships—any agreement or combination of agreements, pursuant to which at least one public entity and one private entity are parties, obligating a private entity to make an investment in site or infrastructure improvements in Louisiana, as approved by LED.

Public Site—a site which a public entity owns.

Regional Economic Development Organization—any of the following eight state organizations: the Baton Rouge Area Chamber; the Central Louisiana Economic Development Alliance; Greater New Orleans, Inc.; the Northeast Louisiana Economic Alliance; the North Louisiana Economic Partnership; One Acadiana; the South Louisiana Economic Council; the Southwest Louisiana Economic Development Alliance, or any of their successors. Abbreviated and also known as “REDO”.

Secretary—secretary of Louisiana Economic Development.

Site—immovable property, with or without improvements thereon, located in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5505. General Principles

A. The following general principles will direct the administration of the program.

1. Awards are not be considered as an entitlement, and the secretary has the final authority to determine whether or not each particular applicant is eligible and meets the criteria of the award, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of the applicant's award status.

2. Award amounts, per project, may vary at the discretion of LED, with a minimum award of one million dollars.

3. Applicants shall identify a funding match.

4. LED may negotiate with each applicant seeking an award based on the individual merits of each projects.

5. Award agreements shall contain "clawback" provisions to protect the state in case of default.

6. Award funds shall be used for the approved project only.

7. Awards may be administered by LED directly, or LED may use funds to contract with a third party administrator to undertake such activities.

8. Applications shall be accepted subject to availability of funding in any given year, or as otherwise determined by LED.

9. As a general rule, applicants may apply for more than one statutory benefit program administered by LED, provided that:

a. separate applications are submitted per program; and

b. program applicants do not receive a double benefit on the same expenditure.

B. Program funding.

1. Funding for this program is provided by any money transferred, donated, or appropriated to the Site Investment and Infrastructure Improvement Fund ("Fund"), with an initial fund deposit of one hundred and fifty million dollars in fiscal year 2026.

2. LED may not authorize issuance of payments exceeding the available monies in the Fund.

3. The issuance of payments shall be subject to funding availability in any given fiscal year.

4. Monies in the fund shall be utilized in accordance with the department's strategic plan and program priorities. The department shall consider the following factors in the allocation of monies:

a. demonstrated market demand in priority sectors.

b. performance measures.

c. return on investment.

d. impact on distressed communities.

e. public benefit and economic impact.

f. site potential.

5. Notwithstanding any provision of law to the contrary, the department shall prioritize allocation of monies to purposes that meet any of the following criteria:

a. leverage public-private partnerships, private equity, or other resources.

b. address specific and critical needs for high-potential projects.

c. are a Louisiana Economic Development certified site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5507. General Program Description

A. Funding may be available for site investment and infrastructure improvement projects with demonstrated economic development purposes as follows:

1. Applicants

a. Applications may be submitted by local or regional economic development organizations, municipalities, non-profit organizations, redevelopment authorities or political subdivisions and such organizations shall be considered qualified applicants.

b. Public-private partnerships or other quasi-private entities may be considered qualified applicants at the discretion of the secretary.

2. Project Location

a. Projects may be located on either public or privately owned lands, however, projects located on privately owned lands may be subject to additional restrictions or requirements such as higher match percentages or higher loan commitment fees, and

b. Reimbursement of funds expended on private or other property is contingent upon written evidence being provided to LED that such development costs are allowable under Article VII, Section 14 of the Constitution and any other applicable state law. Such evidence may include but not be limited to a final judicial determination from a court of competent jurisdiction.

3. Project Timeline

a. As a general rule, funds shall be obligated and projects shall begin construction within nine months of the fully executed contract. However, LED will evaluate the readiness of each project and memorialize all applicable construction deadlines and project milestones in a contract between all appropriate parties.

4. Construction Components

a. Eligible project costs may include but not be limited to the following expenses:

i. rail or road access;

ii. utility extensions;

iii. wetland mitigation;

iv. demolition;

v. expansion;

vi. remediation;

vii. land purchases.

b. Unless otherwise approved by the secretary, ineligible project costs may include but not be limited to:

i. consulting fees;

ii. legal or financial service fees;

iii. marketing of site;

iv. moveable equipment;

v. routine site maintenance;

vi. any expenses occurring outside of the approved construction period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5509. Application Procedure

A. LED will provide a standard application form which applicants may be required to use to apply for assistance under this program. Applications may be filed through LED's online portal, or as otherwise directed by LED.

B. The application shall include, but not be limited to, the following information:

1. applicant name;
2. contact person and their title;
3. applicant physical address;
4. applicant phone number and email address;
5. description of the proposed project, including the following:
 - a. site location;
 - b. target industry;
 - c. funding match identification;
 - d. prior due diligence reports;
 - e. site readiness;
 - f. breakdown of proposed site improvements, with proposed construction timeline, engineering report, bids/cost estimates, as may be applicable;
 - g. impact on distressed communities;
 - h. an outline of possible public-private partnership entities and opportunities;
6. Secretary of State registration, as applicable;
7. any additional information requested by LED; and
8. letters of support from the applicable regional economic development organization and state legislators (from both House Representative and Senator).

C. A non-refundable application fee is due in accordance with R.S. 36:104, to be payable as follows: an initial payment of \$250 due upon application submission, with a supplemental fee up to the maximum application fee authorized by law, based upon the total amount of incentives or program award to be recognized, as directed by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5511. Selection Criteria

A. LED will consider various discretionary factors when determining which applications will be funded. Among the factors which may be taken into consideration include, but are not limited to:

1. demonstrated market demand in priority sectors;
2. performance measures;
3. return on investment;
4. impact on distressed communities;
5. public benefit and economic impact;
6. site potential;
7. availability of funding; and
8. best interests of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5513. LED Action—Approval or Denial Provisions

A. In the event LED determines that an applicant is eligible, funding is available, and an award would be appropriate, LED will negotiate all appropriate provisions with interested parties, and issue applicable contracts,

specifying the funding amount and the terms and conditions of the award.

1. Partially forgivable loans may be awarded the discretion of LED. Forgiveness conditions include but are not limited to: Site located in a distressed community, locating entity creates ten jobs that pay at or above 150 percent of the parish average wage, and locating entity has invested an additional one billion dollars.

B. In the event an application is denied, LED shall issue a written denial.

C. LED reserves the right to enter into public-private partnerships if determined to be in the best interest of the State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5515. Return of Benefits

A. If an applicant receives an award from the fund and it is subsequently determined that the applicant did not qualify for the benefit then:

1. Future payments to the applicant shall be reduced by the amount wrongfully received by the applicant; or,

2. If there are no future payments due the applicant from which to deduct the amount owed, LED may recover any monies wrongfully obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

§5517. Annual Reporting

A. LED shall include a detailed listing of all project awards in its annual report to the legislature, in accordance with R.S. 36:104.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2316.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 52:

Anne G. Villa
Deputy Secretary/CFO

2511#008

DECLARATION OF EMERGENCY

Office of the Governor Uniform Construction Code Council

International Existing Building Code (LAC 17:I.105)

The Uniform Construction Code Council, hereafter referred to as the "LSUCCC" or the "Council", has exercised the emergency provision in accordance with R.S. 49:962 of the Administrative Procedure Act, to amend LAC 17:I.105 in the Uniform Construction Code as authorized by R.S.40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt by emergency process the attached Rule relative to amending the *2021 International Existing Building Code* by amending Chapter 2, Definitions; adopting Section 201.5, Reference Standards; and the applicable standards referenced in that code are included for regulation of construction. These changes are a direct result of the need to provide reference standards for the conveyance industry in line with R.S. 40:1646 and R.S. 40:1664.1 et seq. This amendment will

serve to better protect the public and to follow national guidelines for occupants to live and work in safe, healthy, resilient environments.

The LSUCCC is promulgating this Emergency Rule amendment to provide greater health and safety for the public and for those living and working in conditioned spaces. These rules were first adopted and published in Volume 33, Number 291, of the *Louisiana Register*. This Emergency Rule is being promulgated to continue those provisions. The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater access to safer environments and to ensure safety to existing facilities and their occupants. By the signature of the agency head, Brad Hassert, this Emergency Rule shall have the force and effect of law on November 4, 2025, and will remain in effect 180 days, unless renewed by the agency head of the council, or until permanent rules are promulgated in accordance with law.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Adoption of the Louisiana State Uniform Construction Code

(Formerly LAC 55:VI.Chapter 3)

§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code (IEBC)*, 2021 Edition, not including Chapter 1, Administration. The applicable standards referenced in that code are included for regulation of construction within this state.

Repeal			Section 502.6, Enhanced Classroom Acoustics
Repeal			Section 503.16, Enhanced Classroom Acoustics
Repeal			Section 506.6, Enhanced Classroom Acoustics
Repeal			Section 903.4 Enhanced Classroom Acoustics
Repeal			Section 1011.4 Enhanced Classroom Acoustics
Repeal			Section 1101.4 Enhanced Classroom Acoustics
Amend	Chapter 2 Definitions		
Adopt	Section 201.5 General	201.5 Reference Standards	The applicable standards referenced in this code are included for regulation of construction within this state.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41: 2383 (November 2015), amended by the

Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), repromulgated LR 45:916 (July 2019), amended LR 48:2582 (October 2022), LR 50:404 (March 2024), amended by the Office of the Governor, Uniform Construction Code Council LR 52:

Brad Hassert
Executive Director

2511#027

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Registration of Foods, Drugs, Cosmetics, and
Prophylactic Devices (LAC 49:I:Chapter 5)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13) and R.S. 3:1483(L), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is effective on October 29, 2025, and is adopted in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

This Emergency Rule amends §501 to provide for additional definitions, to amend existing definitions, and to repeal certain existing definitions; adds a new §516 to provide for the issuance of permits to in-state and out-of-state processing facilities; amends §§517-519; adds a new §521 to provide for distillate potency testing, batch testing, and certificate of analysis; repeals §§527-531 in accordance with Act 752 of the 2024 Regular Session; amends §533 and §535; adds a new §534 regarding variances in package contents; and adds §539 regarding additional enforcement provisions. New language is adopted in §516, §§517-521, §533, §535, and §539, including disclosure of ownership information of hemp firms, allowing for the revocation of the registration of a hemp product for the cause of failure to provide a certificate of analysis meeting regulatory requirements, and allowing for exemptions to provisions triggering automatic revocation of all productions from a firm when multiple registrations are revoked within a two-year period when those revocations are the direct result of regulatory changes implemented by the department.

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.

* * *

Adult-Use Consumable Hemp Product—Repealed.

* * *

Consumable Hemp Product—any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, or THC, and is intended for consumption or

topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, hemp flower, and pet products.

Consumable Hemp Products Database—repository of information on products and firms that are registered with the Cannabis Program of LDH/OPH that fall into the category of consumable hemp products.

* * *

Department—for the purposes of this Chapter, the Office of Public Health, Louisiana Department of Health.

* * *

Distillate—the product of condensation of an evaporated substance to produce a highly-concentrated solution.

* * *

Industrial Hemp-Derived Cannabidiol Products (IHDCP)—Repealed.

Industrial Hemp-Derived Cannabidiol Products Database—Repealed.

* * *

Liquid Concentrate—concentrated water-soluble liquid containing THC components derived from consumable hemp that can be consumed directly or added to a food or beverage.

Manufacturer—the person, whether permitted or not by the department as a consumable hemp processor, who manufactures a consumable hemp product into the final form in which it will be distributed or offered for sale.

* * *

Package—container or wrapping in which any consumer commodity is enclosed for the purposes of display or delivery to retail purchasers; in the context of consumable hemp products, this term refers to a group of individual servings offered together as a single unit.

* * *

Related Entity—an entity that shares at least 50% direct or indirect common ownership with another entity.

Serving—total quantity of discrete units or of liquid in a package a processor recommends for consumption at one time; in the context of consumable hemp products, this term refers to discrete (i.e., separate and completely unattached to other servings) pieces of a solid substance, containers of a beverage, or one milliliter of a tincture, extract or distillate designed for oral or sublingual use.

* * *

THC—any combination of tetrahydrocannabinol, THC components, and tetrahydrocannabinolic acid.* * *

THC Components—any isomer, analog or derivative of the tetrahydrocannabinol molecule.

Tincture—an extract of plant material produced using an organic solvent, frequently mixed with a carrier oil and optional flavorants to generate a finished product; this category does not include liquid concentrates.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), amended LR 52:

§516. Consumable Hemp Processors; Permits

A. Any person seeking to manufacture or process consumable hemp products in Louisiana must first obtain from the department a separate annual consumable hemp

processor permit for each facility in which such manufacturing or processing will occur. No person shall process or manufacture any consumable hemp product in Louisiana at a facility for which a current valid annual consumable hemp processor permit has not been issued by the department.

B. The department shall issue an annual consumable hemp processor permit, or renewal thereof, for a processing or manufacturing facility located in Louisiana if all of the following conditions are met.

1. The applicant and facility comply with all applicable requirements of LAC Title 51, Part VI, §103.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

C. The department shall issue an annual consumable hemp processor permit, or renewal thereof, by endorsement for a processing or manufacturing facility located in another state if all of the following conditions are met.

1. The applicant demonstrates that it holds a current valid permit for the facility issued by the state's health department, or equivalent agency, pursuant to a regulatory scheme under which an inspection of the facility is conducted prior to initial permit issuance to ensure compliance with compulsory sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI and the issuing agency has authority to conduct additional inspections as it deems necessary to ensure continuing compliance therewith.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

6. The applicant consents to the personal jurisdiction of Louisiana courts and administrative tribunals for matters related to denial, issuance, revocation, or suspension of a permit, license, or registration under this Chapter.

D. Annual consumable hemp processor permits shall be issued on a fiscal year basis, expiring on June 30 of the fiscal year of issuance. The department shall prorate the annual fee for permits applied for and issued subsequent to July 1st of a fiscal year. Permit renewal applications, together with the required fee, must be submitted to the department no later than 30 days prior to permit expiration. The provisions of R.S. 49:977.3(B) shall apply to a timely-submitted renewal application.

E. Individuals seeking an annual consumable hemp processor permit shall provide to the department proof of being at least 21 years of age and a notarized attestation, given

under penalty of perjury, stating that the individual has not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

F. Juridical entities (e.g. corporations or limited liability companies) seeking an annual consumable hemp processor permit shall provide to the department a notarized attestation, given under penalty of perjury and executed by the secretary, managing member, or other authorized individual, stating that no officer or shareholder/member owning more than 5 percent of the entity has been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

G. Notice of final denial of a requested facility permit shall state the specific reason(s) for the denial and shall include notice of right to an administrative hearing concerning same, which right shall expire unless the applicant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the notice. Any such request timely received shall be forwarded by the department to the Louisiana Division of Administrative Law. In addition to any method of service authorized by this Title, service of the notice on the applicant may be effected through any means authorized by LAC 51:I.109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the permitting or registration process, and shall be deemed effective even if returned as undeliverable.

H. The department may revoke or suspend a consumable hemp processor permit if the permit holder, or the facility for which the permit was issued, no longer complies with the prerequisites and conditions for obtaining or holding such permit set forth in this Chapter. Except as otherwise provided in Subsection I of this Section, revocation or suspension shall occur by issuance of an Order Revoking/Suspending Permit, the issuance, format, service, and administrative appeal of which shall be in accordance with the applicable requirements set forth in §518.B-C of this Chapter. If the state health officer determines, in his sole discretion, that immediate implementation of the order is necessary to abate a potential danger to the public life, health, or safety, and includes that finding in the order, the order shall be deemed an emergency order and shall not be stayed pending the decision of the Division of Administrative Law.

I. A permit issued by endorsement pursuant to Subsection C of this Section shall be automatically suspended or revoked if the out-of-state permit upon which it is based lapses, expires, or is suspended or revoked by the issuing agency. It shall be the affirmative duty of the holder of a permit issued by endorsement to inform the department of any such lapse, expiration, suspension, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 52:

§517. Registration of Consumable Hemp Products

A. Each separate and distinct consumable hemp product must be registered 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 a consumable hemp product registration must provide (both initially and on or before July 1 of each subsequent year) the department with a packet that includes:

1. - 6. ...

7. for each separate and distinct product, photographs or renderings of the product that accurately depict the Title 49, Part I entirety of the product, including all accessories or physical items included or sold with the product, whether attached or not. The department may require the submission of a specimen of the actual product and all included accessories if it determines in its sole discretion that submitted renderings or photographs do not allow a sufficient determination that the product meets all applicable requirements of this Chapter;

8. for each separate and distinct product, a detailed written description of how individual servings will be packaged and marketed for sale. A product whose label fails to comply with the requirements of §533 of this Chapter will not be registered. A product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds five milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration pursuant to §518 of this Chapter;

9. the address and identifying information of any facility in which the product will be manufactured or processed, together with an indication of whether a current valid annual consumable hemp processor permit has been issued by the department for the facility; and

10. the legal name of the manufacturer of the product, together with the legal name and ownership interest of each person owning more than a 5 percent interest in the manufacturer.

D. ...

E. No person is authorized to distribute any consumable hemp product in the state of Louisiana unless such product is currently registered and entered into the consumable hemp products database by the department, except that if a firm submits product labeling and supporting documentation for review to the department and does not receive a written response within 60 business days of that initial submission, the product may be sold after the sixtieth business day by any permitted wholesaler or retailer until the submitting party receives notice in writing from the department that the product in question is accepted or rejected for registration. Upon the expiration of the 60 business days, the department will send written notice, via electronic mail only, confirming the "pending" status of any application and, if known, a date by which a final determination will be made.

F. ...

G. No consumable hemp product shall be registered if one or more of the following conditions concerning dosage vehicles apply:

1. - 3. ...

4. it is explicitly or clearly intended or characterized as being for rectal or vaginal insertion, including, but not limited to, vaginal or anal suppositories; this prohibition shall not apply to products that are topical personal lubricants;

5. it includes floral hemp material, or constitutes a vape cartridge, vape pen, e-cigarette or a substantially similar item designed to facilitate inhalation; or

6. it is an alcoholic beverage as defined in R.S. 26:2.

H. ...

I. The department shall not register any consumable hemp product whose sale in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder. Except as provided in Subsection J of this Section, the department shall only register consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been issued by the department; any existing registration of consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been not been issued by the department shall be deemed to meet the criteria for revocation under an Emergency Order pursuant to §518.D of this Chapter. This Subsection shall take effect on July 15, 2025.

J. Notwithstanding any provision of this Chapter to the contrary, a consumable hemp product manufactured in a facility for which a consumable hemp processor permit has not been issued by the department may be registered only by a person holding a consumable hemp processing permit issued by the department for a facility located in Louisiana, who shall ensure that the manufacturer meets all applicable requirements of §516 of this Chapter, that the facility meets applicable sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI, and that such product meets all applicable requirements of this Chapter and of Part VI of Chapter 10-a of R.S. Title 3. Such person must have access to and retain for at least three years the records required by §521 of this Chapter, and shall make such records available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), amended LR 52:

§518. Revocation of a Consumable Hemp Product Registration

A. The department may revoke the registration of a consumable hemp product if:

1. - 2. ...

3. the product, including any accessories or physical items included therewith, is materially modified in a way that makes the photographs, renderings, or specimen submitted in connection with the registration no longer an accurate depiction thereof;

4. the product, product label, product packaging, or product marketing no longer complies with the prerequisites for registration set forth in, or otherwise violates any

applicable provision or requirement of, this Chapter or Part VI of Chapter 10-a of R.S. Title 3;

5. The manufacturer of the product fails to comply with any requirement of this Chapter concerning the product, including §521; or

6. The sale of the product in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:1941 (November 2023), amended LR 52:

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. - C.4. ...

5. a cannabinoid profile listing all major phytocannabinoid constituents by percentage of dry weight;

6. - 10.d. ...

11. a cannabinoid profile for the “active ingredient” (cannabinoid-containing distillate or isolate used in formulating the finished product) listing all major cannabinoid constituents by percentage of dry weight.

D. Repealed.

E. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:480 (April 2021), LR 48:1291 (May 2022), LR 48:2982 (December 2022), LR 50:395 (March 2024), LR 52:

§521. Distillate Potency Test; Batch Testing; Certificates of Analysis

A. A consumable hemp processor or manufacturer shall obtain a certificate of analysis (COA) of the distillate or concentrate used to produce any consumable hemp product. The COA shall include the information required by §519.C.5 of this Chapter.

B. A manufacturer shall obtain a COA of each batch of consumable hemp product that it manufactures. The COA shall include the information required by §519.C.1-10 of this Chapter.

C. A consumable hemp processor or manufacturer shall not sell or distribute in Louisiana any consumable hemp product from a batch whose COA indicates an exceedance of any of the maximum contaminant limits set forth in §519.C.1-10 of this Chapter or indicates that the product otherwise violates any requirements of this Chapter or Part VI of Chapter 10-a of R.S. Title 3.

D. The COAs required by this Section shall be retained for at least three years and shall be made available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 52:

§527. Consumable Hemp Products Labeling Requirements: Marketing for Inhalation Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended LR 48:1291 (May 2022), repealed LR 52:

§529. Consumable Hemp Products Packaging Requirements: Hemp Flower Packaging

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 48:1291 (May 2022), repealed LR 52:

§531. Consumable Hemp Products Labeling Requirements: Adult-Use Products

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2983 (December 2022), repealed LR 52:

§533. Consumable Hemp Products Labeling and Packaging Requirements: Serving Sizes, Packaging Limits, and THC Content

A. Labeling must clearly indicate the amount of THC per serving in a product, the serving size, and the number of servings per package.

B. Consumable hemp beverages must meet the following requirements:

1. a serving must be 12 fluid ounces or greater;
2. a serving must not include more than 5 mg THC;
3. a container may not contain more than one serving;
4. a container must be tamper-evident;
5. a package may not include more than four containers.

C. Consumable hemp tinctures must meet the following requirements:

1. a serving must be one milliliter and may not contain more than one milligram of THC;
2. a container may not exceed 30 mL;
3. containers must include a dropper that readily dispenses precisely one serving.
4. tinctures must be oil-based and may not include any concentrated water-soluble liquid that can be consumed directly or added to any food or beverage
5. packaging must be child-resistant by design.

D. Products other than beverages and tinctures must meet the following requirements:

1. an individual serving must not include more than 5 mg THC;
2. a package must not contain more than 40 mg THC;
3. packaging must be child-resistant by design;
4. each serving must be a discrete unit.

E. Packaging of consumable hemp products may not be designed explicitly to appeal to children by means of the employment of naming, branding, or use of a logo bearing a substantial similarity to that of conventional food or beverage products already on the market.

F. Labeling on THC-containing products must bear a disclaimer that consumption of such products may cause the user to fail a pre-employment or routine drug screen.

G. Nonedible topical consumable hemp products shall not be subject to the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2983 (December 2022), amended LR 49:1942 (November 2023), LR 52:

§534. Consumable Hemp Products Labeling Requirements; THC Content

A. Labels on consumable hemp products must accurately reflect the contents of the packaging with a variation of no greater than fifteen percent. This fifteen percent variance allowance shall not be construed to allow a product to exceed the THC content maximum limits, including the per serving maximums, set forth in Part VI of Chapter 10-a of R.S. Title 3 and §533 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 52:

§535. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §531]

A. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by R.S. 3:1484 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by R.S. 3:1482 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:1291 (May 2022), LR 48:2983 (December 2022), LR 49:1940 (November 2023), LR 52:

§539. Additional Enforcement Provisions

A. The department may, randomly or based upon a complaint, procure a COA on a specimen of any registered consumable hemp product offered for sale in Louisiana to determine compliance with applicable requirements of this Chapter and Part VI of Chapter 10-a of R.S. Title 3. An appropriate Chain of Custody document shall be utilized for such purpose.

B. If a COA obtained in accordance with Subsection A of this Section shows that the product does not meet the requirements of this Chapter or Part VI of Chapter 10-a of R.S. Title 3, the registration of such product may be revoked by order issued pursuant to §518 of this Chapter, which order shall note the costs paid to procure the COA, including laboratory and shipping costs. Such product shall not thereafter be registered by any person for two years.

C. If the department revokes a product registration pursuant to Subsection B of this Section, the registration holder shall reimburse the department for the costs paid to procure the COA within 30 days of the revocation becoming final (i.e. not subject to further appeal or review). If such reimbursement is not received within 30 days, the registration holder shall additionally owe the department a civil penalty equal to three times the costs paid to procure the COA. If such additional civil penalty is not paid within 30 days of demand, the department may revoke all other product registrations held by the registration holder.

D. The department may revoke all other consumable hemp product registrations held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not accept any product registrations from such person or related entity, nor register any product manufactured by such person or related entity.

E. The department may revoke all consumable hemp processor permits held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not issue a consumable hemp processor permit to such person or to any related entity.

F. If the department revokes within a two-year period the registration of more than two consumable hemp products produced by a manufacturer, then the registration of all other consumable hemp products produced by such manufacturer may also be revoked. For three years thereafter, the department shall not register any products produced by such manufacturer or related entity.

G. A revocation of a consumable hemp product registration that occurs solely due to a change in law shall not be considered a revocation for the purposes of Subsections D, E, and F of this Section.

H. The provisions of this Section shall apply to the extent that they are more specific than any conflicting general enforcement provisions set forth in this Chapter or Title.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 52:

Public Comments

Comments on this Emergency Rule may be directed to the attention of Tiffany Meche, Director of Sanitarian Services, at 628 North 4th Street, P.O. Box 4489, Baton Rouge, LA 70821-4489.

Bruce D. Greenstein
Secretary

2511#009

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Registered Equine Dentists (LAC 46:LXXXV.Chapter 15)

Editor's Note: The following sections are being repromulgated in order to notify the public of the review of LAC 46:LXXXV.Chapter 15 in accordance with 2022 *Louisiana Administrative Code* Review.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and the 2022 *Louisiana Administrative Code* Review, the Board ("Board") of Veterinary Medicine has conducted a comprehensive review of Chapter 15 and intends to notify the public with this repromulgation of the sections below as is. The historical notes shall be updated to reflect the review of these rules. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 15. Registered Equine Dentists

§1500. Definitions

A. All definitions used in this Chapter shall have the meaning assigned to them in R.S. 37:1560. In addition, the following definitions shall be applied.

Approval [as used in R.S. 37:1562.C.(2)]—the veterinarian shall make an informed decision based upon his professional judgment after giving consideration to the notification provided by an equine dentist which shall include a visual inspection conducted by the veterinarian prior to the commencement of the procedure.

Continuing Education—board-approved educational experiences in equine dentistry, which may be in the form of institutes, seminars, lectures, conferences, workshops, and other modes of delivery so as to maintain and improve technical competency for the health, welfare, and safety of the citizens of Louisiana.

Continuing Education Unit (CEU)—one hour of activity or participation in a continuing educational program approved by the board.

Equine Owner's Veterinarian—veterinarian licensed by the board who has established a veterinary-client-patient relationship as a primary care provider or as a consultant to the primary care provider.

Notify or Notification—

a. with regard to the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps), shall mean full written or verbal person to person communication with the veterinarian prior to the commencement of the procedure; or

b. with regard to extracting equine first premolar teeth (wolf teeth), shall mean full written or verbal person to person communication with the veterinarian prior to

commencement of the procedure and after approval is given by the veterinarian; however, written confirmation of the notification prepared by the registered equine dentist shall be sent to and received by the veterinarian within seven days after the procedure, which written confirmation shall include:

- i. owner's name, address, and phone number;
- ii. identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color;
- iii. method of restraint used during the procedure;
- iv. type of dental procedure performed, including methods used;
- v. description of the outcome of the procedure;
- vi. recommendations, if any, to the owner following extraction of any first premolar teeth.

Possession—actual possession whereby the registered equine dentist has his certificate readily available.

Practice of Equine Dentistry—the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps); additionally, an equine dentist may extract equine first premolar teeth (wolf teeth) after complying with the requirements set forth in R.S. 37:1562.C.(2) and the board's rules.

Referral—a verbal request to perform equine dentistry made to a registered equine dentist by a veterinarian licensed by the board who has established a *veterinarian-client-patient relationship* as defined in §700 and who is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Referral Veterinarian—a veterinarian licensed by the board authorized by the existence of a *veterinarian-client-patient relationship* as defined in §700 to make a referral to perform equine dentistry to a registered equine dentist and who is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Substantially Involved in the Care and Maintenance of Horses in the Horse Racing Industry in Louisiana—previous practical experience within the horse racing industry that included equine dental procedures.

Unprofessional Conduct—in addition to the definition set forth in R.S. 37:1564.A.(10), shall include the following:

- a. making or participating in any communication, advertisement or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim;
- b. initiation or continuation of services that are contraindicated or cannot reasonably result in beneficial outcome;
- c. abuse or exploitation of the provider-patient relationship for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of service;
- d. failure to comply with the practice requirements set forth in R.S. 37:1562;

e. failure to comply with the duties established in R.S. 37:1560 et seq., and/or the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:489 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1815 (November 2025).

§1501. Applications for Certificates of Approval

A. Pursuant to R.S. 37:1561 and 1562.D, applicants shall submit the following items to the board:

1. a completed application form approved by the board, which shall be sworn to and subscribed before a notary public;

2. evidence that the applicant is a current resident of this state on July 1, 1999, which evidence must be one of the following:

a. a utility bill statement in the name of the applicant and for a Louisiana address which includes service for July 1, 1999; or

b. any other document providing evidence of residency on July 1, 1999, which is approved by a majority of a quorum of the board;

3. evidence that the applicant is substantially involved in the care and maintenance of horses in the horse racing industry in Louisiana, which evidence shall be the following:

a. an affidavit from the applicant sworn to and subscribed before a notary public; and

b. two letters of reference on board-approved forms from veterinarians licensed by the board which shall attest to the applicant's character and ethical standards as they apply to his knowledge in the field of equine dentistry and his substantial involvement in the care and maintenance of horses in the horse racing industry in Louisiana; and

4. evidence that the applicant was licensed in good standing as an equine dentist by the Louisiana Racing Commission on or before July 1, 1995, which evidence must be a certified statement directly forwarded to the board office from an authorized official of the Louisiana Racing Commission attesting to the applicant's licensure in good standing on or before July 1, 1995;

5. payment of all applicable fees for registered equine dentist fees established by the board;

6. a current passport type photograph of the applicant;

7. certification by the applicant that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1564;

8. a list of all professional certificates or licenses that the applicant currently holds and/or has held.

B. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:490 (March 2000), repromulgated by the Department of Agriculture

and Forestry, Board of Veterinary Medicine, LR 51:1816 (November 2025).

§1503. Fees

A. The board hereby adopts and establishes the following fees for registered equine dentists.

Original Registration Fee	\$ 200
Annual Renewal of Registration Fee	\$ 125
Late Renewal Fee	\$ 100
Application Fee	\$ 100

B. Renewals received after the expiration date as provided in R.S. 37:1566, shall be charged a late renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1816 (November 2025).

§1505. Renewal of Certificates

A. All certificates of approval shall expire annually at midnight September 30. Certificates shall be renewed by completing a re-registration form which shall be provided by the board, submitting any other documents required by this Chapter, and by payment of the annual renewal fee established by the board.

B. Each year, 90 days prior to the expiration date of the license, the board shall mail a notice to each registered equine dentist stating the date his certificate will expire and providing a form for re-registration.

C. The certificate of approval will be renewed for any person who complies with the requirements of this Chapter.

D. Re-registration forms for renewal of certificates of approval, complete with payment of fees and any other documents required by this Chapter, shall be postmarked no later than the expiration date of the certificate each year. Re-registration forms postmarked after midnight of the expiration date will be subject to a late renewal fee as established by the board. This fee is in addition to the regular fee for annual renewal.

E. Continuing education requirements prescribed by this Chapter must be satisfied before a certificate of approval is renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1816 (November 2025).

§1507. Expired Certificate

A. A registered equine dentist whose certificate has expired may be reinstated within one year of its expiration by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees, and meeting the continuing education requirements prescribed by the board.

B. The identifying number of an expired certificate of approval shall not be issued to any person other than the original holder of that number.

C. A registered equine dentist who fails to renew a certificate of approval within one year of its expiration must reapply for a new certificate. A certificate of approval shall not be issued without the approval of a majority of the quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1816 (November 2025).

§1509. Revoked Certificate

A. A registered equine dentist whose certificate has been revoked pursuant to R.S. 37:1564 must reapply for a new certificate.

B. A person whose certificate of approval has been revoked pursuant to R.S. 37:1564 shall not be issued a new certificate unless approved by a majority of a quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1817 (November 2025).

§1511. Review or Appeal of Denial of Application

A. Any registered equine dentist aggrieved by a decision of the board, other than a holder of a certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1560 et seq., may, within 30 days of notification of the board's action or decision, petition the board for a review or appeal of the board's actions.

B. Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.

C. Upon receipt of such petition, the board may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1817 (November 2025).

§1513. Disciplinary Proceedings

A. The board, after due notice and hearing as set forth in the Administrative Procedure Act, R.S. 49:950 et seq., and §1401, may deny, reprimand, restrict, fine, probate, suspend, revoke or pursuant to R.S. 37:1560 et seq., otherwise sanction a registered equine dentist or applicant for certification on a finding that the person has violated R.S. 37:1560 et seq., or any of the rules promulgated by the board, or prior final decisions and/or consent orders involving the registered equine dentist or applicant for certification.

B. Any registered equine dentist against whom disciplinary proceedings have been instituted and against

whom disciplinary action has been taken by the board pursuant to R.S. 37:1560 et seq., and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and §1401.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1817 (November 2025).

§1515. Practice and Duties

A. No person shall practice equine dentistry in Louisiana unless issued a certificate of approval by the board or the person qualifies for limited exception to certification as set forth in Subsection F below.

B. Pursuant to R.S. 37:1562.C.(1), a registered equine dentist who practices equine dentistry at a location other than at a racetrack shall notify the horse owner's veterinarian prior to the commencement of the practice of equine dentistry.

C. Pursuant to R.S. 37:1562.C.(1), in the event that the horse owner does not have a veterinarian, the equine dentist shall obtain a referral from a veterinarian licensed by the board who has established a *veterinarian-client-patient relationship* as defined in §700. Such referral must be documented by the veterinarian to include:

1. the establishment of the *veterinarian-patient-client relationship* as defined in §700 prior to referral; and

2. that the referral veterinarian is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site;

3. the referral veterinarian must submit a copy of the written referral which must be received by the registered equine dentist within seven days from the referral;

4. such documentation shall be made part of the records maintained by the veterinarian and the registered equine dentist.

D. Pursuant to R.S. 37:1562.C.(2), prior to the initiation of an extraction of first premolar teeth (wolf teeth), the registered equine dentist shall notify and obtain the approval of the equine owner's veterinarian or referral veterinarian.

E. Duties

1. **Prohibition on Drugs.** A registered equine dentist shall not prescribe, recommend, or administer any legend drug or controlled substance.

2. **Record Keeping.** A registered equine dentist shall establish and maintain legible records which can provide a veterinarian with a full understanding of the findings concerning and treatment provided to each horse. Each registered equine dentist shall maintain an individual record on each horse to include, but not limited to, the following:

- a. owner's name, address, and phone number; identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color; nature of dental complaint; method of restraint used during a procedure; type of dental procedure performed; description of the outcome of the procedure; and recommendations, if any, to the owner following the procedure;

- b. original of written notifications submitted to veterinarians regarding treatment;

- c. records shall be maintained for at least five years;

d. records are the responsibility and property of the registered equine dentist. The registered equine dentist shall maintain such records and shall not release the records to any person other than the client or a person authorized to receive the records for the client, except that the registered equine dentist shall provide any and all records as requested by the board to the board; and

e. copies of records shall be provided to the client or the client's authorized representative upon written request of the client. A reasonable charge for copying and providing records may be required by the registered equine dentist.

F. With proper training and under the direct supervision of a licensed veterinarian, a layperson or registered veterinary technician employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps) of a horse. However, a layperson or registered veterinary technician shall not extract teeth, amputate large molar, incisor, or canine teeth, extract first premolar (wolf teeth), or repair the damaged or diseased teeth of a horse.

1. The following words and terms, when used in this rule and §710.D, shall have the following meanings.

a. *Proper Training*—prior to providing the procedures stated in Subsection F above, a layperson or registered veterinary technician shall have successfully completed a training program approved by the board which shall consist of classroom instruction and practical courses appropriate to the rasping (floating) of molar, premolar, and canine teeth and removal of deciduous incisor and premolar teeth (caps) of a horse.

b. *Direct Supervision*—the supervising licensed veterinarian shall be readily accessible by beeper or cell phone, as well as physically present within a 30 mile radius of and 30 minutes or less travel time from the premises where the procedure is to be rendered by the layperson or registered veterinary technician.

c. *Employed by the Licensed Veterinarian*—the layperson or registered veterinary technician shall be employed by a licensed veterinarian which shall be demonstrated by the issuance of a W-2 tax statement or other appropriate document evidencing the employment relationship as approved by the board. A layperson or registered veterinary technician working as an independent contractor, partner or any other business arrangement with a licensed veterinarian, shall not be considered employed by the licensed veterinarian for purposes of the limited exception.

d. *Licensed Veterinarian*—a veterinarian licensed by the board.

2. The supervising veterinarian shall establish the veterinarian-client-patient relationship as defined in §700 prior to the rendering of a procedure by the layperson or registered veterinary technician which shall be documented as part of the veterinarian's medical records regarding the horse. The permissible procedures delegated to a layperson or registered veterinary technician is at the discretion of the supervising licensed veterinarian who is ultimately responsible for the acts or omissions of these persons.

3.a. A legible record shall also be maintained on each horse which shall include the owner's name, address and telephone number, and identifying information on the horse, which shall include:

i. the name, permanent identification marks, age, sex, and color;

ii. the layperson or registered veterinary technician's name, address and telephone number who provided the procedure;

iii. nature of dental complaint;

iv. method of restrain used during the procedure;

v. type of dental procedure and date performed;

vi. description of the outcome of the procedure; and

vii. recommendations, if any, to the owner following the procedure.

b. The supervising veterinarian shall ultimately be responsible to maintain the record set forth herein as part of the medical records of the horse.

4. The layperson or registered veterinary technician shall not prescribe, recommend, or administer any legend drug or controlled substance.

5. The layperson or registered veterinary technician shall not be identified or referred to as a registered equine dentist, and shall not bill, directly or indirectly, the client or owner of the horse for services rendered. The employing veterinarian shall bill the client or owner of the horse for the services rendered by the layperson or registered veterinary technician.

6. A supervising licensed veterinarian who violates, or otherwise fails to comply with this rule, or any part thereof, including any applicable state and federal laws and/or regulations, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000), LR 31:930 (April 2005), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1817 (November 2025).

§1517. Continuing Education

A. Basic Requirements

1. A minimum of six continuing education units is required each fiscal year (July 1 through June 30) as a prerequisite for renewal of certification. A registered equine dentist who fails to obtain a minimum of six continuing education units within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Notwithstanding the requirements of this Section, for the period August 20, 1999-June 30, 2000, a minimum of six continuing education units is required as a prerequisite for renewal of certification during the July 1, 2000-September 30, 2000 renewal period.

2. All continuing education programs must be approved by the board prior to attendance.

3. Proof of attendance, which shall include the name of the course, date(s) of attendance, hours attended, and specific subjects attended, shall be attached to the annual certificate renewal form. Proof of attendance must include verification from the entity providing or sponsoring the educational program.

4. All hours shall be obtained in the 12 months preceding the renewal period of the certificate.

5. Each registered equine dentist must fulfill his annual education requirements at his own expense.

B. Failure to Meet Requirements

1. If a registered equine dentist fails to obtain a minimum of six continuing education units within the prescribed 12-month period, his certificate shall be expired and his certificate shall remain expired until such time as the continuing education requirements have been met and documented to the satisfaction of the board.

2. The board may grant extensions of time for extenuating circumstances. The registered equine dentist must petition the board at least 30 days prior to the expiration of the certificate. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

3. Failure to comply with the requirements of this Section shall be considered unprofessional conduct.

C. Approved Continuing Education Programs

1. It is the responsibility of the registered equine dentist to submit a request for approval of a continuing education program no less than 60 days prior to the program. Information to be submitted shall include:

- a. the name of the proposed program and sponsor organization;
- b. course content;
- c. the number of continuing education units to be obtained by attendees.

2. Continuing education units which are submitted for renewal and were not pre-approved by the board may be reviewed by the board. If the units are not approved, the registered equine dentist will be required to take additional continuing education in an approved program prior to the renewal of his certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1818 (November 2025).

§1519. Unprofessional Conduct on Part of the Veterinarian

A. After due notice and hearing as set forth in the Administrative Procedure Act, R.S. 49:950 et seq., and the board's rules, more particularly §1401 et seq., a veterinarian who fails to comply with a rule promulgated by the board regarding the practice of equine dentistry shall be subject to disciplinary action and sanction by the board for unprofessional conduct pursuant to the Louisiana Veterinary Practice Act, R.S. 37:1526.A.(14) and the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1526(A)(14), 37:1518(A)(9) and 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:493 (March 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1819 (November 2025).

Jared B. Granier
Executive Director

2511#001

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides

Advisory Commission on Pesticides
(LAC 7:XXIII.711)

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides amends LAC 7:XXIII.711. The Rule was promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The Rule change was made in accordance with R.S. 3:3203, which gives the commissioner the authority to adopt rules and regulations. This Rule was written in plain language in an effort to increase transparency. The agency evaluated the Rule and determined it was necessary, consistent with the law, and aligned with the agency's mission. The benefits of the Rule outweigh the burdens and costs.

The Rule updated the rules and regulations to reflect the federal standards established by the United States Environmental Protection Agency (EPA) for pesticide use and applications by private and commercial applicators. Pursuant to the federal standards established in 40 CFR §171 and 7 U.S.C. 136 et seq., there are requirements for pesticide applicator certification plans administered by the state. As a certifying authority, the Louisiana Department of Agriculture and Forestry (LDAF) is required to have an EPA-approved certification plan to certify applicators of Restricted Use Pesticides (RUPs). The Rule change reflects the current EPA-approved certification plan. This Rule is hereby adopted on the day of promulgation.

Title 7

Agriculture and Animals Part XXIII. Pesticides

Subchapter B. Certification

§711. Certification of Commercial Applicators

A. - B.2.j. ...

k. Aerial Applicator (category 11). This category includes FAA licensed pilots involved in or supervising the mixing, loading, spraying and dispensing of pesticides and fertilizers from low flying manned or unmanned aircraft.

l. Agricultural Fumigation (category 12). This category is for the use of fumigants on areas not covered by the Structural Pest Control Commission. This category is divided into two subcategories;

i. Soil Fumigation (subcategory 12a). This subcategory applies to commercial applicators who use or supervise the use of restricted use pesticides to fumigate soil.

ii. Non-Soil Fumigation (subcategory 12b). This subcategory applies to commercial applicators who use or supervise the use of restricted use pesticides to fumigate agricultural products. This does not include fumigations regulated by the Structural Pest Control Commission.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:324.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:179 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 18:953 (September 1992), LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:928 (September 1995), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998), LR 28:39 (January 2002), LR 32:794 (May 2006), repromulgated LR 32:1011 (June 2006), amended LR 35:627 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3471 (December 2011), LR 44:2126 (December 2018), LR 46:169 (February 2020), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 51:773 (June 2025), LR 51:1819 (November 2025).

Mike Strain, DVM
Commissioner

2511#032

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Chronic Wasting Disease (LAC 7:XXI.1705 and 1730)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3101, notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office of Animal Health and Food Safety, has amended LAC 7:XXI.1705 and promulgated LAC 7:XXI.1730, relative to Chronic Wasting Disease (“CWD”) in farm-raised white-tailed deer. The Rule change is being promulgated to prevent the spread of CWD into alternative livestock facilities in the state of Louisiana. Section 1730 prohibits the transport of intact deer heads from within a facility that has been designated as quarantined under LDAF CWD laws and regulations to areas outside that facility, subject to certain exceptions. Deer heads may be transported from such facilities only if they are being transported to taxidermists within Louisiana for taxidermy purposes; a permit is first obtained, authorizing such transport; and the intact deer head must be delivered to the taxidermist within 72 hours of the issuance of the permit. The amendment to Section 1705 merely adds a definition of “quarantined facility.” The Rule is consistent with the applicable law and aligned with the mission of the department. The benefits of the Rule outweighs any burden and cost on those regulated by them. The Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 17. Alternative Livestock—White-Tailed Deer and other Captive Cervids [Formerly Chapter 15]

§1705. Definitions

(Formerly §1503)

A. ...

* * *

Quarantined Facility—any farm or deer pen that has been placed under quarantine by order of the state veterinarian.

* * *

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 24:282 (February 1998), amended LR 24:1671 (September 1998), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 38:961 (April 2012), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended LR 42:1864 (November 2016), amended LR 49:234 (February 2023); amended LR 51:1820 (November 2025).

§1730. Chronic Wasting Disease; Transport of Deer Heads from Quarantined Facility within Louisiana for Taxidermy Purposes.

A. Except as otherwise indicated herein, the transport of intact deer heads from within a LDAF-designated CWD Quarantined Facility to areas outside of the CWD Quarantined Facility is prohibited and shall be subject to enforcement action as set forth in this Chapter, including but not limited to seizure of deer parts.

B. Intact deer heads from within a LDAF-designated CWD Quarantined Facility may be transported to taxidermists within Louisiana for taxidermy purposes outside of the CWD Quarantined Facility only if:

1. a permit is first obtained from LDAF, specifically authorizing the transport of that particular intact deer head from the Quarantined Facility to a specified Louisiana taxidermist or taxidermy business;

2. the permit is obtained prior to transport of the intact deer head; and

3. the intact deer head must be delivered to the taxidermist or taxidermy business within 72 hours of the issuance of the permit.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety LR 51:1820 (November 2025).

Mike Strain, DVM
Commissioner

2511#065

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Louisiana Egg Commission Revisions (LAC 7:V.Chapter 17)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:839 et seq., notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Animal Health and Food Safety has amended LAC 7:V.Chapter 17 (Sections 1701 through 1719), relative to the Louisiana Egg Commission. These rules were originally promulgated in 1972 and have never been amended, despite the statutory authority for the original having been long-since repealed and/or redesignated. The amendments are being made to bring these rules into compliance with the current statutory authority. The agency evaluated the Rule and determined it was necessary, consistent with law, and aligned with the agency's mission. The benefits of the Rule outweigh the burdens and costs. The Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing, And Processing

Chapter 17. Louisiana Egg Commission

§1701. Definitions

A. The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context expressly indicates otherwise:

* * *

Commissioner—Commissioner of Agriculture and Forestry.

Department—Louisiana Department of Agriculture and Forestry

Eggs—pullet and hen eggs only.

Handler and/or Dealer—any person engaged within the state as a distributor in the business of distributing eggs produced in Louisiana, or distributing in Louisiana eggs which are produced elsewhere.

LDAF—Department of Agriculture and Forestry.

* * *

Producer—every person engaged in producing eggs in the state.

Ship or Shipping—to move or cause to be moved, eggs in intrastate, interstate, or foreign commerce by rail, truck, boat, airplane, or any other means.

Shipper—any person engaged in shipping or causing to be shipped, eggs in intrastate, interstate, or foreign commerce, whether owner, agent or otherwise.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health, LR 51:1821 (November 2025).

§1703. The Commission

A. No member of the commission shall receive a salary, but each member shall receive a per diem of \$15 per day.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:837 and 839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1821 (November 2025).

§1705. Powers and Duties of the Commission

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:837, 839, and 844.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1821 (November 2025).

§1707. Officers

A. The commission shall elect a chairman, vice-chairman, and a secretary/treasurer, and other officers as it deems appropriate, who shall have the following authority and duties:

1. The commission shall elect a chairman, who shall be one of its members, and who shall be elected annually. The chairman shall be the chief executive officer of the commission and shall preside at all meetings thereof. The chairman shall have general and active management of the business of the commission, and shall see that all orders and resolutions of the commission are carried into effect. The chairman shall execute all contracts and other documents on behalf of the commission.

2. The vice-chairman shall serve in the absence of the chairman, and shall be elected annually.

3. The secretary/treasurer of the commission shall be elected by the commission annually, but he or she need not be a member of the commission. The secretary/treasurer shall attend all meetings of the commission and shall record all votes and the minutes of all proceedings, which recordings shall be permanently preserved. The secretary/treasurer shall give or cause to be given notice of all meetings, and shall perform such other duties ordinarily attendant to a secretary and treasurer of a corporation. The secretary/treasurer shall keep a record of all monies received and disbursed and shall submit a report of all transactions to the commission at each meeting or upon the request of any member.

4. The commission may elect such other officers which may be necessary to carry out the duties of the commission in accordance with the applicable law and this Chapter.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:838 and 839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1821 (November 2025).

§1709. Adoption of Rules and Regulations

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.3 and R.S. 3:551.4.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1821 (November 2025).

§1711. Collection and Disbursement of Assessments

A. The \$0.02 per case assessment on all eggs produced or distributed in Louisiana, as provided for in R.S. 3:841, shall be collected by the commissioner in such manner and method as shall be prescribed herein.

B. Assessments are to be collected and paid in accordance with R.S. 3:841, on or before the fifteenth day of each month for the collections made during the previous month. Assessments may be paid online on the department's website or by check or money, made payable to the Louisiana Egg Commission and mailed to 5825 Florida Blvd, Suite 1003, Baton Rouge, LA 70806.

C. Funds derived from assessments described in Subsection A shall be deposited into a special account in the state treasury which shall be designated a Louisiana Egg Commission account. These funds shall be used by the commission in payment of all costs, expenses and obligations incurred in carrying out the business of the commission.

D. Withdrawals from the special Louisiana Egg Commission account shall be made by check, signed by the chairman, or by the state-approved credit card, by the director of the Egg Commission.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839, 841, and 844.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1821 (November 2025).

§1713. Books and Records

A. All producers, handlers and dealers shall maintain books and records reflecting their operations, and shall produce to the commissioner, or a duly authorized and designated representative of the commissioner, such information as may be requested, relating to their operations. They shall permit the inspection during normal business hours, by the commissioner or a duly authorized and designated representative of the commissioner, such portions of their books and records as related to operations hereunder.

B. Records maintained by the producers, handlers and dealers shall include the number of eggs produced and/or distributed each month.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839 and 842.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health, LR 51:1822 (November 2025).

§1715. Licenses

A. Every person who produces, processes, distributes, or sells eggs or egg products in Louisiana shall obtain a license to do so from the department.

B. Applications for licenses shall be on forms provided by the department and shall be submitted together with the necessary application fee. The commission shall review license applications and make a recommendation for approval or denial to the commissioner, who shall make the final determination to approve or deny the application.

C. All licenses shall be valid from September 1 until August 31 and must be renewed annually. Failure to obtain or renew a license, when required, shall be a violation of this Part.

D. Every application for a new license and for renewal of an existing license shall be accompanied by a fee of \$100 payable to the commission.

E. Proceeds from the license fees collected hereunder shall be transferred to the state treasurer, and credited to the special Louisiana Egg Commission Fund.

F. The commissioner shall have authority to suspend or revoke a license issued pursuant hereto for violations of applicable law and this Chapter, and violations of the Louisiana Egg Grading and Marketing Law and Regulations.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839 and 842.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1822 (November 2025).

§1717. Adjudication of Violations

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.7 and R.S. 3:551.3.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1822 (November 2025).

§1719. Separability

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.3.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:1822 (November 2025).

Mike Strain, DVM
Commissioner

2511#063

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Trichomoniasis (LAC 7:XXI.751 and 752)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3101, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Animal Health and Food Safety, and the Board of Animal Health, has amended LAC 7:XXI.751 and 752, relative to trichomoniasis. The amendment to Section 752 removes the 30-day requirement for testing of bulls being sold. Currently, bulls must be either be tested for trichomoniasis or resold to slaughter within 30 days of purchase. Without removing or altering the requirement to either test for trichomoniasis or resell to slaughter, the Rule merely removes the 30-day requirement to do so. Additionally, the amendment to Section 751 further cleans up language and citation to the authority source. These rules are consistent with the applicable law and aligned with the mission of the department. The benefits of the rules outweigh any burden and cost on those regulated by them. The rules are written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 7. Cattle, Bison, and other Bovines

[Formerly Chapter 3]

Subchapter E. Trichomoniasis

§751. Trichomoniasis Testing and Movement

Requirements for Cattle

[Formerly §339]

A. - K.3....

L. The state veterinarian may grant a written exception or variance to the provisions of this Subchapter, with such conditions as the state veterinarian deems appropriate, if such action is necessary to provide for unforeseen situations or circumstances. Any exception or variance shall balance the need to protect cattle from trichomoniasis with the need to allow cattle to move in commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, 3:2095, and 3:2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Animal Health, LR 35:1466 (August 2009), amended LR 36:2518 (November 2010), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:958 (May 2014), LR 49:237 (February 2023), amended LR 51:1823 (November 2025).

§752. Trichomoniasis Quarantine Facility

A. - D. ...

E. Bulls in a facility shall be tested for Trichomoniasis in accordance with this Subchapter or resold to slaughter at a USDA-approved livestock market or recognized slaughter establishment.

F. - G.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 3:2133.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 49:239 (February 2023); amended LR 51:1823 (November 2025).

Mike Strain, DVM
Commissioner

2511#064

RULE

Department of Conservation and Energy Office of Enforcement

Pipeline Safety

(LAC 33:V.Chapter 301 and LAC 43:XIII.Chapter 3)

The Department of Conservation and Energy, Office of Enforcement has amended LAC 33:V. and LAC 43:XIII. 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 Rule changes are required as a part of the Department of Conservation and Energy certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations. In addition there are state specific changes to LAC 33:V.30146 and LAC 43:VIII.322 to correct a date for the operator registration each year. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline

[49 CFR Part 195]

Subchapter A. General [49 CFR Part 195 Subpart A]

§30103. Which Pipelines are Covered by this Subpart?

[49 CFR 195.1]

A. - A.4.b. ...

c. a pipeline located in an inlet of the Gulf of America as provided in §30413. [49 CFR 195.1(a)(4)(iii)]

A.5. - B.3.b. ...

4. except for the reporting requirements of Subchapter B of this Subpart, see §30121, transportation of petroleum through an onshore rural gathering line that does not meet the definition of a *regulated rural gathering line* as provided in §30117. This exception does not apply to gathering lines in the inlets of the Gulf of America subject to §30413. [49 CFR 195.1(b)(4)]

B.5. - B.10.b. ...

C. Breakout tanks. Breakout tanks that are subject to this Subpart must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies specifically to breakout tanks and a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with §§30189.B, 30205.B, 30264.B and E, 30307, 30428.C and D, and 30432.B and C. [49 CFR 195.1(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 20:439 (1994), LR 21:814 (August 1995), LR 27:1523 (September 2001), LR 29:2804 (December 2003), LR 33:466 (March 2007), LR 35:2791 (December 2009), LR 38:99 (January 2012), LR 46:1604 (November 2020), LR 50:1243 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1823 (November 2025).

§30105. Definitions [49 CFR 195.2]

A. As used in this Subpart:

* * *

Gulf of America and Its Inlets—the waters from the mean high water mark of the coast of the Gulf of America and its inlets open to the sea (excluding rivers, tidal marshes, lakes and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters), as measured from the mean low water.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007), LR 38:99 (January 2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), LR 49:1090

(June 2023), LR 50:1243 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1823 (November 2025).

§30107. Matter Incorporated by Reference in Whole or in Part [49 CFR 195.3]

A. Certain material is incorporated by reference into this part with the approval of the Director of the *Federal Register* in 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Pipeline and Hazardous Materials Safety Administration (PHMSA) and at the National Archives and Records Administration (NARA). Contact PHMSA at: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366-4046; www.phmsa.dot.gov/pipeline/regs. For information on inspecting this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. It is also available from the sources in the following paragraphs of this Section.

Source and Name of Referenced Material	Approved for Title 33 Reference
B. American Petroleum Institute (API), 200 Massachusetts Avenue NW, Suite 1100., Washington, DC 20001-5571, phone: 202-682-8000, http://api.org/ .	
1. API Publication 2026, "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service," 3rd edition, June 2017 (API Pub 2026).	§30405
B.2. – B.4....	
5. ANSI/API Recommended Practice 651, "Cathodic Protection of Aboveground Petroleum Storage Tanks," 4th edition, September 2014, (API RP 651).	§§30565.A; 30573.D
B.6. – B.11. ...	
12. API Recommended Practice 2350, "Overfill Protection for Storage Tanks in Petroleum Facilities," 5th edition, September 2020, (API Std 2350).	§30428.C
13. API Specification 5L, "Specification for Line Pipe," 46th edition, April 2018, including Errata 1 (May 2018), (API Spec 5L).	§§30161.B; 30161.E
14. API Specification Spec 6D, "Specification for Pipeline and Piping Valves," 24rd edition, effective August 2014, including Errata 1 through 10(October 2014 through July 2021), Addendum 1 (March 2015), Addendum 2 (June 2016), (API Spec 6D).	§30173.D
B.15. - B.16. ...	
17. API Standard 620, "Design and Construction of Large, Welded, Low-Pressure Storage Tanks," 12th edition effective October 2013, including Addendum 1 (November 2014), (API Std 620).	§§30189.B; 30205.B; 30264.B; 30307.B; 30565; 30579.D
18. API Standard 650, "Welded Steel Tanks for Oil Storage," 13th edition, March 2020, including Errata 1 (January 2021), (API Std 650).	§§30189.B; 30205.B; 30264.B; 30307.C; 30307.D; 30565; 30579.D
B.19. ...	
20. API Standard 1104, "Welding of Pipelines and Related Facilities," 21st edition, September 2013, including Errata 1 through 5 (April 2014 through September 2018), Addendum 1 (July 2014), and Addendum 2 (May 2016), (API Std 1104)).	§§30446.C; 30446.F

Source and Name of Referenced Material	Approved for Title 33 Reference
21. ANSI/API Standard 2000, "Venting Atmospheric and Low-pressure Storage Tanks," 7th Edition, March 2014, Reaffirmed April 2020, (API Std 2000).	§30264.E
B.22. – B.23. ...	
C. The American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016, 800-843-2763 (U.S/Canada), Web site: http://www.asme.org/ .	
C.1. – C.2....	
3. ASME B31.4-2006, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" October 20, 2006, (ASME B31.4).	§§30165.A; 30452.H
4. ASMEB31.8-2018, "Gas Transmission and Distribution Piping Systems," Issued November 20, 2018, (ASME B31.8).	§§30111.A; 30406.A
C.5. – D.2....	
E. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 119428, phone: 610-832-9585; email: service@astm.org ., Web site: http://www.astm.org/ .	
1. ASTM A53/A53M-20, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless," approved July 2020, (ASTM A53/A53M).	§30161.E
2. ASTM A106/A106M-19A, "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service," approved November 1, 2019, (ASTM A106/A106M).	§30161.E
3. ASTM A333/A333M-18, "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service and Other Applications with Required Notch Toughness," approved November 1, 2018, (ASTM A333/A333M	§30161.E
4. ASTM A381-96 / A381M-18 "Standard Specification for Metal-Arc Welded Steel Pipe for Use with High-Pressure Transmission Systems," approved November 1, 2018, (ASTM A381).	§30161.E
5. ASTM A671/A671M-20, "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures," approved March 1, 2020, (ASTM A671/A671M	§30161.E
E.6. ...	
7. ASTM A691/A691M-19, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures," approved November 1, 2019, (ASTM A691).	§30161.E
F. ...	
1. MSS SP-75-2019 Standard Practice, High-Strength, Wrought, Butt-Welding Fittings," published December 2019, (MSS SP 75), IBR approved for §195.118(a).	§30175.A
F.2. ...	
G. Association for Materials Protection and Performance (AMPP), 15835 Park Ten Place, Houston, TX 77084; phone: (800) 797-6223; website: https://ampp.org/standards .	
G.1. – G.3. ...	
4. NACE SP0204-2015, Stress Corrosion Cracking (SSC) Direct Assessment Methodology, Revised March 14, 2015, (NACE SP0204)	§30588.C
H. – I.2....	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:676 (March 2005), LR 33:467 (March 2007), LR 35:2792 (December 2009), LR 38:100 (January

2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1824 (November 2025).

§30111. Conversion to Service Subject to This Subpart
[49 CFR 195.5]

A. - A.1. ...

a. testing the pipeline in accordance with ASME B31.8 (incorporated by reference, see §507), Appendix N, to produce a stress equal to the yield strength; and [49 CFR 195.5(a)(1)(i)]

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:816 (August 1995), LR 29:2808 (December 2003), LR 44:1023 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1825 (November 2025).

Subchapter B. Reporting Accidents and Safety-Related Conditions [Subpart B]

§30140. Report Submission Requirements
[49 CFR 195.58]

A. General. Except as provided in Subsection B and E of this Section, an operator must submit each report required by this part electronically to PHMSA at <https://portal.phmsa.dot.gov> unless an alternative reporting method is authorized in accordance with Subsection D of this Section. [49 CFR 195.58(a)]

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:469 (March 2007), LR 35:2795 (December 2009), LR 38:104 (January 2012), LR 44:1024 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1825 (November 2025).

§30141. Abandonment or Deactivation of Facilities.
[49 CFR 195.59]

A. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions". To obtain a copy of the NPMS standards, please refer to the NPMS homepage at <http://www.npms.PHMSA.dot.gov>. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax, or e-mail to the Office of Pipeline Safety, Pipeline Hazardous Materials Safety Administration, Department of Transportation, Information Resources Manager, PHP-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; fax (202) 366-4566; e-mail,

InformationResourcesManager@PHMSA.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws [49 CFR 195.59(a)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003), amended LR 33:469 (March 2007), LR 35:2796 (December 2009), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1825 (November 2025).

30146. National Registry of Pipeline and LNG Operators [49 CFR 195.64]

A. OPID Request. Effective January 1, 2012, each operator of a hazardous liquid pipeline or pipeline facility must obtain from PHMSA an operator identification number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID or a change to an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with §30140. For intrastate facilities subject to the jurisdiction of the Office of Conservation, the operator must concurrently file an online OR-1 Submission (Operator Registration) for Pipeline Safety with the same name as the OPID request at <http://www.sonris.com>. Each operator must validate the OR-1 annually by January 15 each year. [49 CFR 195.64(a)]

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 38:104 (January 2012), amended LR 44:1024 (June 2018), LR 46:1605 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1825 (November 2025).

Subchapter C. Design Requirements

[49 CFR Part 195 Subpart C]

§30161. Internal Design Pressure [49 CFR 195.106]

A. - B. ...

1. the yield strength determined by performing all of the tensile tests of API Spec 5L on randomly selected specimens with the following number of tests: [49 CFR 195.106(b)(1)(i)]

Pipeline Size	Number of Tests
Less than 6-5/8 in. (168.3 mm) nominal outside diameter	One test for each 200 lengths
6-5/8 through 12-3/4 in. (168 through 323 mm.) nominal outside diameter	One test for each 100 lengths
Larger than 12-3/4 in. (324 mm.) nominal outside diameter	One test for each 50 lengths

B.2. - D. ...

E. The seam joint factor used in §30161.A is determined in accordance with the following standards incorporated by reference (see §30107). [49 CFR 195.106(e)(1)]

Specification	Pipe Class	Seam Joint Factor
ASTM A53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A106/	Seamless	1.00
ASTM A333/A333M	Seamless	1.00
	Welded	1.00
ASTM A381	Double submerged arc welded	1.00
ASTM A671/A671M	Electric fusion welded	1.00
ASTM A672/A672M	Electric fusion welded	1.00
ASTM A691/A691M	Electric fusion welded	1.00
API Spec 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60

E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 21:817 (August 1995), LR 27:1525 (September 2001), LR 29:2814 (December 2003), repromulgated LR 30:259 (February 2004), amended LR 44:1024 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1825 (November 2025).

§30165. External Loads [49 CFR 195.110]

A. Anticipated external loads (e.g., earthquakes, vibration, thermal expansion, and contraction) must be provided for in designing a pipeline system. In providing for expansion and flexibility, Section 419 of ASME must be followed. [49 CFR 195.110(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 29:2815 (December 2003), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1826 (November 2025).

§30173. Valves [49 CFR 195.116]

A. - A.3. ...

4. Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in Section 11 of API Spec 6D (incorporated by reference, see §30107). [49 CFR 195.116(d)]

A.5. - 6.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2816 (December 2003), LR 33:469 (March 2007), LR 35:2796 (December 2009), LR 38:105 (January 2012), LR 44:1024 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1826 (November 2025).

Chapter 302. Transportation of Hazardous Liquids by Pipeline—Construction

[49 CFR Part 195 Subpart D]

§30214. Welding Procedures [49 CFR 195.214]

A. Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5(except for Note 2 in section 5.4.2.2), section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §30107), or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §30107). The quality of the test welds used to qualify the welding procedures must be determined by destructive testing. [49 CFR 195.214(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007), LR 44:1026 (June 2018), LR 46:1606 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1826 (November 2025).

§30246. Installation of Pipe in a Ditch [49 CFR 195.246]

A. ...

B. Except for pipe in the Gulf of America and its inlets in waters less than 15 feet deep, all offshore pipe in water at least 12 feet deep (3.7 meters) but not more than 200 feet deep (61 meters) deep as measured from the mean low water must be installed so that the top of the pipe is below the underwater natural bottom (as determined by recognized and generally accepted practices) unless the pipe is supported by stanchions held in place by anchors or heavy concrete coating or protected by an equivalent means. [49 CFR 195.246(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:677 (March 2005), LR 35:2796 (December 2009), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1826 (November 2025).

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Chapter, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B of this Section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and generally accepted practices), as applicable, complies with the following table [49 CFR 195.248(a)].

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 ft. (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water	36 (914)	18 (457)
Other offshore areas under water less than 12 ft (3.7 meters) deep as measured from mean low water	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep, less cover than the minimum required by Subsection A of this Section and §30210 may be used if [49 CFR 195.248(b)]:

B.1. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:678 (March 2005), LR 33:470 (March 2007), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1826 (November 2025).

Chapter 303. Transportation of Hazardous Liquids by Pipeline—Pressure Testing [49 CFR Part 195 Subpart E]

§30307. Pressure Testing Aboveground Breakout Tanks [49 CFR 195.307]

A. - C. ...

D. For aboveground atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated; and tanks that are returned to service after October 2, 2000, and are built to API Std 650 or its predecessor Standard 12C; the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in section 12.3 of API Std 653. [49 CFR 195.307(d)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 33:470 (March 2007), LR 38:105 (January 2012), LR 44:1027 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1827 (November 2025).

Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance [49 CFR Part 195 Subpart F]

§30405. Protection against Ignitions and Safe Access/Egress Involving Floating Roofs [49 CFR 195.405]

A. After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks must be in accordance with API RP 2026 (incorporated by reference, see §30107), unless the operator notes in the procedural manual [§30402.C] why compliance with all or certain provisions of API RP 2003 is not necessary for the safety of a particular breakout tank. [49 CFR 195.405(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:1027 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1827 (November 2025).

§30406. Maximum Operating Pressure [49 CFR 195.406]

A. - A.1. ...

a. 80 percent of the first test pressure that produces yield under section N 5.0 of appendix N of ASME B31.8 (incorporated by reference, see §507), reduced by the appropriate factors in §30161.A and E; or [49 CFR 195.406(a)(1)(i)]

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:1027 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1827 (November 2025).

§30413. Underwater Inspection and Reburial of Pipelines in the Gulf of America and Its Inlet [49 CFR 195.413]

A. Except for gathering lines of 4 1/2 inches (114 mm) nominal outside diameter or smaller, each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 195.413(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 195.413(b)]

C. - C.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003), amended LR 31:678 (March 2005), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1827 (November 2025).

§30428. Overpressure Safety Devices and Overfill Protection Systems [49 CFR 195.428]

A. - B. ...

C. Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overfill protection system installed according to Section 7.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API Std 2350 (incorporated by reference, see §30107). However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank if the operator notes in the manual required by §30402 why compliance with that part is not necessary for safety of the tank. [49 CFR 195.428(c)]

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003), amended LR 44:1028 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1827 (November 2025).

Chapter 305. Transportation of Hazardous Liquids by Pipeline—Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G] and Corrosion Control [49 CFR Part 195 Subpart H]

Subchapter B. Corrosion Control [49 CFR Part 195 Subpart H]

§30565. How do I install cathodic protection on breakout tanks? [49 CFR 195.565]

A. After October 2, 2000, when you install cathodic protection under §30563.A to protect the bottom of an aboveground breakout tank of more than 500 barrels (79.5 m³) capacity built to API Spec 12F (incorporated by reference, see §30107), API Std 620 (incorporated by reference, see §30107), or API Std 650 (incorporated by reference, see §30107) or API Std 650's predecessor, Standard 12C, you must install the system in accordance with API RP 651 (incorporated by reference, see §30107). However, you don't need to comply with API RP 651 when installing any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API RP 651 is not necessary for the safety of the tank. [49 CFR 195.565]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003), amended LR 44:1030 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1828 (November 2025).

§30588. What standards apply to direct assessment? [49 CFR 195.588]

A. - B.5.b. ...

C. If you use direct assessment on an onshore pipeline to evaluate the effects of stress corrosion cracking, you must develop and follow a Stress Corrosion Cracking Direct Assessment plan that meets all requirements and recommendations of NACE SP0204 (incorporated by reference, see § 30107) and that implements all four steps of the Stress Corrosion Cracking Direct Assessment process including pre- assessment, indirect inspection, detailed examination and post- assessment. As specified in NACE SP0204, Section 1.1.7, Stress Corrosion Cracking Direct Assessment is complementary with other inspection methods such as in-line inspection or hydrostatic testing and is not necessarily an alternative or replacement for these methods in all instances. In addition, the plan must provide for: [49 CFR 195.588(c)]

C.1. - C.5.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 33:472 (March 2007), amended LR 35:2799 (December 2009), LR 38:108 (January 2012), LR 44:1030 (June 2018), amended LR

44:1030 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1828 (November 2025).

Title 43

NATURAL RESOURCES

Part XIII. Office of Conservation—Pipeline Safety

Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline [49 CFR Part 191]

Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§301. Scope [49 CFR 191.1]

A. - C.2. ...

3. within inlets of the Gulf of America, except for the requirements in §2712 of this Part. [49 CFR 191.1(c)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 45:66 (January 2019), LR 49:1098 (June 2023), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1828 (November 2025).

§322. National Registry of Operators [49 CFR 191.22]

A. OPID Request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, UNGSF, LNG plant, or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline, pipeline facility, or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must submit an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Operators in accordance with §307. For intrastate facilities subject to the jurisdiction of the Office of Conservation, the operator must concurrently file an online OR-1 Submission (Operator Registration) for Pipeline Safety with the same name as the OPID request at <http://www.sonris.com>. Each operator must validate the OR-1 annually by January 15 each year.

1. Each operator of a Special Class System must file an online OR-1 Submission (Operator Registration) for Pipeline Safety at <http://www.sonris.com>. Each Special Class System operator must validate the OR-1 annually by January 15 each year.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:112 (January 2012), amended LR 44:1032 (June 2018), LR 45:67 (January 2019), LR 46:1575 (November 2020), LR 47:1140 (August 2021), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1828 (November 2025).

Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [49 CFR Part 192 Subpart A]

§501. What is the Scope of this Subpart? [49 CFR 192.1]

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

c. within inlets of the Gulf of America, except for the requirements in §2712; or [CFR 49 192. 1(b)(4)(iii)]

B.5. - B.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 33:474 (March 2007), LR 35:2800 (December 2009), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1828 (November 2025).

§503. Definitions

[49 CFR 192.3]

A. As used in this Part:

* * *

Gulf of America and its Inlets—the waters from the mean high water mark of the coast of the Gulf of America and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters), as measured from the mean low water.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 38:112 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019), LR 46:1577 (November 2020), LR 49:1099 (June 2023), LR 50:1246 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1829 (November 2025).

§507. What Documents are Incorporated by Reference Partly or Wholly in this Part?

[49 CFR 192.7]

A. Certain material is incorporated by reference into this Subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, 202-366-4046 <https://www.phmsa.dot.gov/pipeline/regs>, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. It is also available from the sources in the following paragraphs of this section. [49 CFR 192.7(a)]

Source and Name of Referenced Material	Approved for Title 43 Reference
B. American Petroleum Institute (API), 200 Massachusetts Ave N.W., Suite 1100, Washington, D.C. 20001-5571, and phone: 202-682-8000, Web site: https://www.api.org/ .	
B.1. – B.6. ...	
7. API Specification 5L, "Specification for Line Pipe," 46th edition, April 2018, including Errata 1 (May 2018), (API Spec 5L)	§§705.E ; 912.A-E; 913; Item I of 5103
8. ANSI/API Specification 6D, "Specification for Pipeline Valves," 24rd edition,, August 2014, including Errata 1 through 10 (October 2014 through July 2021), Addendum 1 (March 2015), and Addendum 2 (June 2016), (API Spec 6D)	§1105.A

Source and Name of Referenced Material	Approved for Title 43 Reference
9. API Standard 1104, "Welding of Pipelines and Related Facilities," 21 st edition September 2013, including Errata 1 through 5 (April 2014 through September 2018), Addendum 1 (2014), and Addendum 2 (2016), (API Std 1104)	§§1305.A; 1307.A; 1309.C; 1321.C; Item II, 5103.
B.10. – C.1. ...	
2. ASME/ANSI B16.5 - 2003, "Pipe Flanges and Flanged Fittings," October 2004, (ASME/ANSI B16.5).	§§ 1107.A.; ; 2707.F
C.3. – C.4. ...	
5. ASME B31.8-2018, Gas Transmission and Distribution Piping Systems, Issued November 20, 2018, (ASME B31.8); IBR approved for §§ 192.112(b); 192.619(a).	§§ 912, 2719.A
6. ASME/ANSI B31.8S-2004, "Supplement to B31.8 on Managing System Integrity of Gas Pipelines," approved January 14, 2005, (ASME/ANSI B31.8S	§§ 2914.C; 3333. D
7. ASME B31.8S-2018, Managing System Integrity of Gas Pipelines, Issued November 28, 2018, (ASME B31.8S)	§§ 513.D; 2914.C; 3303 note to potential impact radius; 3307.A - B; 3311.A, A.9 and A.11 - A.13; 3313.A - C; 3317.A - E; 3321.A; 3323.B; 3325.B; 3333.C; 3335.B; 3337.C; 3339.A; 3345.A
8. ASME B36.10M-2018, Welded and Seamless Wrought Steel Pipe, Issued October 12, 2018, (ASME B36.10M)	§§1113.A., B & D; 1125.B
C.9. – D.2. ...	
E. ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428, phone: (610) 832-9585; email: service@astm.org ; Web site: http://astm.org	
1. ASTM A53/A53M-240, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless," approved July 1, 2020, (ASTM A53/A53M)	§§913; 5103 Item I
2. ASTM A106/A106M-19A, "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service," approved November 1, 2019, (ASTM A106/A106M)	§§913; 5103 Item I
3. ASTM A333/A333M-18, "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service," approved November 1, 2018, (ASTM A333/A333M)	§§913; 5103 Item I
4. ...	
5. ASTM A381/A381M-18, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-Alloy Steel Pipe for Use with High-Pressure Transmission Systems, approved November 1, 2018, (ASTM A381)	§§ 913; 5103 Item I
6. ...	
7. ASTM A671/A671M-10, "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures," approved March 1, 2020 (ASTM A671/A671M)	§§913; 5103 Item I
8. ...	

Source and Name of Referenced Material	Approved for Title 43 Reference
9. ASTM A691/A691M-19, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures," approved November 1, 2019, (ASTM A691/A691M)	§§ 913; 5103 Item I
E.10. – G. ...	
1. (MSS SP-44). ANSI/MSS SP-44-2019, Steel Pipeline Flanges, published April 2020, (MSS SP-44)	§ 1107.A
G.2. – I.1. ...	
2. NFPA 58, Liquefied Petroleum Gas Code, 2020 edition, effective August 25, 2019, (NFPA 58)	§§ 511.A; 511.B; 511.C
3. NFPA 59, Utility LP-Gas Plant Code, 2018 edition, effective September 6, 2017, (NFPA 59)	§§ 511.A; 511.B; 511.C
4. NFPA 70, National Electrical Code (NEC), 2017 edition, effective August 24, 2016, (NFPA 70); IBR approved for §§ 192.163(e); 192.189(c).	§§ 1123.E; 1149.C
J. - K.2. ...	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005), LR 33:474 (March 2007), LR 35:2801 (December 2009), LR 38:113 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019), LR 46:1578 (November 2020), LR 47:1141 (August 2021), LR 50:1247 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1829 (November 2025).

§509. What Requirements Apply to Gathering Lines? **[49 CFR 192.9]**

A. ...

B. Offshore Lines. An operator of an offshore gathering line must comply with requirements of this part applicable to transmission lines, except the requirements in §§513.D, 1110, 1515.E, 1719.D - G, 2113.F - I, 2115.D - F, , 2125.C, 2137.C, 2145, 2306, 2707, 2713.C, 2719.E, 2724, 2910, 2912, 2914 and Chapter 33 of this Part. Further, operators of offshore gathering lines are exempt from the requirements of §§2717.B - D and 2735. Lastly, operators of offshore gathering lines are exempt from the requirements of §2715 (but an operator of an offshore gathering line must comply with the requirements LAC 43.XIII.2715, effective as of October 4, 2022). [49 CFR 192.9(b)].

C. Type A Lines. An operator of a Type A regulated onshore gathering line must comply with the requirements of this part applicable to transmission lines, except the requirements in §§513.D, 1110, 1515.E, 1719.D - G, 2113.F - I, 2117.D and F, 2125.C, 2137.C, 2145, 2306, 2707, 2713.C, 2719.E, 2724, 2910, 2912, 2914 and in Chapter 33 of this Part. However, operators of Type A regulated onshore gathering lines in a Class 2 location may demonstrate compliance with Chapter 31 by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks. Further, operators of Type A regulated onshore gathering lines are exempt from the requirements of §§1139.E - G, 2710, 2717.B - D, 2734, 2735, 2736, and 2945.C - F. Lastly, operators of Type A regulated onshore gathering lines are exempt from the requirements of §2715.B

(but an operator of a Type A regulated onshore gathering line must comply with the requirements of LAC 43.XIII.2717.B effective as of October 4, 2022). [49 CFR 192.9(c)].

D. - D.1....

2. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Part applicable to transmission lines except the requirements in §§2113.F - I, 2117.D and F, 2125.C, 2137.C and 2145; [49 CFR 192.9(d)(2)];

D.3. - E.1.a. ...

b. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Subpart applicable to transmission lines except for §§2113.F - I, 2117.D and F, 2125.C, 2137.C, and 2145; [192.9(e)(1)(ii)]

E.1.c. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005), LR 33:477 (March 2007), LR 44:1035 (June 2018), LR 46:1579 (November 2020), LR 49:1101 (June 2023), LR 50:1248 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1830 (November 2025).

§511. Petroleum Gas Systems [49 CFR 192.11]

A. Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this Subpart and NFPA 58 and NFPA 59 (both incorporated by reference, see §507), based on the scope and applicability statements in those standards. [49 CFR 192.11(a)]

B. Each pipeline system subject to this Subpart that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this Subpart and of NFPA 58 and NFPA 59 (both incorporated by reference, see §507), based on the scope and applicability statements in those standards. [49 CFR 192.11(b)]

C. In the event of a conflict between this Subpart and NFPA 58 or NFPA 59, NFPA 58 or NFPA 59 shall prevail if applicable based on the scope and applicability statements in those standards. [49 CFR 192.11(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 44:1035 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1830 (November 2025).

§513. What General Requirements Apply to Pipelines Regulated Under this Subpart? [49 CFR 192.13]

A. - C. ...

D. Each operator of an onshore gas transmission pipeline must evaluate and mitigate, as necessary, significant changes that pose a risk to safety or the environment through a management of change process. Each operator of an onshore gas transmission pipeline must develop and follow a management of change process, as outlined in ASME B31.8S, section 11 (incorporated by reference, see §507), that addresses technical, design, physical, environmental, procedural, operational, maintenance, and organizational changes to the pipeline or processes, whether permanent or

temporary. A management of change process must include the following: reason for change, authority for approving changes, analysis of implications, acquisition of required work permits, documentation, communication of change to affected parties, time limitations, and qualification of staff. For pipeline segments other than those covered in Chapter 33 of this Part, this management of change process must be implemented by February 26, 2024. The requirements of this Paragraph D do not apply to gas gathering pipelines. Operators may request an extension of up to 1 year by submitting a notification to PHMSA at least 90 days before February 26, 2024, in accordance with § 518. The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this section, the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety. [49 CFR 192.13(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 30:1227 (June 2004), LR 33:477 (March 2007), LR 49:1102 (June 2023), LR 50:1248 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1830 (November 2025).

Chapter 9. Pipe Design

[49 CFR Part 192 Subpart C]

§912. Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. [49 CFR 192.112]

A. - A.1.b.i.(a). ...

(b). ASME B31.8 (incorporated by reference, see §507); and [49 CFR 192.112(b)(1)(ii)]

A.1.b.i.(c). - A.1.c.i. ...

ii. A mill inspection program or internal quality management program must include subclause A.1.v.ii(a) of this section and either subclause A.1.c.ii.(b) or A.1.c.ii.(c) of this section: [49 CFR 192.112(c)(2)]

A.1.c.ii.(a). - A.1.c.ii.(c). ...

(i). all steelmaking and casting facilities, [49 CFR 192.112(c)(2)(iii)(A)]

(ii). quality control plans and manufacturing procedure specifications, [49 CFR 192.112(c)(2)(iii)(B)]

(iii). equipment maintenance and records of conformance, [49 CFR 192.112(c)(2)(iii)(C)]

(iv). applicable casting superheat and speeds, and [49 CFR 192.112(c)(2)(iii)(D)]

(v). centerline segregation monitoring records to ensure mitigation of centerline segregation during the continuous casting process. [49 CFR 192.112(c)(2)(iii)(E)]

A.1.d. - A.1.h.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 35:2802 (December 2009), amended LR 38:115 (January 2012), LR 44:1036 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1831 (November 2025).

§913. Longitudinal Joint Factor (E) for Steel Pipe [49 CFR 192.113]

A. The longitudinal joint factor to be used in the design formula in §905 is determined in accordance with the following table.

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A53/A53M (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A106/A106M (incorporated by reference, see § 507)	Seamless	1.00
ASTM A333/A333M (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
ASTM A381 (incorporated by reference, see § 507)	Double submerged arc welded	1.00
ASTM A671/A671M (incorporated by reference, see § 507)	Electric fusion welded	1.00
ASTM A672 (incorporated by reference, see § 507)	Electric fusion welded	1.00
ASTM A691 (incorporated by reference, see § 507)	Electric fusion welded	1.00
API Spec 5L (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
Other	Pipe over 4 inches (102 millimeters)	.80
Other	Pipe 4 inches (102 millimeters) or less	.60

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:514 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:681 (March 2005), LR 44:1036 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1831 (November 2025).

§921. Design of Plastic Pipe [49 CFR 192.121]

A. - C.2.d. ...

Table 1 to Subparagraph C.2.d PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum Wall Thickness	Corresponding SDR (values)
1/2" CTS	0.090	7
1/2" IPS	0.090	9.3
3/4" CTS	0.090	9.7
3/4" IPS	0.095	11
1" CTS	.099	11
1" IPS	0.119	11
1 ¼" CTS	0.121	11
1 1/4" IPS	0.151	11
1 1/2" IPS	0.173	11

Table 1 to Subparagraph C.2.d PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum Wall Thickness	Corresponding SDR (values)
2"	0.216	11
3"	0.259	13.5
4"	0.265	17
6"	0.315	21
8"	0.411	21
10"	0.512	21
12"	0.607	21
16	.762	21
18	.857	21
20	.952	21
22	1.048	21
24	1.143	21

D. - F.2. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007), LR 35:2804 (December 2009), LR 38:115 (January 2012), repromulgated LR 38:828 (March 2012), amended LR 44:1037 (June 2018), LR 46:1582 (November 2020), LR 47:1141 (August 2021), LR 49:1103 (June 2023), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1831 (November 2025).

Chapter 11. Design of Pipeline Components

[49 CFR Part 192 Subpart D]

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of API Spec 6D (incorporated by reference, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements [49 CFR 192.145(a)].

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:682 (March 2005), LR 33:479 (March 2007), LR 38:115 (January 2012), LR 44:1037 (June 2018), LR 46:1584 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1832 (November 2025).

§1107. Flanges and Flange Accessories

[49 CFR 192.147]

A. Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ASME/ANSI B16.5 (incorporated by reference, see §507) and MSS SP 44. (incorporated by reference, see §507), or the equivalent. [49 CFR 192.147(a)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:856 (August 1992), LR 20:444 (April 1994), LR 30:1233 (June 2004), LR 44:1037 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1832 (November 2025).

§1113. Components Fabricated by Welding [49 CFR 192.153]

A. - C. ...

D. Except for flat closures designed in accordance with the ASME BPVC Section VIII, Division 1 or 2, (both incorporated by reference, see §507), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gage, or more, or is more than 3 inches (76 millimeters) nominal diameter. [49 CFR 192.153(d)]

E. - E.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:516 (July 1984), LR 20:444 (April 1994), LR 27:1539 (September 2001), LR 30:1234 (June 2004), LR 44:1037 (June 2018), LR 47:1142 (August 2021) repromulgated LR 47:1331 (September 2021), LR 49:1103 (June 2023), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1832 (November 2025).

§1123. Compressor Stations: Design and Construction [49 CFR 192.163]

A. - D. ...

E. Electrical Facilities. Electrical equipment and wiring installed in compressor stations must conform to the NFPA-70 (incorporated by reference, see §507), so far as that code is applicable. [49 CFR 192.163(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:224 (April 1983), amended LR 10:516 (July 1984), LR 20:445 (April 1994), LR 27:1539 (September 2001), LR 30:1235 (June 2004), LR 44:1037 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1832 (November 2025).

Chapter 13. Welding of Steel in Pipelines [49 CFR Part 192 Subpart E]

§1305. Welding Procedures [49 CFR 192.225]

A. Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5 (except for Note 2 in section 5.4.2.2), section 12, or Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s) [49 CFR 192.225(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:1038 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1832 (November 2025).

Chapter 15. Joining of Materials Other Than by Welding [49 CFR Part 192 Subpart F]

§1509. Copper Pipe [49 CFR 192.279]

A. Copper pipe may not be threaded except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of Schedule 40 or heavier wall pipe listed in Table C1 of ASME/ANSI B16.5 (incorporated by reference, see §507). [49 CFR 192.279]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 18:856 (August 1992), LR 20:445 (April 1994), LR 30:1243 (June 2004), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

§1511. Plastic Pipe [49 CFR 192.281]

A. - B.1. ...

2. The solvent cement must conform to ASTM D 2564-12 for PVC (incorporated by reference, see §507) [49 CFR 192.281(b)(2)]

B.3. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1309 (July 1998), LR 30:1243 (June 2004), LR 38:116 (January 2012), LR 44:1039 (June 2018), LR 46:1585 (November 2020), LR 47:1144 (August 2021), LR 49:1104 (June 2023), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

Chapter 17. General Construction Requirements for Transmission Lines and Mains [49 CFR Part 192 Subpart G]

§1719. Installation of Pipe in a Ditch [49 CFR 192.319]

A. - B.2. ...

C. All offshore pipe in water at least 12 feet (3.7 meters) deep but not more than 200 feet (61 meters) deep, as measured from the mean low tide, except pipe in the Gulf of America and its inlets under 15 feet (4.6 meters) of water, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means. Pipe in the Gulf of Mexico and its inlets under 15 feet (4.6 meters) of water must be installed so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation. [49 CFR 192.319(c)]

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1246 (June 2004), LR 50:1250 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

§1727. Cover [49 CFR 192.327]

A. - E. ...

F. All pipe installed offshore, except in the Gulf of America and its inlets, under water not more than 200 feet (60 meters) deep, as measured from the mean low tide, must be installed as follows. [49 CFR 192.327(f)]

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

G. All pipelines installed under water in the Gulf of America and its inlets, as defined in §503, must be installed in accordance with §2712.C.3. [49 CFR 192.327(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:684 (March 2005), LR 35:2805 (December 2009), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

Chapter 21. Requirements for Corrosion Control [49 CFR Part 192 Subpart I]

§2117. External Corrosion Control: Monitoring [49 CFR 192.465]

A. - C. ...

D. Each operator must promptly correct any deficiencies indicated by the inspection and testing required by Subsections A - C of this Section. Remedial action must be completed promptly, but no later than the earliest of the following: prior to the next inspection or test interval or within 90 days from the date the deficiency was discovered. The Commissioner may approve an alternative time period depending on the nature of the deficiency. [49 CFR 192.465(d)]

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:236 (April 1983), amended LR 10:528 (July 1984), LR 27:1545 (September 2001), LR 30:1253 (June 2004), LR 38:116 (January 2012), LR 47:1144 (August 2021), LR 50:1250 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

§2130. Internal Corrosion Control: Onshore Transmission Monitoring and Mitigation [49 CFR 192.478]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 50:1251 (September 2024), repealed by the Department of Energy and Natural Resources, Office of Conservation, repealed by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

Chapter 27. Operations [49 CFR Part 192 Subpart L]

§2712. Underwater Inspection and Reburial of Pipelines in the Gulf of America and Its Inlets [49 CFR 192.612]

A. Each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 192.612(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 192.612(b)]

C. - C.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:858 (August 1992), LR 27:1546 (September 2001), LR 30:1262 (June 2004), LR 31:684 (March 2005), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1833 (November 2025).

§2717. Investigation of Failures

[49 CFR 192.617]

A. ...

B. Post-failure and incident lessons learned. Each operator of a transmission or distribution pipeline must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. [49 CFR 192.617(b)]

C. Analysis of rupture and valve shutoffs. If an incident on an onshore gas transmission pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in §503, or the closure of alternative equivalent technology, the operator of the pipeline must also conduct a post-incident analysis of all of the factors that may have impacted the release volume and the consequences of the incident and identify and implement operations and maintenance measures to prevent or minimize the consequences of a future incident. The requirements of this Subsection B are not applicable to gas distribution pipelines or gas gathering pipelines. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following: [49 CFR 192.617(c)]

1. - 5. ...

D. Rupture Post-Failure and Incident Summary. If a failure or incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the identification of a rupture following a notification of potential rupture, or the closure of an RMV (as those terms are defined in §503), or the closure of an alternative equivalent technology, the operator of the pipeline must complete a summary of the post-failure or incident review required by Subsection C of this section within 90 days of the incident, and while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-failure or incident summary, and all other reviews and analyses produced under the requirements of this section, must be reviewed, dated, and signed by the operator's appropriate senior executive officer. The final post-failure or incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline. The requirements of this Subsection D are not applicable to distribution pipelines or gas gathering pipelines. [49 CFR 192.617(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:242 (April 1983), amended LR 10:534 (July 1984), LR 30:1264 (June 2004), LR 49:1106 (June 2023), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1834 (November 2025).

Chapter 29. Maintenance

[49 CFR Part 192 Subpart M]

§2914. Transmission lines: Repair criteria for Onshore Transmission Pipelines. [49 CFR 192.714]

A. - B. ...

C. Schedule for evaluation and remediation. An operator must remediate conditions according to a schedule that prioritizes the conditions for evaluation and remediation. Unless Subsection D of this Section provides a special requirement for remediating certain conditions, an operator must calculate the predicted failure pressure of anomalies or defects and follow the schedule in ASME B31.8S (incorporated by reference, see §507), section 7, Figure 7.2.1-1. If an operator cannot meet the schedule for any condition, the operator must document the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. Each condition that meets any of the repair criteria in Subsection D of this Section in an onshore steel transmission pipeline must be: [49 CFR 192.714(c)]

C.1. - D. ...

1. immediate repair conditions. An operator's evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME B31.8S-2004 (incorporated by reference, see §507). An operator must repair the following conditions immediately upon discovery: [49 CFR 192.714(d)(1)]

D.1.a. - D.1.c. ...

d. metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency, electric flash welding, or has a longitudinal joint factor less than 1.0, and the predicted failure pressure determined in accordance with § 2912.D is less than 1.25 times the MAOP. [49 CFR 192.714(d)(1)(iv)]

D.1.e. ...

i. crack depth plus any metal loss is greater than 50 percent of pipe wall thickness; or [49 CFR 192.714(d)(1)(v)(A)]

D.1.e.ii. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 50:1254 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1834 (November 2025).

§2927. Abandonment or Deactivation of Facilities

[49 CFR 192.727]

A. - G. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at <http://www.npms.phmsa.dot.gov>. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-

required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Information Resources Manager, PHP-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; fax (202) 366-4566; e-mail: InformationResourcesManager@PHMSA.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:538 (July 1984), LR 21:824 (August 1995), LR 27:1549 (September 2001), LR 30:1269 (June 2004), LR 33:481 (March 2007), LR 35:2811 (December 2009), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1834 (November 2025).

Chapter 33. Gas Transmission Pipeline Integrity Management

[49 CFR Part 192 Subpart O]

§3303. What Definitions Apply to this Chapter?

[49 CFR 192.903]

A. The following definitions apply to this Chapter.

* * *

Potential Impact Radius (PIR)—the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 * [\text{square root of } (p * d^2)]$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches.

NOTE: 0.69 is the factor for natural gas. This number will vary for other gases depending upon their heat of combustion. An operator transporting gas other than natural gas must use Section 3.2 of ASME B31.8S incorporated by reference, see §507) to calculate the impact radius formula.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), amended LR 31:685 (March 2005), LR 33:483 (March 2007), LR 35:2811 (December 2009), LR 44:1042 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1835 (November 2025).

§3307. What Must an Operator Do to Implement this Chapter? [49 CFR 192.907]

A. ...

B. Implementation Standards. In carrying out this Chapter, an operator must follow the requirements of this Chapter and of ASME B31.8S (incorporated by reference, see §507) and its appendices, where specified. An operator may follow an equivalent standard or practice only when the operator demonstrates the alternative standard or practice provides an equivalent level of safety to the public and property. In the event of a conflict between this Chapter and ASME/ANSI B31.8S, the requirements in this Chapter control [49 CFR 192.907(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1274 (June 2004), LR 33:483 (March 2007), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1835 (November 2025).

§3311. What are the Elements of an Integrity Management Program? [49 CFR 192.911]

A. - A.8. ...

9. a performance plan as outlined in ASME B31.8S, Section 9 that includes performance measures meeting the requirements of §3345; [49 CFR 192.911(i)]

10. - 11. ...

12. a quality assurance process as outlined in ASME B31.8S, Section 12; [49 CFR 192.911(l)]

13. a communication plan that includes the elements of ASME B31.8S, Paragraph 850.9 (incorporated by reference, see §507), and that includes procedures for addressing safety concerns raised by: [49 CFR 192.911(m)]

a. OPS; and [49 CFR 192.911(m)(1)]

b. a State or local pipeline safety authority when a covered segment is located in a State where OPS has an interstate agent agreement; [49 CFR 192.911(m)(2)]

13.c. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:686 (March 2005), LR 46:1598 (November 2020), LR 50:1256 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1835 (November 2025).

§3317. How Does an Operator Identify Potential Threats to Pipeline Integrity and Use the Threat Identification in Its Integrity Program? [49 CFR 192.917]

A. Threat Identification. An operator must identify and evaluate all potential threats to each covered pipeline segment. Potential threats that an operator must consider include, but are not limited to, the threats listed in ASME B31.8S (incorporated by reference, see §507), Section 2, which are grouped under the following four threat categories [49 CFR 192.917(a)]:

1. - 4. ...

B. Data Gathering and Integration. To identify and evaluate the potential threats to a covered pipeline segment, an operator must gather and integrate existing data and information on the entire pipeline that could be relevant to the covered segment. In performing this data gathering and integration, an operator must follow the requirements in ASME B31.8S, Section 4. Operators must begin to integrate

all pertinent data elements specified in this section starting on May 24, 2023, with all available attributes integrated by February 26, 2024. An operator may request an extension of up to 1 year by submitting a notification to PHMSA at least 90 days before February 26, 2024, in accordance with § 518. The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this Subsection B, the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety. An operator must gather and evaluate the set of data listed in Paragraph B.1 of this Section. The evaluation must analyze both the covered segment and similar non-covered segments, and it must: [49 CFR 192.917(b)].

1. - 4. ...

C. Risk Assessment. An operator must conduct a risk assessment that follows ASME B31.8S, Section 5, and that analyzes the identified threats and potential consequences of an incident for each covered segment. An operator must ensure the validity of the methods used to conduct the risk assessment considering the incident, leak, and failure history of the pipeline segments and other historical information. Such a validation must ensure the risk assessment methods produce a risk characterization that is consistent with the operator's and industry experience, including evaluations of the cause of past incidents, as determined by root cause analysis or other equivalent means, and include sensitivity analysis of the factors used to characterize both the likelihood of loss of pipeline integrity and consequences of the postulated loss of pipeline integrity. An operator must use the risk assessment to determine additional preventive and mitigative measures needed for each covered segment in accordance with § 3335 and periodically evaluate the integrity of each covered pipeline segment in accordance with § 3337. Beginning February 26, 2024, the risk assessment must: [49 CFR 192.917(c)]

C.1. - E. ...

1. Third Party Damage. An operator must utilize the data integration required in Subsection B of this Section and ASME B31.8S, Appendix A-8 to determine the susceptibility of each covered segment to the threat of third party damage. If an operator identifies the threat of third party damage, the operator must implement comprehensive additional preventive measures in accordance with §3335 and monitor the effectiveness of the preventive measures. If, in conducting a baseline assessment under §3321, or a reassessment under §3337, an operator uses an internal inspection tool or external corrosion direct assessment, the operator must integrate data from these assessments with data related to any encroachment or foreign line crossing on the covered segment, to define where potential indications of third party damage may exist in the covered segment. An operator must also have procedures in its integrity management program addressing actions it will take to respond to findings from this data integration. [49 CFR 192.917(e)(1)]

E.2. - E.3.c. ...

4. Electric Resistance Welded (ERW) Pipe. If a covered pipeline segment contains low frequency ERW pipe, lap welded pipe, pipe with longitudinal joint factor less than 1.0 as defined in §913, or other pipe that satisfies the conditions specified in ASME/B31.8S, Appendices A5.3 and A.4, and

any covered or non-covered segment in the pipeline system with such pipe has experienced seam failure (including seam cracking and selective seam weld corrosion), or operating pressure on the covered segment has increased over the maximum operating pressure experienced during the preceding five years (including abnormal operation as defined in §2705.C, or MAOP has been increased, an operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies. The operator must prioritize the covered segment as a high-risk segment for the baseline assessment or a subsequent reassessment. Pipe with seam cracks must be evaluated using fracture mechanics modeling for failure stress pressures and cyclic fatigue crack growth analysis to estimate the remaining life of the pipe in accordance with § 2912. [49 CFR 192.917(e)(4)]

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1276 (June 2004), amended LR 31:686 (March 2005), LR 33:483 (March 2007), LR 46:1598 (November 2020), LR 50:1256 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1835 (November 2025).

§3321. How Is the Baseline Assessment to be Conducted [49 CFR 192.921]

A. - A.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. The use of Chapter 23 pressure testing is appropriate for threats such as internal corrosion; external corrosion and other environmentally assisted corrosion mechanisms; manufacturing and related defects threats, including defective pipe and pipe seams; stress corrosion cracking; selective seam weld corrosion; dents; and other forms of mechanical damage. An operator must use the test pressures specified in Table 5.6.1-1 of section 5 of ASME B31.8S (incorporated by reference, see §507) to justify an extended reassessment interval in accordance with §3339. [49 CFR 192.921(a)(2)].

A.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1277 (June 2004), amended LR 31:686 (March 2005), LR 33:484 (March 2007), LR 46:1599 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1836 (November 2025).

§3323. How Is Direct Assessment Used and for What Threats? [49 CFR 192.923]

A. - B. ...

1. §3325 and ASME B31.8S (incorporated by reference, see §507), Section 6.4, and NACE SP0502 (incorporated by reference, see §507) if addressing external corrosion (EC). [49 CFR 192.923(b)(1)]

2. §3327 and NACE SO0206 (incorporated by reference, see §507), if addressing internal corrosion (IC). [49 CFR 192.923(b)(2)]

3. §3329 and NACE SP0204 (incorporated by reference, see §507 if addressing stress corrosion cracking (SCC). [49 CFR 192.923(b)(3)]

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 38:121 (January 2012), LR 44:1043 (June 2018), LR 46:1599 (November 2020), LR 50:1258 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1836 (November 2025).

§3325. What Are the Requirements for Using External Corrosion Direct Assessment (ECDA)?
[49 CFR 192.925]

A. ...

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME B31.8S (incorporated by reference, see §507), section 6.4, and in NACE SP0502 (incorporated by reference, see §507). An operator must develop and implement a direct assessment plan that has procedures addressing pre-assessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by §3317.E.1 [49 CFR 192.925(b)].

1. Pre-assessment. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 3, the plan's procedures for pre-assessment must include: [49 CFR 192.925(b)(1)]

a. - b. ...

2. Indirect Inspection. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 4, the plan's procedures for indirect inspection of the ECDA regions must include: [49 CFR 192.925(b)(2)]

a. - d. ...

3. Direct Examination. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 5, the plan's procedures for direct examination of indications from the indirect examination must include: [49 CFR 192.925(b)(3)]

B.3.a. - B.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:121 (January 2012), LR 44:1043 (June 2018), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1837 (November 2025).

§3327. What Are the Requirements for Using Internal Corrosion Direct Assessment (ICDA)?
[49 CFR 192.927]

A. - C.4.c. ...

i. conduct excavations of, and detailed examinations at, locations downstream from where the electrolytes might have entered the pipe to investigate and accurately characterize the nature, extent, and root cause of the corrosion; or [49 CFR 192.927(c)(4)(iii)(A)]

C.4.c.ii. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR

30:1279 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007), LR 35:2812 (December 2009), LR 50:1258 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1837 (November 2025).

§3333. What Actions Must Be Taken to Address Integrity Issues? [49 CFR 192.933]

A. - B. ...

C. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule prioritizing the conditions for evaluation and remediation. Unless a special requirement for remediating certain conditions applies, as provided in Subsection D of this Section, an operator must follow the schedule in ASME B31.8S (incorporated by reference, see §507), Section 7, Figure 7.2.1-1. If an operator cannot meet the schedule for any condition, the operator must explain the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. [49 CFR 192.933(c)]

D. ...

1. Immediate Repair Conditions. An operator's evaluation and remediation schedule must follow ASME B31.8S, Section 7 in providing for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure in accordance with Subsection A of this Section or shut down the pipeline until the operator completes the repair of these conditions. An operator must treat the following conditions as immediate repair conditions: [49 CFR 192.933(d)(1)]

a. - c. ...

d. metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency electric resistance welding, electric flash welding, or has a longitudinal joint factor less than 1.0, and the predicted failure pressure determined in accordance with § 2912.D is less than 1.25 times the MAOP. [49 CFR 192.933(d)(1)(iv)]

e. A crack or crack-like anomaly meeting any of the following criteria: [49 CFR 192.933(d)(1)(v)]

i. Crack depth plus any metal loss is greater than 50 percent of pipe wall thickness; or; or [49 CFR 192.933(d)(1)(v)(A)]

ii. Crack depth plus any metal loss is greater than the inspection tool's maximum measurable depth. [49 CFR 192.933(d)(1)(v)(B)]

D.1.e.iii - D.2.c. ...

d. metal loss anomalies where a calculation of the remaining strength of the pipe at the location of the anomaly shows a predicted failure pressure, determined in accordance with § 2912.B, less than 1.39 times the MAOP for Class 2 locations, and less than 1.50 times the MAOP for Class 3 and 4 locations. For metal loss anomalies in Class 1 locations with a predicted failure pressure greater than 1.1 times MAOP, an operator must follow the remediation schedule specified in ASME B31.8S (incorporated by reference, see §507), section 7, Figure 4, in accordance with Subsection C of this Section. [49 CFR 192.933(d)(2)(iv)]

D.2.e. - D.3.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), LR 35:2812 (December 2009), amended by the

Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:1044 (June 2018), LR 46:1600 (November 2020), LR 49:1110 (June 2023), LR 50:1261 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1837 (November 2025).

§3335. What Additional Preventive and Mitigative Measures Must an Operator Take?
[49 CFR 192.935]

A. General Requirements. An operator must take additional measures beyond those already required by this Subpart to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a high consequence area. An operator must base the additional measures on the threats the operator has identified to each pipeline segment (see §3317). An operator must conduct, in accordance with one of the risk assessment approaches in ASME B31.8S (incorporated by reference, see §507), Section 5, a risk analysis of its pipeline to identify additional measures to protect the high consequence area and enhance public safety. Such additional measures include, but are not limited to, installing automatic shut-off valves or remote control valves, installing computerized monitoring and leak detection systems, replacing pipe segments with pipe of heavier wall thickness, providing additional training to personnel on response procedures, conducting drills with local emergency responders and implementing additional inspection and maintenance programs [49 CFR 192.935(a)].

A.1. - B.1.c. ...

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE SP0502 (incorporated by reference, see §507). An operator must excavate, and remediate, in accordance with ANSI B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination [49 CFR 192.935(b)(1)(iv)].

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:1044 (June 2018), LR 46:1600 (November 2020), LR 49:1110 (June 2023), LR 50:1263 (September 2024), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1838 (November 2025).

§3337. What Is a Continual Process of Evaluation and Assessment to Maintain a Pipeline's Integrity?
[49 CFR 192.937]

A. - C.1.c. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. The use of pressure testing is appropriate for threats such as: Internal corrosion; external corrosion and other environmentally assisted corrosion mechanisms; manufacturing and related defects threats, including defective pipe and pipe seams; stress corrosion cracking; selective seam

weld corrosion; dents; and other forms of mechanical damage. An operator must use the test pressures specified in table 3 of section 5 of ASME B31.8S (incorporated by reference, see §507) to justify an extended reassessment interval in accordance with § 3339; [49 CFR 192.937(c)(2)]

C.3. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005), LR 33:486 (March 2007), LR 47:1600 (November 2020), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1838 (November 2025).

Chapter 51. Appendices

§5103. Appendix B—Qualification of Pipe

I. Listed Pipe Specifications

A. Listed Pipe Specifications

1. API Spec 5L—Steel pipe, “Line Pipe”
(incorporated by reference, see § 507).

I.A.2. - III.C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:689 (March 2005), LR 33:487 (March 2007), LR 35:2813 (December 2009), amended by the Department of Natural Resources, Office of Conservation, LR 38:125 (January 2012), LR 44:1045 (June 2018), LR 46:1601 (November 2020), repromulgated LR 47:1148 (August 2021), amended by the Department of Conservation and Energy, Office of Enforcement, LR 51:1838 (November 2025).

Steven M. Giambrone
Commissioner

2511#039

RULE

**Department of Conservation and Energy
Office of Permitting and Compliance**

**Unconventional Reservoir Development
(LAC 43:XIX.Chapter 43)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq) and Title 30 of the Louisiana Revised Statutes of 1950 (R.S. 30:4 et seq.), the Department of Conservation and Energy hereby amends LAC 43:XIX Subpart 18 (Statewide Order No. 29-S) Chapter 43 to include provisions for uniform development of the Haynesville Shale. Benefits of these amendments include maximizing production by sanctioning longer laterals and allowing more efficient surface and subsurface well placement while ensuring protection of correlative rights. The amendment also simplifies the application process for surface commingling required by cross-unit and unit line well development. This Rule is hereby adopted on the day of promulgation.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 18. Statewide Order No. 29-S

Chapter 43. Unconventional Reservoir Development

§4301. Scope

A. This Statewide Order provides rules and regulations governing the drilling of horizontal wells in unconventional reservoirs in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 51:1839 (November 2025).

§4303. Definitions

A. Unless the context otherwise requires, the words defined in §4303 shall have the following meaning when found in this Statewide Order.

Completed Interval—perforated or open hole section(s) within a well that will permit the flow of fluids from the reservoir.

Cross-Unit Well—a well with a completed interval in adjacent units.

First Take Point—the perforation within the defined reservoir that is closest to the vertical section of a cased and cemented wellbore or the penetration point of the defined reservoir in an open-hole wellbore.

Horizontal Well—a well with the wellbore drilled laterally at an angle of at least 80 degrees to the vertical and with a horizontal displacement of at least 50 feet in the target formation measured from the initial point of penetration into the target formation.

Last Take Point—the perforation within the defined reservoir that is closest to the end of a cased and cemented wellbore or the exit point of the defined reservoir or terminus within the defined reservoir in an open-hole wellbore.

Unconventional Reservoir—oil and gas accumulations with very low permeability typically requiring development using horizontal wells and/or high-volume hydraulic fracturing methods for extraction.

Unit Line Units—adjacent units that are developed by a unit line well.

Unit Line Well—a well with at least 500 feet of completed interval, exclusive of the first take point and last take point, that is located within 330 feet of a unit boundary measured along a line perpendicular to the completed interval or to the tangent thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 51:1839 (November 2025).

§4305. Austin Chalk

A. - A.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 51:1839 (November 2025).

§4307. Haynesville Shale

A. From and after the effective date hereof, the following special rules shall apply to development of the Haynesville Shale Formation in the State of Louisiana employing the use of horizontal wells. The setback provisions contained herein shall supersede those contained in any Field Orders adopted prior to the effective date hereof, other than provisions which authorized exceptional well locations. Nothing herein shall prevent operators from obtaining exceptions to these rules for due cause after notice and hearing.

1. Setbacks

a. The distance from any point in the completed interval to any outer boundary of the unit, measured along a line perpendicular to the completed interval or to the tangent thereof, shall be a minimum of 330 feet.

b. The first and last take point of a horizontal well shall be no closer than 100 feet to any unit boundary unless the well is an authorized Cross-Unit Well.

2. Cross-Unit Wells

a. The party who owns or controls the majority working interest in the drilling units proposed for cross-unit development may obtain approval to drill cross-unit wells only after a 30-day notice public hearing. Such ownership or control shall be based on sworn testimony at the public hearing which authorizes the cross-unit wells.

b. Setback provisions of LAC 43:XIX.4307.1 do not apply to the common unit boundaries that are crossed by a cross-unit well.

c. A proposed cross-unit well that has less than 500 feet of perforated lateral in a unit may only be authorized if:

i. The pre-application notice and hearing application expressly set forth the right to object to the application; and

ii. There is no timely objection filed by an interested owner, interested party, or represented party as defined in LAC 43:XIX.3903, other than a mineral lessee, which owns an interest in the unit(s) with less than 500 feet of perforated lateral and, on the date of the application hearing, the short unit either is not producing or is producing only from one or more horizontal laterals with a combined length of perforated lateral less than five hundred feet.

d. Production from a cross-unit well shall be allocated to each unit in the same proportion as length of the completed interval located in each unit determined by an as-drilled survey.

e. Surface commingling of gas produced from cross-unit wells is authorized without further notice or application in exception to the requirements of LAC 43:XIX Chapter 15, provided that operators adhere to the following requirements:

i. All individual well production shall be metered for allocation purposes in accordance with the American Petroleum Institute (API) Manual of Petroleum Measurement Standards, Chapter 20, Allocation Measurement; and

ii. Allocation meters shall be calibrated on at least a quarterly basis;

iii. Within 90 days of initiating commingled production, a diagrammatic sketch of the mechanical installation along with a detailed explanation of gas flow, the procedures and frequency for calibration/proving of metering devices and the complete allocation formula to be utilized must be filed.

f. Supplemental production reports for each cross-unit well must be filed on a monthly basis.

3. Unit Line Wells

a. The party who owns or controls the majority working interest in the drilling units proposed for unit line well development may obtain approval to drill unit line wells only after a 30-day notice public hearing. Such ownership or control shall be based on sworn testimony at the public hearing which authorizes the unit line wells.

b. Setback provisions of LAC 43:XIX.4307.1 do not apply to the nearest unit boundary that is parallel to the completed interval of the unit line well.

c. Production from a unit line well should be allocated equally to each unit line unit in the same proportion as the length of the completed interval located within 330 feet of the common unit boundary determined by an as-drilled survey.

d. Surface commingling of gas produced from unit line wells is authorized without further notice or application in exception to the requirements of LAC 43:XIX Chapter 15, provided that operators adhere to the requirements of LAC 43:XIX.4307.2.e.i-iii.

e. Supplemental production reports for each unit line well must be filed on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by Department of Conservation and Energy, Office of Permitting and Compliance, LR 51:1839 (November 2025).

Dustin Davidson
Secretary

2511#045

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

2025 Annual Incorporation by Reference of
Certain Federal Air Quality Regulations
(LAC 33:III.Chapters 5-59) (AQ405ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.505, 507, 2160, 3003, 5116, 5122, 5311, and 5901 (Log #AQ405ft).

The Rule is identical to federal regulations found in 40 CFR Parts 60, 61, 63, 68, and 72 as well as 40 CFR 70.6(a) and 40 CFR 51, Appendix M, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. The Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The Rule incorporates by reference 40 CFR Parts 60, 61, 63, 68, and 72 as well as 40 CFR 70.6(a) and 40 CFR 51, Appendix M in order to remain equivalent to federal air quality regulations. The Rule is necessary to maintain LDEQ's authority to implement, administer, and enforce standards

delegated to Louisiana by the Environmental Protection Agency. The basis and rationale for the Rule are to mirror federal regulations as they apply to affected sources in Louisiana. The Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. The Acid Rain Program regulations, published in the *Code of Federal Regulations* at 40 CFR part 72, July 1, 2025, are hereby incorporated by reference.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2429, 2436 (October 2005), LR 32:1598 (September 2006), LR 33:2083 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:746 (April 2018), LR 46:893 (July 2020), LR 47:355 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1840 (November 2025).

§507. Part 70 Operating Permits Program

A. - B.1. ...

2. No part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2025. Upon issuance of the permit, the part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division,

LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR 33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:746 (April 2018), LR 46:893 (July 2020), LR 47:355 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:69 (January 2025), LR 51:1840 (November 2025).

Chapter 21. Control of Emission of Organic Compounds

Subchapter N. Method 43—Capture Efficiency Test Procedures

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR 51, appendix M, July 1, 2025, are hereby incorporated by reference.

B. - C.2.b.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:893 (July 2020), LR 47:356 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1841 (November 2025).

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60

A. Except for 40 CFR 60, subpart AAA, and as modified in this Section, standards of performance for new stationary sources, published in the *Code of Federal Regulations* at 40 CFR 60, July 1, 2025, are hereby incorporated by reference as they apply to the state of Louisiana.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012), LR 39:1039 (April 2013), LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 40:2540 (December 2014), LR 41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:894 (July 2020), LR 47:356 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1841 (November 2025).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants, published in the *Code of Federal Regulations* at 40 CFR 61, July 1, 2025, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

* * *

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:894 (July 2020), LR 47:356 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1841 (November 2025).

**Subchapter C. Incorporation by Reference of 40 CFR
Part 63 (National Emission Standards for
Hazardous Air Pollutants for Source
Categories) as it Applies to Major Sources**

**§5122. Incorporation by Reference of 40 CFR Part 63
(National Emission Standards for Hazardous Air
Pollutants for Source Categories) as it Applies to
Major Sources**

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2025, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2627 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1335 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1842 (November 2025).

**Chapter 53. Area Sources of Toxic Air Pollutants
Subchapter B. Incorporation by Reference of 40 CFR
Part 63 (National Emission Standards for
Hazardous Air Pollutants for Source
Categories) as it Applies to Area Sources**

**§5311. Incorporation by Reference of 40 CFR Part 63
(National Emission Standards for Hazardous Air
Pollutants for Source Categories) as it Applies to
Area Sources**

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2025, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699

(May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1842 (November 2025).

**Chapter 59. Chemical Accident Prevention and
Minimization of Consequences**

Subchapter A. General Provisions

**§5901. Incorporation by Reference of Federal
Regulations**

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR 68, July 1, 2025.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1087 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:490 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1842 (November 2025).

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General Counsel

2511#023

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Integrating e-Manifest with Hazardous Waste Exports and
Other Manifest-Related Reports
(LAC 33:V.Chapters 1-49)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste

regulations, LAC 33:V.109, 309, 1023, 1107, 1108, 1127, 1307, 1516, 1531, 4105, and 4911. (HW137ft)

The Rule is identical to federal regulations found in FR Vol. 89, No. 144, pages 60692-60740, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. The Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on July 26, 2024. The Rule revises the regulations for hazardous waste management under the Resource Conservation and Recovery Act for manifest requirements for shipments of hazardous waste that are exported for treatment, storage, and disposal. Additionally, the Rule finalizes regulatory changes to the hazardous waste export and import shipment international movement document-related requirements to more closely link the manifest data with the international movement document data. The Rule also amends three manifest-related reports and makes technical corrections. The basis and rationale for this Rule are to mirror federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

User of the Electronic Manifest System—a hazardous waste generator; a hazardous waste transporter; an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility; or any other person that:

1. - 2. ...

3. elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with LAC 33:V.1516.B.1.d.

[NOTE: These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.]

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1457 (October 2024), LR 51:1843 (November 2025).

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§309. Conditions Applicable to All Permits

Each permit shall include permit conditions necessary to achieve compliance with the Act and these regulations, including each of the applicable requirements specified in LAC 33:V.Subpart 1. In satisfying this provision, the administrative authority may incorporate applicable requirements of LAC 33:V.Subpart 1 directly into the permit or establish other permit conditions that are based on LAC 33:V.Subpart 1. The following conditions apply to all hazardous waste permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations shall be given in the permit.

A. - L.7.d. ...

8. Manifest Discrepancy Report

a. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If it is not resolved within 20 days, the permittee shall submit a letter report, including a copy of the manifest, to the EPA (see LAC 33:V.1516.C).

b. Beginning on December 1, 2025, if a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If it is not resolved within 20 days, the permittee shall immediately submit a discrepancy report along with a copy of the manifest or shipping paper at issue to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it (see LAC 33:V.1516.C).

9. Unmanifested Waste Report

a. A permittee shall submit the unmanifested waste report to the EPA within 15 days of receipt of unmanifested waste (see LAC 33:V.1516.D).

b. Beginning on December 1, 2025, a permittee shall submit an electronic unmanifested waste report in the EPA e-Manifest system for submission to the EPA within 15 days of receipt of unmanifested waste (see LAC 33:V.1516.D).

L.10. - M. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2453 (October 2005), LR 33:2099 (October 2007), amended by the Office of the Secretary, Legal Division, LR 43:1139 (June 2017), LR 51:1843 (November 2025).

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators

§1023. Exception Reporting

A. A large quantity generator who does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner/operator of the designated facility to determine the status of the hazardous waste.

B. A large quantity generator shall submit an exception report to the EPA regional administrator where the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. - 2. ...

C. A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA regional administrator where the generator is located. The submission to the EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned manifest was not received. Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally very small quantity generators (VSQGs) but are subject to the small quantity generators (SQG) provisions of this Subsection because of an episodic generation event pursuant LAC 33:V.1033.A.5, shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA regional administrator where the generator is located.

D. - D.1....

2. The 45/60-day time frames shall begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

E. Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator shall submit an exception report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. a legible copy of the manifest for which the generator does not have confirmation of delivery; and

2. an explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

F. Beginning on December 1, 2025, any requirement in these regulations for a generator to keep or retain a copy of an exception report is satisfied by retention of a signed electronic exception report in the generator's account on the EPA e-Manifest system, provided that the exception report is readily available if requested by the EPA.

G. Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic exception report for inspection under this Section if the generator can demonstrate that the inability to produce the electronic exception report is due exclusively to a technical difficulty with the e-Manifest system where the generator bears no responsibility.

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

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1844 (November 2025).

Chapter 11. Manifest, Import and Export Requirements

[Editor's Note: The generator requirements in Chapter 10 et al. were consolidated and reorganized in LAC 33:V.Chapter 10.]

Subchapter A. General

§1107. Manifest Requirements

A. ...

1. A generator that transports, or offers for transport a hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. Large and small quantity generators shall register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with Paragraph 10 of this Subsection.

2. - 9.b....

10. Post-receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a generator is required to

complete, the generator shall address the data correction within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process as described in LAC 33:V.1516.L, which applies to corrections made to either paper or electronic manifests.

B. - F.6. ...

7. - 8. Repealed.

G. - H.2....

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016), LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1458 (October 2024), LR 51:1844 (November 2025).

§1108. Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

A. 40 CFR 262.21, up to date as of July 1, 2024, is hereby incorporated by reference. 40 CFR 262.21 establishes standards and procedures for registrants who apply early to, and obtain approval from, Office of Solid Waste, US EPA, to print and distribute hazardous waste manifest forms.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 36:2274 (October 2010), 50:1459 (October 2024), LR 51:1845 (November 2025).

Subchapter B. Transboundary Shipments of Hazardous Waste

§1127. Transboundary Shipments of Hazardous Waste for Recovery and Disposal

A. - A.2. ...

B. Definitions, General Conditions, and Exports and Imports of Hazardous Wastes. Any transboundary movement of hazardous waste shall meet the requirements of the *Code of Federal Regulations* at 40 CFR Part 262, Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal), up to date as of July 1, 2024, which are hereby incorporated by reference.

C. Confidentiality Determinations for Hazardous Waste Export and Import Documents. No claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents. The provisions of the *Code of Federal Regulations* at 40 CFR 260.2(d), July 1, 2024, are hereby incorporated by reference.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1460 (October 2024), LR 51:1845 (November 2025).

Chapter 13. Transporters

§1307. The Manifest System

A. For exports of hazardous waste subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Section, as appropriate, and a movement document that includes all information required by 40 CFR 262.83.

B. ...

C. The transporter shall ensure that the manifest accompanies the hazardous waste. For exports, the transporter shall ensure that a movement document that includes all information required by 40 CFR 262.83(d) also accompanies the hazardous waste. For imports, the transporter shall ensure that a movement document that includes all information required by 40 CFR 262.84(d) also accompanies the hazardous waste.

D. - G. ...

1. sign and date the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A) to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

2. - 4. ...

a. beginning on January 22, 2025 and ending November 30, 2025, return signed, top copies of the manifest and continuation sheet to the generator; and

b. beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

H. - N. ...

O. Post-Receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a transporter is required to complete, the transporter shall address the data correction within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process, as described in LAC 33:V.1516.L, which applies to corrections made to paper or electronic manifests.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109

(October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1460 (October 2024), LR 51:1845 (November 2025).

Chapter 15. Treatment, Storage, and Disposal Facilities

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. - B.1. ...

- a. sign and date each copy of the manifest by hand;
- b. - c. ...
- d. retain at the facility a copy of each manifest for at least three years from the date of delivery;
- e. within 30 days of the date of delivery, send to the EPA e-Manifest system an image file corresponding to page 1 of the manifest and/or a data file and any continuation sheet; and

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

- d. within 30 days after the delivery, send a copy (page 1) of the signed and dated manifest to the EPA e-Manifest system; and

COMMENT: LAC 33:V.1107.D.3 requires the generator to send three copies of the manifest to the facility when hazardous waste is sent in bulk shipment by water.

2.e. - 3. ...

4. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility shall close out the movement document to confirm receipt within three working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country that EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original signed copy of the movement document shall be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this Section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

- a. Post-receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by

signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a designated facility is required to complete, the facility shall make the data correction within 30 days from the date of the request.

5. The owner or operator of a facility receiving hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B from a foreign source shall:

- a. list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipment block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from Block 9b. If additional space is needed, the owner or operator should use an additional continuation sheet(s) (EPA Form 8700-22A); and

- b. send a copy of the manifest within 30 days of delivery to EPA e-Manifest system per Paragraph B.7 of this Section.

B.6. - C.2. ...

3. Upon discovering a significant difference in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations).

- a. If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator shall immediately submit to the EPA regional administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

- b. Beginning on December 1, 2025, if the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator shall immediately submit a discrepancy report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper discrepancy reports from facilities.

4. - 6.c. ...

7. If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for *empty containers*, as defined in LAC 33:V.109, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the Discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall send a copy of the amended manifest to the transporter that received copies prior to their being amended within 30 days. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. Postal Service.

D. Unmanifested Waste Report. Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal

any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, and if the waste is not excluded from the manifest requirements by LAC 33:V.1009, then the owner or operator shall prepare an electronic unmanifested waste report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The unmanifested waste report shall include the following information:

D.1. - K. ...

L. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Interested persons shall meet the requirements of the *Code of Federal Regulations* at 40 CFR 264.71(l), up to date as of July 1, 2024, which are hereby incorporated by reference.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:932 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1462 (October 2024), LR 51:1846 (November 2025).

§1531. Required Notices

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall submit the notices required by the *Code of Federal Regulations* at 40 CFR 264.12, July 1, 2024, which are hereby incorporated by reference.

B. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2105 (October 2007), LR 38:789 (March 2012), LR 50:1462 (October 2024), LR 51:1847 (November 2025).

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

A. - A.1.a. ...

i. the person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to an exporter in LAC 33:V.Chapter 11.Subchapter B with the exception of 40 CFR 262.83(c);

ii. a transporter transporting a shipment for export or import shall comply with the movement document requirements listed in LAC 33:V.1307.A and C;

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1464 (October 2024), LR 51:1847 (November 2025).

Chapter 49. Lists of Hazardous Wastes

[Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling

A. - A.5. ...

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs shall comply with the requirements of the *Code of Federal Regulations* at 40 CFR 261.39 (conditional exclusions for used, broken CRTs, and processed CRT glass undergoing recycling), up to date as of July 1, 2024, which is hereby incorporated by reference.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:2601 (December 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1465 (October 2024), LR 51:1847 (November 2025).

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2511#021

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Part 70 General Conditions
(LAC 33:III.535) (AQ400)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.535 (AQ400).

The Rule revises LAC 33:III.535 to require use of department approved forms for submitting the Title V Semiannual Monitoring Report and the Title V Annual Compliance Certification and limit referencing of previously reported permit deviations. The Air Enforcement Section of the Office of Environmental Compliance currently has Title V Semiannual Monitoring and Title V Annual Compliance Certification forms available for use by Title V/Part 70 permittees. There is currently no rule or regulation requiring permittees to use the forms. The Air Enforcement Section receives Semiannual Monitoring Reports and Annual Compliance Certifications in multiple formats. The Rule changes would require all permittees to use standard forms in an effort to expedite the compliance review process and require information to be reported in the one report versus referencing multiple reports. The basis and rationale for this Rule are to make the Part 70 reporting process uniform. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

Chapter 5. Permit Procedures

§535. Part 70 General Conditions

A. ...

40 CFR Part 70 General Conditions	
A. - J.6. ...	
K.	The permittee shall submit, at least semiannually, a report of any required monitoring, clearly identifying all instances of deviations from permitted monitoring requirements using the current version of the Louisiana DEQ Title V Semiannual Monitoring form found on the department's website or other means as approved by the department. The semiannual report shall be certified by a responsible official and submitted to the Office of Environmental Compliance by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June. The semiannual report shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation. The semiannual report may include any semiannual deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report.
L. ...	
M.	Compliance certifications required by LAC 33:III.507.H.5 shall be submitted to the administrator as well as the permitting authority using the current version of the Louisiana DEQ Title V Annual Compliance Certification form found on the department's website or other means as approved by the department. For previously-reported compliance deviations, in lieu of attaching the individual deviation reports, the annual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year. The compliance certification shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation.
N. - R.2. ...	
3.	A written report shall be submitted semiannually to address all permit deviations not included in Paragraph 1 or 2 of Part 70 General Condition R. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The semiannual deviation reports may be consolidated with the semiannual reports required by Part 70 General Condition K as long

40 CFR Part 70 General Conditions
as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report. The semiannual report shall be submitted by March 31, for the preceding period encompassing July through December, and by September 30, for the preceding period encompassing January through June. R.4. - W. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs Division, LR 35:658 (April 2009), amended LR 51:1848 (November 2025).

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2511#022

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Safe Management of Recalled Airbags
(LAC 33:V.105 and 1009)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.105 and 1009. (HW136)

The Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on November 30, 2018. The Rule, regarding the exemption of the collection of airbag waste from hazardous waste requirements, will facilitate the expedited removal of defective airbag inflators from vehicles. As long as certain conditions are met, the efforts made by dealerships, salvage yards, and other locations will help provide safe and environmentally sound disposal for the airbag waste. The basis and rationale for this Rule are to mirror federal regulations for the removal of defective airbags with exception to a more stringent records management requirement for collection and designated facilities. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions

appropriate to these rules and regulations, including solid waste and hazardous waste, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.10.d.iii. ...

11. Airbag Waste

a. The following definitions apply for this Paragraph.

i. *Airbag Waste*—any hazardous waste airbag modules or hazardous waste airbag inflators.

ii. *Airbag Waste Collection Facility*—any facility that receives airbag waste from airbag handlers subject to regulation under this Subsection, and accumulates the waste for more than 10 days.

iii. *Airbag Waste Handler*—any person who generates airbag waste by site that is subject to regulation under this Chapter.

b. Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to any requirements of LAC 33:V.Subpart 1, or to the notification requirements of Subsection A of this Section provided that the airbag waste is:

i. accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

ii. packaged in a container designed to address the risk posed by the airbag waste and labeled “Airbag Waste – Do Not Reuse;”

iii. sent directly to either:

(a). an airbag waste collection facility in the United States of America under the control of:

(i). a vehicle manufacturer;

(ii). their authorized representative;

(iii). under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration (NHTSA); or

(b). a *designated facility*, as defined in LAC 33:V.109;

iv. the transport of the airbag waste complies with all applicable U.S. Department of Transportation (DOT) regulations in 49 CFR part 171-180 during transit; and

v. the airbag waste handler maintains at the handler facility records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

(a). For each shipment, these records shall, at a minimum, contain:

(i). the name of the transporter and date of the shipment;

(ii). name and address of receiving facility; and

(iii). the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

(b). Confirmations of receipt shall include the:

(i). name and address of the receiving facility;

(ii). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(iii). date which it was received.

(c). Shipping records and confirmations of receipt shall be made available for inspection. They may be satisfied by routine business records (e.g., electronic or paper financial

records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

c. Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations. The facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and shall comply with the requirements of LAC 33:V.Subpart 1.

d. Reuse in vehicles of defective airbag modules or defective airbag inflators, subject to a recall under the NHTSA is considered sham recycling and prohibited in accordance with LAC 33:V.105.R.

e. An airbag waste collection facility and the designated facility shall maintain at their respective facility records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

i. For each shipment, these records shall, at a minimum, contain the:

(a). name of the transporter and date of the shipment;

(b). name and address of the handler;

(c). name and address of receiving facility; and

(d). type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

ii. Confirmations of receipt shall include the:

(a). name and address of the receiving facility;

(b). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(c). date which it was received.

iii. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

E. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of

Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1848 (November 2025).

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter A. General

§1009. Conditions for Exemption for Very Small Quantity Generators

A. - A.5.h.ii.(b). ...

i. for airbag waste, an airbag waste collection facility or a designated facility shall be subject to the requirements of LAC 33:V.105.D.11.

A.6. - C. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:904 (July 2020), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1850 (November 2025).

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RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Universal Waste Regulations: Addition of Aerosol Cans (LAC 33:V.Chapters 1-43)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301. (HW134ft)

The Rule is identical to federal regulations found in FR Vol. 84 No. 236 pages 67202-67220, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. The Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on February 7, 2020. The Rule amends the universal waste program to include

hazardous waste aerosol cans under the Resource Conservation and Recovery Act regulations. This modification provides regulatory relief and environmental benefits to a broad range of aerosol can generators and handlers, including the retail sector. Specifically, it offers a streamlined, environmentally protective system for managing discarded aerosol cans, alleviates regulatory burdens, promotes collection and recycling efforts, and supports the development of municipal and commercial programs aimed at reducing the disposal of these materials in municipal solid waste landfills or combustors. The basis and rationale for this Rule are to mirror federal regulations and promote recycling of aerosol cans. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.7.c. ...

- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

D.8. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR

27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Division, LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1456 (October 2024), LR 51:1850 (November 2025).

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§305. Scope of the Permit

- A. - C.11.d. ...
 - e. electronics as described in LAC 33:V.3810;
 - f. antifreeze as described in LAC 33:V.3811; and
 - g. aerosol cans as described in LAC 33:V.3812;

C.12. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs LR 51:1851 (November 2025).

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

- A. - C.11.d. ...
 - e. electronics as described in LAC 33:V.3810;
 - f. antifreeze as described in LAC 33:V.3811; and
 - g. aerosol cans as described in LAC 33:V.3812; or

C.12. - H.13. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR

31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:1851 (November 2025).

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

A. - I.5.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:1851 (November 2025).

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, mercury-containing equipment as described in LAC 33:V.3807, lamps as described in LAC 33:V.3809, electronics as described in LAC 33:V.3810, antifreeze as described in LAC 33:V.3811, and aerosol cans as described in LAC 33:V.3812. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:1851 (November 2025).

§3805. Applicability—Pesticides

A. - B.1. ...

2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides shall be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1, except that *aerosol cans*, as defined

in LAC 33:V.3813, that contain pesticides may be managed as aerosol can universal waste under LAC 33:V.3821.G or LAC 33:V.3843.G;

B.3. - D.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:569 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1851 (November 2025).

§3812. Applicability—Aerosol Cans

A. Aerosol Cans Covered under This Chapter. The requirements for this Chapter apply to persons managing aerosol cans, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Aerosol Cans Not Covered Under This Chapter

1. The requirements of this Chapter do not apply to persons managing aerosol cans as described in LAC 33:V.3813, that are not yet a waste under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section;

2. The requirements of this Chapter do not apply to persons managing aerosol cans as described in this Chapter, that are not yet a hazardous waste. An aerosol can is a hazardous waste if it is listed in LAC 33:V.4901 or if it exhibits one or more of the characteristics identified in LAC 33:V.4903; and

3. The requirements of this Chapter do not apply to persons managing aerosol cans that meet the standard for empty container under LAC 33:V.109.

C. Generation of Waste Aerosol Cans

1. A used aerosol can shall become a waste on the date it is discarded.

2. An unused aerosol can shall become a waste on the date the handler decides to discard it.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:1852 (November 2025).

§3813. Definitions

Aerosol Can—a nonrefillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, with the sole purpose to expel a liquid, paste, or powder fitted with a self-closing release device allowing the contents to be ejected by the gas.

* * *

Large Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.

* * *

Small Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who does not accumulate 5,000 kilograms or more total of universal waste

(batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time.

* * *

Universal Waste—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. batteries as described in LAC 33:V.3803;
2. pesticides as described in LAC 33:V.3805;
3. mercury-containing equipment as described in LAC 33:V.3807;
4. lamps as described in LAC 33:V.3809;
5. electronics as described in LAC 33:V.3810;
6. antifreeze as described in LAC 33:V.3811; and
7. aerosol cans as described in LAC 33:V.3812.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), LR 51:1852 (November 2025).

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3821. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A small quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

- i. is structurally sound;
- ii. is compatible with the contents of the aerosol cans;
- iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and
- iv. protected from a source of heat.

b. Universal waste aerosol cans that show evidence of leakage shall be:

- i. packaged in a separate closed container;
- ii. overpacked with absorbents; or
- iii. immediately punctured and drained in accordance with the requirements of Paragraph 4 of this Subsection.

c. A small quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

- i. sorting aerosol cans by type;
- ii. mixing intact cans in one container; and
- iii. removing actuators to reduce the risk of accidental release.

d. A small quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.

iv. Maintain a copy of the manufacturer's specification and instruction on site.

v. Ensure employees operating the device are trained in the proper procedures.

vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a flat solid surface in a well-ventilated area.

vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33.V.1005.

(a). Any hazardous waste generated as a result of the puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33.V.Subpart 1.

(b). The handler is considered the generator of the hazardous waste and is subject to LAC 33.V.Chapters 10 and 11.

ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:1852 (November 2025).

§3823. Labeling/Marking

A. A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container where the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3119 (December 2005), LR 34:1017 (June 2008), LR 51:1853 (November 2025).

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3841. Notification

A. - A.2. ...

B. This notification shall include:

1. - 3. ...

4. a list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, aerosol cans); and

5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 31:3120 (December 2005), LR 33:2124 (October 2007), LR 51:1853 (November 2025).

§3843. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33.V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33.V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A large quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents a release of universal waste or a component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

i. is structurally sound;

- ii. is compatible with the contents of the aerosol cans;
 - iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and
 - iv. is protected from a source of heat.
- b. Universal waste aerosol cans that show evidence of leakage shall be:
- i. packaged in a separate closed container;
 - ii. overpacked with absorbents; or
 - iii. immediately punctured and drained in accordance with the requirements of Subparagraph d of this Subsection.
- c. A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:
- i. sorting aerosol cans by type;
 - ii. mixing intact cans in one container; and
 - iii. removing actuators to reduce the risk of accidental release.
- d. A large quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.
- i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.
 - ii. Effectively contain the residual contents and any emissions thereof.
 - iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.
 - iv. Maintain a copy of the manufacturer's specification and instruction on site.
 - v. Ensure employees operating the device are trained in the proper procedures.
 - vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a solid, flat surface in a well ventilated area.
 - vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.
 - viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33.V.1005.
 - (a). Any hazardous waste generated as a result of puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.
 - (b). The handler is considered the generator of the hazardous waste and is subject to LAC 33.V.Chapters 10 and 11.
 - ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:1853 (November 2025).

§3845. Labeling/Marking

A. A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 34:1017, (June 2008), LR 51:1854 (November 2025).

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1854 (November 2025).

RULE

**Office of the Governor
Board of Examiners of Interior Designers**

Officer Duties, Reinstatement, Continuing Education, and
Inactive Status (LAC 46:XLIII.Chapters 1-9)

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. 37:3171 that the Board of Examiners of Interior Designers has amended its existing rules and regulations to remove rules that are unnecessary or redundant. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLIII. Interior Designers

Chapter 1. Composition and Operation of the Board

§118. Council of Interior Design Qualification

A. The board may maintain membership in the Council of Interior Design Qualification (CIDQ). Up-to-date information on the examinations and policies adopted from time to time by CIDQ shall be developed by the executive assistant and reported to the board regularly.

B. The board will cooperate with CIDQ in rendering other assistance calculated to aid in establishing uniform standards of professional qualification throughout the jurisdiction of CIDQ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3177.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1074 (November 1991), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:1855 (November 2025).

Chapter 3. Officers of the Board and Their Duties

§305. Secretary

A. The secretary shall be an administrative officer of the board and shall be responsible that all duties are performed. He shall act as its recording and corresponding secretary and may have custody of and shall:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:339, (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1074 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), amended LR 51:1855 (November 2025).

§306. Treasurer

A. The treasurer shall act as treasurer and shall be an administrative officer of the board and shall be responsible that all duties are performed and:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3173 and R.S. 37:3174.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:1855 (November 2025).

Chapter 5. Fees and Charges

§501. Fees and Charges

A. All fees and charges may be paid by any method of payment accepted by the state of Louisiana unless required otherwise by the board. The following fees and charges have been established.

Licensing	\$150
Annual Renewal Fee	\$150
Restoration of Expired License or Reactivation of Expired License	\$150
Replacing Lost Certificate	\$ 25
Restoration of Revoked or Suspended License	\$150
Failure to Renew License within the Time Limit Set by the Board	\$ 50

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3182 and R.S. 37:3174.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:339 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), LR 34:1922 (September 2008), amended LR 51:1855 (November 2025).

§503. NCIDQ Examination

A. The NCIDQ exam is developed and administered by CIDQ (The Council for Interior Design Qualification). Persons who wish to take the NCIDQ examination must purchase the examination directly from CIDQ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174, R.S. 37:3177 and R.S. 37:3182.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:1855 (November 2025).

Chapter 7. Issuance and Reinstatement of Licenses of Registration

§703. Restoration of an Expired License

A. - B. ...

C. If a licensee is a NCIDQ certificate holder and their license has expired for more than 24 months, the licensee must pay the restoration fee plus the renewal fee.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), LR 20:864 (August 1994), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), LR 34:1923 (September 2008), amended LR 51:1855 (November 2025).

§705. Lost or Destroyed Certificates/ID Cards

A. Lost or destroyed certificates may be replaced with a fee of \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:1855 (November 2025).

Chapter 8. Continuing Education

§802. Continuing Education Units

A. - B. ...

C. A licensee must submit evidence on a yearly basis that he or she has participated in an approved continuing education program. The licensee must show that he or she has earned five or more contact hours of continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:1856 (November 2025).

§803. Verified Credit

A. - E ...

F. Courses with current IDCEC (Interior Design Continuing Education Council) approvals must be submitted in advance of the presentation. Courses not currently IDCEC approved must be submitted at least 75 days in advance of the presentation. Programs submitted for approval after they have been given will be reviewed by the board, but approval is not guaranteed. Further, programs which are not approved prior to the date scheduled for the program cannot publish that they have been approved by the state of Louisiana as interior design continuing education units.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:1856 (November 2025).

§804. Approved Programs

A. Any HS (health, safety) program approved by the Interior Design Continuing Education Council (IDCEC) or any direct replacement entity will be pre-approved for credit by the board. The board by majority vote shall appoint a Continuing Education Advisory Committee which shall solicit, examine, review and recommend for approval by the board all continuing education courses which may be used by registrants and licensees to meet the requirements of this Chapter and Section 3179 of Title 37 of the Louisiana Revised Statutes.

B. - C. ...

D. Any application for approval of any program must contain the following information:

1. information on the course sponsor, including name, address and telephone number;
2. description of the course, including a detailed description of subject matter and course offering. The following information is required: Length of instructional period, instruction format. The description should also state how the course relates to public health, safety and welfare;

3. Verification of course completion. The information must include the sponsor's method for verifying attendance, participation and achievement of program learning objectives; Online courses, magazine articles, and any other home study programs not already IDCEC approved will be required to have testing in place in order to qualify for the review/approval process.

E. - F.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1924 (September 2008), amended LR 51:1856 (November 2025).

§806. Notification of Approved Programs

A. ...

B. Information on board-sponsored seminars will be sent directly to all applicants by electronic mail unless requested otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended LR 51:1856 (November 2025).

Chapter 9. Examination and Registration

§903. Application Procedure

A. Application must be made on forms provided on the board's website or otherwise as needed. Application forms may be obtained by contacting the board office.

B. The application must request the following information:

1. - 3. ...

4. email address

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1077 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1013 (May 2004), LR 34:1924 (September 2008), LR 40:2543 (December 2014), amended LR 51:1856 (November 2025).

§911. Inactive Status

A. - C ...

D. this section applies only to those who have not taken and passed and submitted to the board the results of the NCIDQ examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1077 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1014 (May 2004), LR 40:2543 (December 2014), amended LR 51:1856 (November 2025).

§913. Application for Inactive Status

A. An applicant who wishes to apply for inactive status must file an application provided by the board. Further, the applicant must provide a good and supportable reason for inactive status.

B. Applications for inactive status will be considered on a case by case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1078 (November 1991), LR 40:2543 (December 2014), amended LR 51:1856 (November 2025).

Sandy Edmonds
Executive Director

2511#011

RULE

Office of the Governor Division of Administration Office of Group Benefits

Participation in the Office of Group Benefits (LAC 32:I.307)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits (OGB), amends Chapter 3 of LAC 32:I, Uniform Provisions—Participation in the Office of Group Benefits. The amendment modifies the current Rule to provide clarity. The final Rule is intended to be effective on January 1, 2026. This Rule is hereby adopted on the day of promulgation.

Title 32

EMPLOYEE BENEFITS

Part I. General Provisions

Chapter 3. Uniform Provisions—Participation in the Office of Group Benefits

§307. Persons to be Covered

A. - E. ...

F. Medicare Advantage Option for Retirees

1. Any retiree who enrolls in an OGB-sponsored Medicare Advantage plan may enroll in another OGB-sponsored plan of benefits during OGB's annual open enrollment period unless an OGB-recognized Qualified Life Event applies. Any retiree enrolled in an OGB-sponsored Medicare Advantage plan may enroll in another OGB-sponsored Medicare Advantage plan during OGB's annual open enrollment period or Medicare's annual enrollment period.

2. Any retiree who elects to participate in a Medicare Advantage plan (MA plan) not sponsored by OGB will be allowed to re-enroll in a plan offered by OGB only if re-enrollment is requested within six months of the retiree's enrollment in the MA plan not sponsored by OGB. Such a retiree who is permitted to re-enroll in OGB coverage will be enrolled retroactively into OGB's Primary Plan of Benefits upon OGB's receipt of payment of all premiums due for the months the retiree was not enrolled in OGB coverage, the month payment is received by OGB, and the month following OGB's receipt of payment. The retiree will remain in OGB's Primary Plan of Benefits until the retiree makes a different selection during an OGB annual open enrollment period unless the retiree experiences a qualifying life event that permits a plan change.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:339 (February 2015), effective March 1, 2015, amended LR 41:2350 (November 2015), effective January 1, 2016, amended LR 51:1857 (November 2025), effective January 1, 2026.

Heath Williams
Chief Executive Officer

2511#013

RULE

Department of Health Bureau of Health Services Financing

Eligibility—Family Opportunity Act Medicaid Program (LAC 50:III.2303)

The Department of Health, Bureau of Health Services Financing have amended LAC 50:III.2303 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 III. Eligibility

Subpart 3. Eligibility Group and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2303. Family Opportunity Act Medicaid Program

A. - B.2.b. ...

3. The child may be uninsured or underinsured.

a. Parents are required to enroll in available employer-sponsored health plans when the employer contributes at least 50 percent of the annual premium costs. Participation in such employer-sponsored health plans is a condition of Medicaid coverage pursuant to the Family Opportunity Act Medicaid Program.

C. - D.2.b.iii. ...

3. The first premium is due the month following the month that eligibility is established. Prepayment of premiums is not required. A child's eligibility for medical assistance will not terminate on the basis of failure to pay a premium during the 12-month continuous eligibility period. A child's eligibility for medical assistance will terminate at the end of the 12-month continuous eligibility period if a failure to pay has continued for at least 60 days from the date on which the premium was past due.

4. - 4.d. ...

5. - 5.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 34:1628 (August 2008), amended LR 35:69 (January 2009), amended by the Department of Health, Bureau of Health Services Financing, LR:51:1857 (November 2025).

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.

Bruce D. Greenstein
Secretary

2511#050

RULE

Department of Health Bureau of Health Services Financing

Medical Transportation Program Non-Emergency Medical Transportation (LAC 50:XXVII.Chapter 5)

The Department of Health, Bureau of Health Services Financing have amended LAC 50:XXVII.Chapter 5 and have adopted LAC 50:XXVII.519 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 XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Overview

A. ...

1. *Traditional Providers*—non-profit and for-profit providers who are not Transportation Network Companies.

2. *Non-Profit Providers*—those providers who are operated by or affiliated with a public organization such as state, federal, parish or city entities, community action agencies, or parish Councils on Aging. If a provider qualifies as a non-profit entity according to Internal Revenue Service regulations, they may only enroll as non-profit providers.

3. *For-Profit Providers*—corporations, limited liability companies, partnerships, or sole proprietors. For-profit providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

1. - 2. ...

3. the beneficiary may utilize the elevated level of care (ELOC) transportation services, often referred to as door through door transportation, which provides assistance beyond the capacity of the beneficiary. ELOC is a higher level of care for beneficiaries with mobility limitations requiring assistance when using a wheelchair.

C. - C.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1638

(November 2021), amended LR 50:1471 (October 2024), amended LR 51:1858 (November 2025).

§503. Prior Approval and Scheduling

A. - A.2. ...

B. Elevated level of care wheelchair services require verification of medical necessity through an additional prior approval.

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 47:1639 (November 2021), amended LR 50:1471 (October 2024), amended LR 51:1858 (November 2025).

§505. Requirements for Coverage

A. Payment shall only be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department or its designee and considered the beneficiary's choice of transportation, the level of service required to safely transport the beneficiary (e.g., ambulatory, wheelchair, transfer), and the following hierarchy:

1. public transit;

2. ...

3. traditional providers (for-profit and non-profit) who are enrolled in the Medicaid Program; and

4. transportation network companies (TNCs) who are enrolled in the Medicaid Program.

B. Beneficiaries shall be allowed a choice of transportation services, with the exception of TNCs, as long as it remains the least costly means of transportation.

C. - E. ...

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 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1471 (October 2024), amended LR 51:1858 (November 2025).

Subchapter C. Provider Responsibilities

§517. Traditional Provider Requirements

A. All traditional providers must comply with all applicable federal, state, and local laws and regulations, including, but not limited to, those pertaining to enrollment and participation in the Medicaid Program.

B. NEMT traditional providers shall have a minimum automobile split limit liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy or a combined single limit automobile coverage at a minimum of \$300,000.

1. The liability policy shall cover:

a. any autos—owned, non-owned (rented, leased, borrowed) and hired.

b. any autos—owned, hired autos, and non-owned autos; or

c. scheduled autos, hired autos, and non-owned autos.

2. - 3. ...

C. As a condition of reimbursement for transporting Medicaid beneficiaries to and/or from healthcare services, gas reimbursement providers must maintain a current valid vehicle registration, the state minimum automobile liability insurance coverage, and a current valid driver's license. Proof of compliance with these requirements must be submitted to

the department or its designee during the enrollment process. Gas reimbursement providers are allowed to transport up to five specified Medicaid beneficiaries or all members of one household across all contracted managed care organizations. The provider may not reside at the same physical address as the beneficiary being transported. Individuals transporting more than five Medicaid beneficiaries or all members of one household shall be considered traditional providers and shall be enrolled as such and comply with all for-profit provider requirements.

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, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1472 (October 2024), amended LR 51:1858 (November 2025).

§519. Transportation Network Company Requirements

A. All TNCs must comply with applicable federal requirements.

B. No driver shall provide NEMT services to a beneficiary through a TNC prior to the completion of a criminal background check that comports with the requirement for such background checks provided R.S.40:1203.1 et seq. or 48:2199.

C. Prior to facilitating NEMT services for Medicaid beneficiaries, a TNC shall be under contract with either:

1. an MCO as defined in 42 CFR 438.2, or its subcontracted transportation broker;
2. the department, or its subcontracted transportation broker.

D. TNCs, drivers, and vehicles are subject to the provisions of R.S. 45:201.1 - 45:201.13.

E. Aside from city and parish non-emergency medical transportation program rules, the provisions of R.S. 48:2205 shall apply to the regulation of companies, drivers, and vehicles facilitating or providing NEMT services as authorized in R.S. 40:1257.5.

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, Bureau of Health Services Financing, LR 51:1859 (November 2025).

Subchapter D. Reimbursement

§523. General Provisions

A. - C. ...

D. Reimbursement for NEMT services provided by traditional providers, gas reimbursement providers, public transit, or TNCs shall only be reimbursed if scheduled by a contracted transportation broker.

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 47:1639 (November 2021), amended LR 50:1472 (October 2024), amended LR 51:1859 (November 2025).

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.

Bruce D. Greenstein
Secretary

2511#052

RULE

Department of Health Bureau of Health Services Financing

Professional Services—Reimbursement Methodology
(LAC 50:IX.8305, 8505, 15113,
15133, 15135, and XIX.4334)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:IX.8305, 8505, 15113, 15133, 15135, and XIX.4334 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

§8305. Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, reimbursement for the administration of childhood and adolescent vaccines shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee, or billed charges, whichever is the lesser amount.

C.1. - 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 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), LR 47:887 (July 2021), LR 51:1859 (November 2025).

Chapter 85. Adult Immunizations

§8505. Reimbursement Methodology

A. - D. ...

E. Effective for dates of service on or after July 1, 2025, the reimbursement for adult vaccine administration (beneficiaries age 19 and older) shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee 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 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), LR 47:887 (July 2021), LR 51:1859 (November 2025).

Subpart 15. Reimbursement
Chapter 151. Reimbursement Methodology
Subchapter B. Physician Services
§15113. Reimbursement Methodology

A. - N.1.b.ii. ...

O. Effective for dates of service on or after July 1, 2025, the Medicaid fee shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee for both current and newly added procedure codes.

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), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022), LR 51:71 (January 2025), LR 51:1860 (November 2025).

Subchapter D. Anesthesia Services

§15133. Formula-Based Reimbursement

A. - F. ...

G. Effective for dates of service on or after July 1, 2025, the Medicaid fee for formula-based anesthesia services rendered by a physician shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

H. Effective for dates of service on or after July 1, 2025, the reimbursement for formula-based anesthesia services rendered by a certified registered nurse anesthetist (CRNA) shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

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 36:1251 (June 2010), amended LR 36:2282 (October 2010), LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:1860 (November 2025).

§15135. Flat Fee Reimbursement

A. - G. ...

H. Effective for dates of service on or after July 1, 2025, the flat fee for reimbursement of maternity related anesthesia services shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients. If there is no equivalent Medicare fee, an alternate methodology may be used.

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 36:1251 (June 2010), amended LR 36:1251 (June 2010), LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:1860 (November 2025).

Part XIX. Other Services

Subpart 3. Laboratory and Radiology Services

Chapter 43. Reimbursement

§4334. Radiology Services Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, the Medicaid fee for radiology services shall be set at 85

percent of the 2024 Louisiana Region 99 Medicare allowable fee. This applies to both current and newly added procedure codes.

1. Repealed.

D. - I. ...

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 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:283 (February 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 47:252 (February 2021), LR 47:1638 (November 2021), LR 51:1860 (November 2025).

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.

Bruce D. Greenstein
Secretary

2511#051

RULE

**Department of Health
Bureau of Health Services Financing**

Refugee Medical Assistance
(LAC 50:XXXI.Chapter 1)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXXI.101, 103, and 107 and adopted LAC 50:XXXI.108 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 XXXI. Refugee Medical Assistance

Chapter 1. Refugee Medical Assistance Program

§101. General Provisions

A. Repealed.

B. The Refugee Medical Assistance Program (RMA) provides medical assistance to individuals who meet the eligibility requirements and conditions set forth in 45 CFR part 400 subpart G.

C. Refugee medical assistance is available to all individuals with the immigration status of refugee or asylee.

D. All recipients who receive refugee cash assistance through the Office of Refugee Resettlement, and who are not eligible for Medicaid or SCHIP program, shall be certified for RMA.

1. Receipt or application for refugee cash assistance is not a requirement of the RMA program.

E. A refugee who has been certified in a regular Medicaid program and loses that coverage because of increased earnings from employment, and is within the eligibility time period, shall be transferred to RMA.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:1860 (November 2025).

§103. Eligibility Requirements

A. Individuals may qualify for the RMA program if they meet the following requirements:

1. has an immigration status recognized by the Office of Refugee Resettlement (ORR) through policy or federal notice that qualifies for resettlement assistance;

2. has income and resources that do not exceed the guidelines set forth in 42 CFR 435.831, as reflected in the State-approved Title XIX Medicaid plan;

3. is not otherwise eligible for Medicaid or SCHIP;

4. provides the name of the resettlement agency that resettled them, if applicable;

a. Repealed.

5. not enrolled as a full-time student in a higher education program, except where such enrollment is approved by the State or its designee.

B. An individual does not need to apply for or receive refugee cash assistance (RCA) in order to qualify for the RMA.

1. Repealed.

C. All recipients of RCA who are not otherwise eligible for Medicaid or SCHIP are eligible for RMA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:1861 (November 2025).

§107. Eligibility Period

A. Repealed.

B. The RMA eligibility period shall be determined in accordance with 45 CFR 400.211.

1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1113 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:1861 (November 2025).

§108. Termination of Services

A. RMA benefits shall terminate upon the earliest of the following:

1. the individual's eligibility period expires;

2. the individual enrolls in Medicaid or SCHIP;

3. termination of ORR eligible immigration status; or

4. relocation from the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:1861 (November 2025).

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.

Bruce D. Greenstein
Secretary

2511#049

RULE

**Department of Health
Emergency Response Network**

Louisiana Stroke Center Recognition
(LAC 48:I.18701, 18703, and 18705)

The Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and amends LAC 48:I.Chapter 187, Requirements for Stroke Center Recognition, Section 18701.A.1., A.4., A.5. and A.6., and Section 18703.A.3, A.5., A.6.a., A.6.b, and A.6.c., and Section 18705.A., and Section 18708.B., C. and D., as approved by the Emergency Response Network Board in a meeting of April 10, 2025, as authorized by R.S. 40:2846(A) and R.S. 40:2845(A)(7). The amendments change the name of one of the six levels of stroke facilities from "stroke bypass hospital" to "stroke referral center", and designate the education and resources required for a stroke referral center. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 15. Emergency Response Network

**Chapter 187. Requirements for Louisiana Stroke
Center Recognition**

§18701. Stroke Center Recognition

A. The Louisiana Emergency Response Network Board (LERN) and the Louisiana Department of Health recognize the following six levels of stroke facilities:

1. CSC: comprehensive stroke center;

2. - 3. ...

4. PSC: primary stroke center;

5. ASRH: acute stroke ready hospital; and

6. stroke referral center (formerly designated stroke bypass hospital).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network, LR 46:1088 (August 2020), amended LR 51:1861 (November 2025).

§18703. Stroke Center Criteria

A. Each facility participating in stroke center recognition shall meet the following criteria.

1. - 2. ...

3. PSC-E: a primary stroke center (PSC-E) shall meet the requirements specified by the joint commission, healthcare facilities accreditation program (HFAP), or other LERN approved accrediting/certification body for Primary Stroke Center verification. Attestation as a PSC-E is only allowed after verification by the joint commission, HFAP, or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the PSC standards.

In addition to PSC requirements, a PSC-E must have physician(s) credentialed to perform mechanical thrombectomy and must update resource management portal of endovascular availability at all times. If a physician credentialed to perform endovascular capability is not available, the PSC-E must notify all EMS providers in the region when endovascular resources are not available. The PSC-E must collect and submit quarterly to LERN to the joint commission or other approved accrediting or certification body the same data the joint commission requires the Thrombectomy Stroke centers to collect and any other data as required by LERN.

4. - 5. ...

6. Stroke referral center: a stroke referral center should not receive patients exhibiting signs or symptoms of stroke except for instances when the clinical situation requires stopping at the closest emergency department. A stroke referral center must:

a. have a transfer protocol in place for transfer to higher levels of care through written and agreed upon relationship with a CSC, TSC, PSC, PSC-E or ASRH stroke center;

b. participate in LERN stroke education; and

c. maintain a stroke resource binder or internet resource which at a minimum includes the following LERN guidelines: ED Provider Stroke Care Guideline, Anti-coagulant Associated Intercranial Hemorrhage Guideline, Spontaneous Intercranial Hemorrhage Guideline, and Wake Up/Unknown Time of System Onset Guideline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:1088 (August 2020), amended by the Department of Health, Emergency Response Network, LR 50:220 (February 2024), amended LR 51:1861 (November 2025).

§18705. Attestation for Stroke Center Recognition

A. A hospital seeking CSC, TSC, PSC-E, ASRH or stroke referral center recognition will submit an affidavit of the hospital CEO to LERN detailing compliance with the requirements designated herein.

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:1089 (August 2020), amended by the Department of Health, Emergency Response Network, LR 50:220 (February 2024), amended LR 51:1862 (November 2025).

§18708. Failure to Submit Stroke Data to LERN

A. ...

B. For an ASRH not submitting data to the board for two consecutive quarters, the hospital will automatically be demoted to a stroke referral center.

C. Once an ASRH demotes to a stroke referral center for non-adherence with submission requirement, the hospital CEO cannot re-attest until the hospital has submitted two consecutive quarters of data meeting standards.

D. If an ASRH fails to meet the performance metrics after two quarters of participation in data review, the board

appointed stroke committee may temporarily demote the facility to a stroke referral center until the next board meeting, when the board appointed stroke subcommittee will present the blinded data to the board for a vote on demotion to stroke referral center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 46:1089 (August 2020), amended by the Department of Health, Emergency Response Network, LR 50:220 (February 2024), amended LR 51:1862 (November 2025).

Paige Hargrove
Executive Director

2511#015

RULE

Department of Health Licensed Professional Counselors Board of Examiners

PLPC Billing Technical Revision
(LAC 46:LX.603)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners amends billing practices for Provisional Licensed Professional Counselors (PLPC)s.

The Licensed Professional Counselors Board of Examiners hereby amends Chapter 6, Section 603 for publication in the November 20, 2025, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 6. Application, Practice, and Renewal Requirements for Provisional Licensed Professional Counselors

§603. Provisional Licensed Professional Counselors Licensing Requirements

A. - A.6.e. ...

f. the agency or employer may bill for services provided by the PLPC. The PLPC may not accept direct payments from the client;

A.6.g. - A.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:712 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:277 (February 2019), LR 50:1848 (December 2024); LR 51:1862 (November 2025).

Jamie S. Doming
Executive Director

2511#033

RULE

Department of Health Licensed Professional Counselors Board of Examiners

Teletherapy Registration (LAC 46:LX.503 and 505)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners provides licensed counselors or therapists from other states to register to provide mental health counseling services via telehealth if their license is unencumbered. The Licensed Professional Counselors Board of Examiners hereby amends Chapter 5, Sections 503 and 505 for publication in the November 2025 edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 5. License and Practice of Counseling

§503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

A. ...

* * *

Criminal History Record Information—information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising from, including sentencing, criminal correctional supervision and release. It shall not include intelligence information gathered for investigatory purposes or any identification information that does not indicate involvement of the individual in the criminal justice system.

* * *

Licensee—an individual holding an approved registration as a telehealth provider or a full or provisional Louisiana license issued by the board. All *licensees* must accurately identify themselves as licensed for telehealth, fully licensed (i.e., licensed) or provisionally licensed.

* * *

Telehealth Registration—

- a. any person who:
 - i. holds a full and unrestricted license or certificate in mental health counseling/psychotherapy in another state or U.S. territory;
 - ii. completes a background check in accordance with licensure requirements
 - iii. attests to be under the authority of the jurisdiction of the state of Louisiana

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department

of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 16:302 (April 1990), LR 18:51 (January, 1992), LR 22:101 (February 1996), LR 24:437 (March 1998), LR 24:2124 (November 1998), LR 26:493 (March 2000), LR 29:130 (February 2003), LR 33:2654 (December 2007), LR 39:1783 (July 2013), LR 41:710 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:757 (June 2019), LR 46:1686 (December 2020), LR 51:1863 (November 2025).

§505. Teletherapy Guidelines for Registrants and Licensees (Formerly Diagnosing for Serious Mental Illnesses)

A. - C. ...

D. Licensees shall provide services consistent with the jurisdictional licensing laws and rules in both the jurisdiction in which licensee is physically located and where the client is physically located. Licensees providing teletherapy services to clients outside of Louisiana must comply with the regulations in the state in which the client is located at the time of service. The licensee shall contact the licensing board in the state where the client is located and document all relevant regulations regarding teletherapy. A nonresident of Louisiana who wishes to provide teletherapy health services in Louisiana must have approval by the board.

E. Teletherapy is a specialty area and requires board approval. Registrants who may provide teletherapy must meet the following requirements.

1. The licensee must have board approval in Louisiana.

E.2 - E.3.a.viii. ...

4. Louisiana licensees privileged in teletherapy must accrue three clock hours of continuing education during each renewal period.

F. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 45:438 (March 2019), amended LR 46:1687 (December 2020), LR 51:1863 (November 2025).

Jamie S. Doming
Executive Director

2511#034

RULE

Louisiana Economic Development Office of Economic Development

Small and Emerging Business Development Program
(LAC 19:II.101, 105, 107, 111, 113, 115, 117, and 301)

Louisiana Economic Development, Office of Economic Development, authorized by and pursuant to the provision of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby amends the rules for the administration of the Small and Emerging Business Development Program.

The purpose of this regulation is to implement the Administrative Rules and Regulations of the Office of Governor Executive Order No. JML 25-038 to align regulations with the agency's mission and as required by R.S. 51:942, et seq. This Rule is hereby adopted on the day of promulgation.

Title 19
CORPORATION AND BUSINESS

Part II. Small and Emerging Business Development Program

Chapter 1. General Provisions

§101. Statement of Policy

A. In accordance with the provisions of R.S. 51:941-945 and the provisions of the Administrative Procedure Act, R.S. 49:950-970 as amended, Louisiana Economic Development's Small and Emerging Business Development Program administers these regulations which are intended to prescribe the procedures for qualifying and certifying small and emerging businesses; to provide for bonding and other financial assistance; to provide for technical and managerial assistance; to provide for a business mentor-protégé program; to recognize achievements for small and emerging businesses; and to facilitate access to state agency procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:49 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:753 (April 2004), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§105. Definitions

A. When used in these regulations, the following terms shall have meanings as set forth below.

Assistant Secretary—Repealed.

* * *

Designee—Repealed.

* * *

Deputy Secretary—the deputy secretary of Louisiana Economic Development.

Deputy Undersecretary—the deputy undersecretary of Louisiana Economic Development.

Director—Repealed.

* * *

Louisiana Economic Development (LED)—formerly Department of Economic Development.

* * *

Secretary—the Secretary of Louisiana Economic Development.

* * *

Undersecretary—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:50 (January 1997), amended LR 24:430 (March 1998), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:753 (April 2004), LR 33:2030 (October 2007), LR 36:51 (January 2010), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§107. Eligibility Requirements for Certification

A. - C.6. ...

D. Requirement for Certification. Must have an e-mail address and appropriately complete the on-line application located on a website designated by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:50 (January 1997), amended LR 24:430 (March 1998), LR 25:1084 (June 1999), LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:754 (April 2004), LR 33:2030 (October 2007), LR 36:52 (January 2010), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§111. Eligibility Requirements for Certification

A. ...

B. Certification in the SEBD Program is accomplished on-line on a website designated by LED. Applicants must have an e-mail address to become certified in the SEBD Program.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:543 (April 2003), LR 30:755 (April 2004), LR 33:2030 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§113. Certification Application Procedure

A. - B. ...

C. SEBD Program staff, notifies the applicant by e-mail of the decision whether or not to grant certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), LR 33:2031 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§115. Duration of Certification; Graduation through Growth

A. The maximum amount of time that a firm may be granted certification by the SEBD Program is unlimited until the firm graduates, by growing to exceed the eligibility requirements for certification, as provided in §107, or is terminated from the program by LED.

B. Retention of the firm in the program depends upon time, the firm's progress toward attainment of its business goals, willingness or ability to cooperate, and follow through on recommendations of the SEBD Program staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by the House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006), amended by the Department of Economic Development, Office of Business

Development, LR 33:2031 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1864 (November 2025).

§117. Reports by Certified Small and Emerging Businesses

A. Mandatory Reporting. By letter, or on forms which may be identified or prescribed by the SEBD Program, certified businesses shall continue to report every five years and at times specified by the SEBD Program their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required every five years or as otherwise requested by the SEBD Program staff, shall result in the business' termination of its SEBD certification and from the program.

B. Verification of Eligibility. SEBD Program staff, may take any reasonable means at any time to confirm a certified firm's eligibility, such as by letter, telephone, contact with other governmental agencies, persons, companies, suppliers, or by either announced or unannounced site inspection.

C. Notification of Changes. To continue participation, a certified firm shall provide the SEBD Program, with a written statement of any changes in an address, telephone number, ownership, control, financial status, or major changes in the nature of the operation. Failure to do so may be grounds for termination of eligibility.

D. Evaluation. The SEBD Program staff, as necessary, shall evaluate the information to determine progress, areas for further improvement, resources needed by the firm, and eligibility for continued participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by Louisiana Economic Development, Office of Economic Development, LR 51:1865 (November 2025).

Chapter 3. Developmental Assistance Program

§301. Small Business Bonding Assistance

A - B.1. ...

2. Determination of Additional Assistance. In consultation with the business owner, the SEBD Program staff will determine areas in which the business owner needs additional assistance.

3. Referral to Additional Resources. The SEBD Program will assist the firm obtain technical and/or managerial assistance from other resources, such as small business development centers, procurement centers, consultants, business networks, professional business associations, educational institutions, and other public agencies.

4. Ongoing Evaluation. In conjunction with the small and emerging business firm and appropriate external resources, the SEBD Program will periodically assess the SEB firm's progress toward attainment of its business goals. The SEBD Program, in conjunction with the SEB firm, will determine the effectiveness of assistance being administered. If assistance is ineffective, the SEBD Program staff will investigate and take appropriate action.

5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:53 (January 1997), LR 26:1573 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by the House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:1865 (November 2025).

Anne G. Villa:
Deputy Secretary/CFO

2511#062

RULE

Louisiana Works Plumbing Board

Plumbers—Introductory Information; Officers; and
Meetings (LAC 46:LV.101, 503, and 507)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby amends LAC 46:LV.101, 503, and 507 to be in compliance with recent legislative changes designated as Act No. 438 of the 2025 Legislative Session. The amendment of §101 defines a Responsible Master Plumber; §503 amends the name of a contractors' association as well as the time period for the election of board members, and §507 designates the criteria for holding the position of the Chairman and Vice Chairman of the board and designates the voting rights of the Chairman. These amendments will be effective upon final publication in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Responsible Master Plumber—as that term is used in R.S. 37:1362(B)(1), shall be a master plumber who assumes full legal and professional responsibility for all plumbing operations conducted under a company's license. This individual ensures compliance with all applicable plumbing codes, state laws, and board regulations. A responsible master plumber serves as the point of accountability for permits, inspections, and supervision of licensed and unlicensed personnel working under the company's scope of work.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing

Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:1915 (October 2018), amended by the Workforce Commission, Plumbing Board, LR 47:274 (February 2021), LR 49:914 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1675 (November 2024), repromulgated, LR 51:407 (March 2025), amended by Louisiana Works, Plumbing Board, LR 51:1865 (November 2025).

Chapter 5. The Board

§503. Officers

A. Officers of the board shall be representative of the trade, so that all board members will be eligible for office, but the three officers cannot all be from the same organization. The chairman and vice chairman shall each be an active master plumber listed as the responsible master plumber for his company. The chairman shall only vote in case of a tie.

1. - 3.l. ...

m. as soon as possible after March 1 each year, compile a list of all certificates issued by the board, and make list available without cost to board members, advisory committee members, Pipe Trades Association, Plumbing-Heating-Cooling Contractors of Louisiana and to such state officials, state boards, or committees as normally require such a list;

n. - p. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:53 (January 1991), amended by the Workforce Commission, Plumbing Board, LR 49:920 (May 2023), amended by Louisiana Works, Plumbing Board, LR 51:1866 (November 2025).

§507. Meetings

A. ...

B. The board shall elect from its members a chairman, a vice chairman, and a secretary-treasurer for two year terms; the election to be held within thirty days of August 1 in each odd-numbered year. Special meetings may be called by the chairman or by five members of the board. No special meetings shall be called without notifying each board member and each member of the advisory committee in writing 10 days in advance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:54 (January 1991), amended by Louisiana Works, Plumbing Board, LR 51:1866 (November 2025).

Ashley Jones Tullier
Executive Director

2511#007

RULE

Department of Public Safety and Corrections Corrections Services

Special Agents (LAC 22:I.323)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of §323, Special Agents.

The Department of Public Safety and Corrections, Corrections Services deletes sections regarding private prisons, as Louisiana no longer houses DOC inmates at private facilities, and adds a section regarding employees transferring between facilities. Changes employee termination to employment status change, changes unit and/or institution to facility, as well as, other technical and/or minor changes. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§323. Special Agents

A. Purpose—to state the procedures governing special agent appointments and the duties of special agents.

B. Applicability—deputy secretary, assistant secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises and those employees authorized as special agents. Each unit head shall ensure that appropriate facility written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy that special agents may be appointed at the secretary's discretion and these special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I and these special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as a law enforcement officer.

D. Definition

Employee—any person employed full-time, part-time, or on temporary appointment by the department.

E. Procedures

1. Criteria

a. Special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I, pursuant to R.S. 15:825.2.

2. Authority to Appoint

a. The secretary shall be authorized at his discretion to appoint special agents, pursuant to R.S. 15:825.2.

3. Applications

a. Employees at State Prisons, Headquarters, and Prison Enterprises

i. The warden, undersecretary, or director of prison enterprises wishing to have an employee (at a state prison, headquarters, or prison enterprises, respectively) appointed as a special agent shall submit an application to the chief of operations. The application shall include the following:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire completed by the applicant;

(d). a precise statement regarding the applicant's need to carry a weapon and the circumstances in which the applicant will be authorized to carry a weapon; and

(e). certification by the warden, undersecretary, or director of prison enterprises certifying the applicant has been trained to use the weapon he will carry and has achieved the necessary qualifying score on the firing range.

b. Employees at Probation and Parole

i. Probation and parole district managers wishing to have an employee (at a probation and parole district office) appointed as a special agent or probation and parole employees at headquarters wishing to be appointed as a special agent shall submit an application to the director of probation and parole. The application shall include the following:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire completed by the applicant; and

(d). certification by the district manager (for employees at a probation and parole district office) or the director of probation and parole (for an employee at HQ P and P) that the applicant has successfully completed all training as required by probation and parole's firearm training policy.

c. The chief of operations or the director of probation and parole shall review every application received and either:

i. recommend the applicant be appointed as a special agent and submit to the secretary for review, or

ii. decline to recommend the applicant to be appointed as a special agent and send notification of declination to the individual who submitted the application.

d. The appointment of a special agent shall be at the discretion of the secretary.

4. Appointment as a Special Agent

a. Upon approval of an application and appointment of an applicant as a special agent, the secretary shall issue:

i. for employees at state prisons, headquarters, and prison enterprises, a commission card which serves as authority to carry a firearm and/or perform duties in accordance with R.S. 15:825.2; or

ii. for employees at probation and parole, a memorandum to the director of probation and parole certifying the employee is commissioned as a "special agent" as well as a commission card.

iii. employees issued a commission card shall be required to carry the card at all times during the performance of his duties. The undersecretary, director of prison enterprises, or warden shall ensure that commission cards for employees appointed as special agents are kept current.

5. Duties of Special Agents

a. The duties of a special agent are to provide assistance to other law enforcement agencies to improve public safety. These duties include, but are not limited to:

i. execution of warrants;

ii. emergency aid and other assistance as requested;

iii. patrol duties; and

iv. detention and transportation of arrestees.

6. Carrying of Weapons

a. Special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers, pursuant to R.S. 15:825.2.

7. Equipping Special Agents

a. The unit head or designee shall be responsible for properly equipping special agents with adequate equipment for law enforcement duties as appropriate to the assignment, (i.e. bullet proof vests, service weapons, flash lights, etc.).

8. Employment Status Change of a Special Agent

a. Upon an employee's termination, resignation, transfer or retirement, the commission card shall no longer be valid and shall be surrendered to the appropriate facility personnel.

9. Employees Transferring Between Facilities

a. If an employee who holds a special agent card is transferring without a break in service to another facility, it is at the discretion of the new warden if the employee shall be issued a new special agent card. If the new warden wishes to have the employee appointed as a special agent, the new warden shall submit an application to the chief of operations in accordance with the application procedures set forth in section E.3.

10. Training

a. Special agents must be in compliance with the provisions of the department's firearms training policies as applicable.

b. Special agents who participate in community policing activities must successfully complete training appropriate to their assignments as defined by facility or division of probation and parole policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:487 (December 1978), amended by the Department of Public Safety and Corrections, Corrections Services, LR 37:2184 (July 2011), LR 45:580 (April 2019), LR 51:1866 (November 2025).

Gary E. Westcott
Secretary

2515#073

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Seizure Disorder Designation (LAC 55:III.105)

In compliance with Act 100 of the 2024 legislative session, the Office of Motor Vehicles has adopted section 105 of Part III, Chapter 1, Driver's License Requirements, Subchapter A, General Requirements, of the *Louisiana Administrative Code*. Specifically, this Rule establishes the requirements for a person to obtain a seizure disorder designation on their driver's license or identification card. This Rule shall become effective upon the promulgation of the permanent Rule in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§105. Seizure Disorder Designation.

A. Eligibility.

1. A person who has been diagnosed with seizure disorder from a qualified medical health professional licensed in Louisiana, or any other state or territory of the United States, verifying their condition.

2. The driver's license or identification card cannot include any other indicator, except autism and needs accommodation indicator.

B. General.

1. Seizure indicator can be displayed on:

a. any class of driver's license, including the Temporary Instructional Permit (TIP);

b. an identification card.

c. The seizure indicator may not be placed on a mobility impaired identification card.

2. Seizure Indicator if Not in Combination with Autism or Needs Accommodation Indicator.

a. If only the seizure indicator shall be placed on the credential without also having the autism indicator, the word "SEIZURE" will display on the credential below the portrait and the seizure medical alert symbol in purple will display on the credential at the top right of the portrait.

3. Seizure and Autism Indicators Both on Credential. The seizure indicator may be combined with an autism indicator, but is not required.

a. The word "AUTISM" will display below the portrait and the seizure symbol will display above the right of the portrait.

4. Seizure and Needs Accommodation Indicators (both on credential). The seizure indicator may be combined with the needs accommodation indicator, but it not required.

a. The word "SEIZURE" will display below the portrait and the needs accommodation symbol will display above the right of the portrait.

5. The seizure indicator may be removed at any time, as requested by the applicant, without documentation.

C. Required Documentation:

1. Applicant must provide:

a. The Medical Examiner's Certification of Seizure Disorder form completed by a qualified medical or mental health professional licensed in Louisiana or any other state or territory of the United States.

b. If the Medical Examiner's Certification of Seizure Disorder form indicates the applicant has not been seizure free for the six months period immediately prior to the execution of the report, a second medical report form must be completed and sent to the OMV Medical Unit. The original will be given to the applicant with instructions that the treating physician must complete it. The applicant will have thirty days from that date to submit a completed medical form before their driving privileges are suspended pursuant to R.S. 32:424. Upon review of the medical report form by the Office of Motor Vehicles Medical unit, the driving privileges of the applicant will be suspended until a second medical report form indicating the applicant was seizure free for six months has been received by the OMV Medical unit.

D. Fees. No fees in addition to the standard fees for issuance, renewal or duplicate credentials, plus the handling fee shall be assessed when the customer requests a seizure disorder designation

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412(Q).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicle LR 51:1868 (November 2025).

Bryan J. Adams
Commissioner

2511#005

RULE

Department of Public Safety and Corrections Office of State Police

Required Equipment (LAC 55:III.813)

The Department of Public Safety and Corrections, Louisiana State Police, in accordance with R.S. 32:361.1 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., has adopted LAC 55:III.813(S)—Required Equipment. This amendment changes the required light transmission for front windows from 40 percent to 25 percent based on Act 143 of the 2025 Regular Session. This Rule is hereby adopted on the day of promulgation. **Title 55**

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 8. Motor Vehicle Inspection

Subchapter B. Safety Inspections

§813. Required Equipment

A. - R.3. ...

S. Windows and Glass Sun screening and Glass Coating

1. Windshields are allowed to have sunscreen extend down from the topmost portion of the windshield no more than 5 inches. The sunscreen shall be transparent and not red or amber in color. The windshield limitation for a vehicle that has a sunscreen certificate is 6 inches from the topmost portion of the windshield.

2. Vehicles being presented for inspection that do not have a valid window tint medical exemption affidavit or a security exemption form issued by the department shall be inspected as follows.

a. Windshield. As stated above, sunscreen may not extend more than 5 inches from the top of the windshield and may not be red or amber in color.

b. Front side windows must have at least 25 percent light transmission.

c. Side windows behind driver must have at least 25 percent light transmission.

d. Rearmost glass must have at least 12 percent light transmission.

e. Label. There must be a label affixed to the lower right corner of the driver's side window. It must not exceed 1 1/2 inches square in size. It must be installed between the glass and the sunscreen material and must contain the name and city of the installer.

S.3 - KK.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2428 (December 1999), amended LR 28:345 (February 2002), amended by the Department of Public Safety and Corrections, Office of State Police, LR 36:1789 (August 2010), LR 38:2553 (October 2012), LR 42:435 (March 2016), LR 44:1634 (September 2018), LR 51:1868 (November 2025).

Bert Dabadie
Captain

2511#003

RULE

Department of Revenue Tax Policy and Planning Division

Alcoholic Beverage Sales by Out-of-State Sellers to Louisiana Wholesalers Registration and Electronic Reporting Procedures (LAC 61:I.203)

Under the authority of R.S. 47:1511 and 26:364(D), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division adopts LAC 61:I.203.

Louisiana Revised Statutes 26:364 requires the Department to obtain information on imported high and low alcoholic content beverages from out-of-state sellers to Louisiana wholesalers. Previously conveyed through U.S. Mail, the Rule requires out-of-state manufacturers and wholesale sellers to submit reports on sales and shipments by electronic means through the Louisiana Taxpayer Access Point (LaTAP). This Rule is written in plain language to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

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

Chapter 2. Alcoholic Beverages

§203. Alcoholic Beverage Sales by Out-of-State Sellers to Louisiana Wholesalers – Registration and Electronic Reporting Procedures

A. Definitions. The following definitions are contained in R.S. 26:241 and correlate those contained in R.S.26:364(B).

Alcoholic Beverages—shall have the same meaning as ascribed in R.S. 26:241(1)

High Alcoholic Content Beverages—shall have the same meaning as ascribed in R.S. 26:241(3)

Low Alcoholic Content Beverages—shall have the same meaning as ascribed in R.S. 26:241(4)

Out-of-State Manufacturers and Wholesalers—the distiller, the producer, the owner of the commodity at the time it becomes a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, located outside the jurisdictional territory of Louisiana, as described in R.S. 26:364(B).

B. Application.

1. All out-of-state manufacturers and wholesalers of high and low alcoholic content beverages must have registered and obtained authority for shipment of the alcoholic beverages into Louisiana for purchase by Louisiana licensed wholesale dealers through a permit issued by the Louisiana Office of Alcohol and Tobacco Control (ATC). Registration to ship must be filed with the Louisiana Department of Revenue (LDR) on revenue.louisiana.gov/TaxForms, Form R-5626, *Application for Authority to Ship Alcoholic Beverages into Louisiana*. Application forms must be sent electronically to atsapplications@la.gov.

2. Excepting Chapter 2 § 201 for direct shipments of sparkling or still wines to consumers, the rule applies to all distilled spirits, liquors, wines, beer, cider, mead, malt, and mixed or compounded products that contain more than one-half of one percent alcohol by volume (unless expressly excepted in R.S. 26:3) imported into Louisiana.

C. Reporting of shipments of alcoholic beverages into Louisiana

1. Out-of-state manufacturers and wholesalers of alcoholic beverages shall electronically submit a “notice of shipment” for sales of alcoholic beverages through the Louisiana Taxpayer Access Point (LaTAP), the Department’s online portal for administrative reporting.

2. Reporting Requirements: The reporting of sales and shipments to Louisiana licensed wholesale dealers shall be made on a monthly basis by the twentieth day of each month following the reporting period, if sales activity has occurred, and shall include the following information:

- a. Invoice date and number;
- b. Date of shipment;

c. The name of the purchasing Louisiana licensed wholesale dealer, and address for delivery of shipment;

d. For shipments of high content alcoholic beverages, the brand and type (with recognition of alcohol by volume), packaging (number of containers per case), size of the container (volume) as per R.S. 26:351, and number of cases, packages, or other units;

e. For shipments of low content alcoholic beverages, the brand and type (with recognition of alcohol by volume), packaging (number of containers per unit, package, or case), size of container (volume), and number of cases, barrels, packages, or other units;

f. Method of transportation of the alcoholic beverages, i.e., United Parcel Service, Federal Express, U.S. Mailing, private carrier under a permit, *inter alia*.

3. The effective date of this Rule commences on January 1, 2026, and applies to all reportable sales by out-of-state manufacturers and wholesalers for shipments into Louisiana of high and low alcoholic content beverages during that month and thereafter.

4. If the out-of-state manufacturer or wholesaler can prove electronic filing of a report, or application for certification would create an undue hardship, the secretary may exempt the out-of-state manufacturer or wholesaler from filing the return, report, or application electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 26:364(D).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:1869 (November 2025).

Richard Nelson
Secretary

2511#072

RULE

Department of State Office of the Secretary of State Division of Archives

Records Management Policies and Practices (LAC 4.XVII.Chapters 1-15)

Under the authority of R.S. 44:405, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that a Rule has been adopted and amended in Department of State regulations, LAC 4.XVIII.Chapters 1-15.

The amendments update rules that are outdated to reflect current policies and practices and repeal rules that are no longer necessary. They also add rules regarding damaged or lost records, imaging services and standards, conversion of electronic records, retention of original source records, disposition of original records after imaging, electronic records preservation, and email guidelines. This Rule is hereby adopted on the day of promulgation.

Title 4

ADMINISTRATION

Part XVII. Records Management Policies and Practices

Chapter 1. Agency Records Officer Designation

§101. Designation

A. In compliance with R.S. 44:411, on or before July 1 of each state fiscal year, the head of each agency, as defined by R.S. 44:402, shall designate a records officer to act as liaison between the division and the agency on all matters related to records management for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:1870 (November 2025).

§103. Process

A. Each agency shall communicate the records officer designation by completing Form SS ARC 940 (Records Officer Designation Form) and submitting it to the state archivist. The form must be signed and dated by the head of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:1870 (November 2025).

§105. Responsibilities of an Agency Records Officer

A. Each agency should select a records officer who:

1. can communicate effectively with agency personnel and with the division's personnel;
2. has adequate knowledge of how the agency is organized and operates;
3. has the ability to collaborate with the agency's information technology services section on records management issues related to electronic records created, received, and maintained by the agency; and
4. has the authority to oversee the records management program of the agency, including:
 - a. the development and implementation of an agency retention schedule;
 - b. the compliance with the division's policies and state and federal laws that govern records management;
 - c. the transfer of inactive records to a records center for temporary storage (if needed);
 - d. the transfer of permanent records with historical value to the custody of the Louisiana State Archives;
 - e. the submission of disposal requests to the Louisiana State Archives listing records that have met retention requirements and are eligible for destruction;
 - f. the destruction of agency records once approval has been received from the state archivist; and
 - g. the conversion of records from their original paper format to microfilm or electronic formats (if needed).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:1870 (November 2025).

§107. Changes in Records Officer Designees

A. Agencies wishing to change their agency's designee before their designation period has expired, must notify the state archivist within 30 days of such a change by completing Form SS ARC 940 (Records Officer Designation Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

Chapter 3. Retention Schedule Development

§303. Records Inventory

A. To facilitate the development of agency retention schedules in compliance with R.S. 44:411, each agency shall:

1. review the functions and activities of the agency;
2. develop a list of records produced, received, and maintained by the agency;
3. identify the inclusive dates, the medium and volume of records maintained for each record series held by the agency. This provision may be facilitated by agencies completing Form SS ARC 960 (Records Management Inventory Form) for each record series to document their decision process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

§305. Writing the Retention Schedule

A. Each agency shall submit a draft retention schedule to the state archivist for review and approval.

1. The agency will conduct adequate research to determine the length of time each record series needs to be maintained based on its administrative, legal, fiscal, operational, evidential and informational or historical values. Legal citations should be included if federal or state statutes or rules exist regarding the retention period or confidentiality of the records series.

2. The agency will develop specific retention and disposition instructions for each records series, including the transfer of inactive records to a secure, climate-controlled records storage facility, the maintenance of long-term or permanent records within the agency, and/or the transfer of permanent records to the custody of the Louisiana State Archives.

3. The agency will develop a draft retention schedule, using form SS ARC 932 (Records Retention Schedule). The schedule shall include brief descriptions of each records series, suggested retention periods for each records series, recommended disposition instructions for non-permanent records series, notations for any records series that contains confidential information and any citations used to formulate the retention periods, if applicable.

4. A records analyst within the records management section will review the draft and suggest edits if needed.

5. Once the division and agency agree upon the finalized draft, the records retention schedule must be signed by the head of the agency or the agency's records officer and the state archivist or his designee.

6. The agency should distribute the approved records retention schedule to its employees to inform them that they must maintain records for the time specified in the records retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

§307. Retention Schedule Maintenance

A. Each agency shall review its retention schedule annually to identify any record series requiring an addition, amendment, or deletion to the agency's approved schedule. Events that may require amendments to the schedule include but are not limited to new legislation that changes the confidentiality or retention requirements of a record or the creation or abolishment of programs within the agency, which would require the addition or deletion of record series to the retention schedule.

B. If changes to the records retention schedule are required, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) noting any changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

§309. Retention Schedule Renewal

A. An agency schedule, once approved by the Louisiana State Archives, will be valid for five years from the date of approval. Ninety days prior to the five year anniversary of a schedule's approval, each agency shall submit the schedule for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

Chapter 5. Storage of Records in the Louisiana State Archives' Records Center

§501. Definitions

A. For the purpose of this Chapter the following definitions apply.

Approved Records Center Box—a regular slotted container (RSC) box that is 1.2 cubic feet in size, with dimensions of 15 inches x 12 inches x 10 inches.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:1871 (November 2025).

§503. Eligibility

A. In accordance with R.S. 44:408, the records center may accept records from state agencies when they meet the following criteria.

1. The records are scheduled on an approved records retention schedule and have a retention period of ten years or less.

2. The records belong to an office of the state executive or legislative branches of Louisiana government.

3. The records are considered inactive (not from the current operational year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1871 (November 2025).

§505. Packing Instruction

A. Each box containing eligible records must comply with the following requirements.

1. The records are boxed in an approved records center box obtained from the records center.
2. The records in each box are from the same records series with the same retention period.
3. The records should be packed in the same order as they are filed in the agency.
4. Boxes shall not contain mixed media (i.e., microfiche with paper records).
5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.
6. Records shall not be placed on top of other records in the box.
7. The approximate weight of each box shall not exceed 35 pounds.
8. Packing tape is discouraged. If utilized, it must only be used to reinforce the bottom of the box.
9. To protect the records in case of fire, agencies are strongly encouraged to pack their boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 ½ inch x 11 inch), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.
10. Boxes shall not contain hanging file folders, three ring binders, or binder clips.

11. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type shall be noted on Form SS ARC 103 (Records Center Transmittal Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1872 (November 2025).

§507. Labeling Instructions

A. An agency must assign a unique box number to each box to be transferred to the records center. The agency shall write or affix the box number to the upper half of the short side (12 inch) of the box. The box number must correspond to an entry made on the agency's transmittal form submitted for the box. The agency may also write a short description of the records on the box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1872 (November 2025).

§511. Records Transmittal

A. Prior to the delivery of records to the records center for storage, an agency must submit a completed Form SS ARC 103 (Records Center Transmittal Form) to the records center.

1. A separate transmittal form (SS ARC 103) shall be completed for each disposal date (i.e., January or July of a given year).

2. For each box, the agency shall include the following information on their transmittal forms:

- a. agency box number;
- b. beginning and ending dates for the records in the box;

c. the records series title as it appears on the agency's approved retention schedule;

d. a notation if the records are on a media other than paper; and

e. a notation if any of the records contain confidential information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1872 (November 2025).

§513. Arranging Transfer

A. After completing the transmittal forms for the boxes to be stored at the records center, the agency shall email the transmittals to the records center. The records center will contact the agency's records officer to finalize the delivery date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1872 (November 2025).

§515. Delivery of Records

A. In general, delivery dates will be set on a first-come, first-serve basis. The records center reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:1872 (November 2025).

§517. Ownership and Access

A. Records stored at the records center remain property of the agency depositing them at the records center. Only the depositing agency's designated employees will be allowed access to view the agency's records stored in the records center. Any requests to see an agency's records from non-authorized parties shall be forwarded to the agency's records officer for written approval. A written approval must include the name of the person requesting the records, the records center box number for the records being requested, and the signature of the agency's records officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:1872 (November 2025).

§519. Requesting Stored Records

A. An agency may request access to or check out the agency's records by following these procedures:

1. The agency must contact the records center by either phone or email requesting access to or checking out a file(s) or box(es) by listing the records center box number for the boxes being requested and providing the file name(s) if particular files are being requested.

2. Requests will be processed on a first-come, first-serve basis.

3. The records center will contact the agency's records officer when the records in question are ready for review or pick-up. Upon arrival at the records center, agency personnel will be required to show proper identification before access to the records will be granted.

4. To check out records from the records center, an employee from the depositing agency shall sign acknowledging he has received the requested boxes and/or files.

5. Once an agency checks out a record, the responsibility for the record returns to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:1872 (November 2025).

§523. Agency Disposal Approval

A. Once the agency receives the disposal request, the agency's records officer must ascertain if any of the records listed on the request require further retention. The records officer should consult with the agency's legal counsel to determine if there are any legal holds (i.e. pending or ongoing litigation or investigations) that require the records be retained for a longer duration.

1. If the records are not needed for any legal or administrative purpose, the agency records officer shall sign the disposal request indicating which records should be destroyed.

2. If any record is still required by the agency, the agency's records officer shall provide the records center with the new disposal date requested and the reason for the extended retention. The agency may request the records be transferred back to their custody if they do not wish the records to remain in the records center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:1873 (November 2025).

§525. Archival Review

A. Prior to the destruction of any records in the records center, the state archivist will review each disposal request for possible archival records. In the event that the state archivist determines the records have archival value, the state archivist will notify the depositing agency that the Louisiana State Archives will assume ownership and permanent custody of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:1873 (November 2025).

Chapter 7. Transferring Records for Inclusion in Archives Collection

§701. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), repealed LR 51:1873 (November 2025).

§703. Eligibility

A. In accordance with R.S. 44:401 and 44:406, the Louisiana State Archives may accept records from state agencies according to the following criteria:

1. the records are scheduled on an approved records retention schedule;

2. the records are determined to possess intrinsic, historical, or evidentiary value or are mandated by law to be kept as permanent records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:1873 (November 2025).

§705. Packing Instructions

A. The records shall be packed according to the following requirements:

1. The records shall be boxed in an approved archival box obtained from the Louisiana State Archives.

2. The records in each box shall be from the same records series.

3. The records should be packed in the same order as they are filed in the agency and placed into the box with care.

4. Boxes shall not contain mixed media (i.e., microfiche with paper records).

5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.

6. The approximate weight of each box shall not exceed 35 pounds.

7. Taping of printed descriptions to the box and use of packing tape is prohibited.

8. To protect the records in case of fire, agencies are strongly encouraged to pack the boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 ½ inches x 11 inches), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.

9. Boxes shall not contain hanging file folders, three ring binders, or binder clips.

10. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type should be noted on the Louisiana State Archives Transmittal Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:1873 (November 2025).

§707. Non-Standard Sized Packing Instructions

A. Prior to sending records that exceed 8 1/2 inches x 14 inches, the submitting agency shall contact the Louisiana State Archives' collections management section for instructions on how to pack the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:1873 (November 2025).

§709. Labeling Instructions

A. For boxes transferred to the Louisiana State Archives, the agency must:

1. assign a unique agency number to each box to be transferred by affixing the number on one of the long sides of the box;

2. provide a brief descriptor for the records (i.e., Dept of State, Correspondence 6/1/00—12/31/00; Bd of Ethics—Campaign Finance Reports #98-04 through #98-100) on the face of the box under the handle; and

3. include a duplicate copy of the Louisiana State Archives Transmittal Form matching the records series within the archival box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:1873 (November 2025).

§711. Archives Transmittal Form Required

A. Prior to the delivery to the Louisiana State Archives, the submitting agency must provide completed archives transmittal forms, which will serve as an inventory, sufficiently detailed, to enable archives staff to retrieve records as they are needed.

1. On each transmittal form, the agency shall include:
 - a. name and address of agency;
 - b. the records officer name and official title within the agency;
 - c. contact information (phone and email address) for the records officer;
 - d. any restrictions that exist for the specific records within the collection, such as attorney-client privilege or that the records contain personally identifiable information, must be included on the particular form;
 - e. the total number of boxes/items to be transferred;
 - f. signature of records officer and date signed by officer;
 - g. page number and total number of pages of transmittal (i.e., Page 1 of 5).

2. For each box or item, agency shall include on the transmittal:

- a. title of records series as it appears on the agency's approved retention schedule;
- b. only one box may be listed on an archival transmittal form.

3. Submission and the acceptance of an archives transmittal form from an agency or donor by the Louisiana State Archives constitutes an Act of Donation to the Louisiana State Archives by the agency or donor and transfers all rights and ownership of the records to the Louisiana State Archives.

4. The Louisiana State Archives will return a signed copy of the archival transmittal form signed by the receiving archivist after the transmittal has been processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:1874 (November 2025).

§715. Delivery of Records

A. The agency or donor will deliver the records to the Louisiana State Archives. In general, delivery dates will be set on a first-come, first-served basis. The Louisiana State Archives reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:1874 (November 2025).

§717. Long Term Records Storage

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), repealed LR 51:1874 (November 2025).

§719. Requesting Stored Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed LR 51:1874 (November 2025).

Chapter 9. Destruction of Public Records

§901. General

A. In accordance with R.S. 44:411, an agency shall secure written approval from the state archivist (or his designee) prior to disposing of any records of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:1874 (November 2025).

§903. Request for Authority to Dispose of Records

A. Agencies wishing to dispose of records shall submit to the state archivist (or his designee) Form SS ARC 930 (Request for Authority to Dispose of Records). Form SS ARC 930 must have the signature of either the agency's:

1. records officer as designated in LAC 4:XVII, Chapter 1; or
2. the head of the agency.

B. Records must be listed on the agency's approved records retention schedule to be eligible for destruction. If the records have not previously been scheduled, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) to the state archivist noting the changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:1874 (November 2025).

§905. Non-Scheduled Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed LR 51:1874 (November 2025).

§907. Destruction Authorization

A. Once a disposal request has been received by the state archivist (or his designee), the agency will be notified within 30 days of receipt that:

1. the disposal request has been approved;
2. the disposal request was partially approved or amended;
3. the disposal request has been denied along with an explanation why approval was not granted;
4. the disposal request contains records that should be transferred to the Louisiana State Archives; or
5. the disposal request requires more research and requires an additional 30 days to issue a response to the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:1874 (November 2025).

§909. Legal Hold Policy

A. Each agency is required to develop and implement an internal process for placing legal holds on records that are involved in state or federal investigations and/or litigation. The policy should address:

1. the agency's internal disposal approval process;
2. which employees are notified of a legal hold, when they are told, and how they are told;
3. who is responsible for contacting possible third party vendors who may house records or data covered under a legal hold;
4. what steps should be taken by notified employees to safeguard records or data covered under a legal hold;
5. the agency's legal hold forms (including file level notice sheets) and instructions for any legal hold form/release forms created by the agency to implement the plan;
6. who within the agency has legal authority to lift the legal hold once the litigation or investigation has concluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:1875 (November 2025).

§911. Disposal Methods

A. Once approval for disposal has been granted, an agency shall dispose of the agency records in a manner acceptable to the level of confidentiality the record requires.

1. If a records series contains no information considered confidential in nature, an agency may use any acceptable disposal method including:

- a. landfill;
- b. recycling;
- c. shredding;
- d. incineration;
- e. maceration;
- f. pulverization; and
- g. data sanitization.

2. If a records series contains information considered confidential in nature, an agency shall use any of the following disposal methods:

- a. shredding;
- b. incineration;
- c. maceration;
- d. pulverization; and
- e. data sanitization.

3. For guidance on data sanitization practices, agencies shall refer to the *Data Sanitization Policy and Procedures, October 28, 2024*, produced by the Office of Technology Services, Division of Administration, or any superseding policies produced by the same authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:1875 (November 2025).

§913. Certificate of Destruction

A. Agencies should document the destruction of its records by maintaining a certificate of destruction. Such destruction certificate should consist of either:

1. the Louisiana State Archives Form SS ARC 933 (Certificate of Destruction Form) along with the approved SS ARC 930 (Request for Authority to Dispose of Records Form); or

2. an equivalent document that records the date the records were destroyed, the method of destruction, the approved Form SS ARC 930 (Request for Authority to Dispose of Records Form), and the signature of at least one witness to the destruction or removal of the records. In the event that a third-party vendor is used for destruction, the date the records are transferred to the third-party vendor for destruction will constitute the destruction date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:1875 (November 2025).

Chapter 11. Damaged or Lost Records

§1101. Loss of Records

A. In accordance with R.S. 44:422, agencies must notify the state archivist (or his designee) in the event any records in its custody become damaged or lost.

1. Agencies must submit Form SS ARC 980G (Records Damage Assessment Form) noting which records were damaged or lost, the cause of the damage, the location of the damage, and whether the records can be scanned, replaced, or salvaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1875 (November 2025).

Chapter 13. Electronic Records

Subchapter A. Agency Responsibilities

§1301. Definitions

A. For the purpose of this Chapter the following definitions apply:

Administrative Metadata—elements of information used to manage the records. Examples include but are not limited to information describing the creation of the record, access restrictions, rights management, and retention requirements.

Agency Record—a record as defined by R.S. 44:402.

Analog Record—a non-digital record, such as a paper document or a photographic print.

Capstone Approach to Email Management—an approach to email management developed by the National Archives and Records Administration (NARA) in which agencies can categorize and schedule email based on the work and/or position of the email account owner.

Checksum—a sum derived from the bits of a segment of an electronic file, against which later comparisons can be made to detect if an electronic file has been altered or corrupted during storage or transmission.

Conversion—the process of moving data from one format to another. Examples include but are not limited to scanning paper documents to create electronic files or microfilm.

Descriptive Metadata—elements of information used to describe the intellectual content of the record. Examples include but are not limited to the record's title, creator, date of creation, and contents. Descriptive metadata support the discovery of the record.

Electronic Mail (Email)—a system that enables an agency to compose, transmit, receive and manage text and/or graphic electronic messages and images across networks and through gateways connecting other local area networks.

Imaging—the process of reproducing the appearance of records through scanning or microphotographic processes.

Long-Term Record—a record with a total retention requirement of over 10 years but less than permanent.

Metadata—information about a record that describes the context, content, and structure of a record and supports the management, discoverability, and preservation of the record.

Migration—the act of transferring records from one information system or storage media to another.

Permanent—a record with a total retention of life of the state and intended to be maintained in perpetuity.

Records Series—a group of related or similar records, regardless of medium, that may be filed together as a unit, used in a similar manner, and typically are evaluated as a unit for determining retention periods.

Short-Term Record—a record with a total retention requirement of 10 years or less.

Structural Metadata—elements of information that describe how the parts of a record relate to one other and how the record itself relates to other records.

Technical Metadata—elements of information that describe the properties of computer files, the hardware or software used to create them, and the parameters used by systems to render them. Examples include but are not limited to the file's byte size, file format and version, color encoding, the type of equipment used to make the file.

Transitory—transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:1875 (November 2025).

§1303. General

A. The head of each agency must establish internal policies to manage the agency's electronic records that ensure:

1. the agency can access and use all electronic records in its custody for the full durations of the records' retention periods, which are listed on the agency's approved retention schedule;
2. the agency is able to locate and destroy electronic records that have met retention and are approved by the state archivist for destruction;
3. the agency maintains ownership and access to its electronic records whether the records are stored in a public, private, or community cloud, a contracted environment, or under the agency's control;
4. the agency upgrades or replaces technology (hardware, software, storage media, file formats, etc.) used to store, operate, access, and use the records, as needed, throughout the lifecycles of the records, in order to maintain the accessibility, usability, and integrity of the records; and
5. the agency protects the integrity of the electronic records by developing a cybersecurity incident response plan to minimize the impact of malware, ransomware, and other cybersecurity incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:1876 (November 2025).

Subchapter B. Louisiana State Archives Imaging Policy

§1304. General

A. In accordance with R.S. 44:415, all agencies shall contract with the Louisiana State Archives for imaging services or comply with the conversion standards and disposal request procedures established by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1876 (November 2025).

§1305. Compliance

A. In accordance with R.S. 44:36 and 44:39, agencies are required to exercise diligence and care in preserving the records in its custody. Agencies must ensure any record they convert to electronic format remains unalterable, accessible, and usable for the entirety of the record's retention period as specified in the agency's approved retention schedule.

B. Agencies must carefully consider the potential risks associated with discarding the original paper record and maintaining the record only in electronic format. Electronic records are more fragile than paper records. File formats, hardware, software, and storage media rapidly become obsolete and unusable. The technology agencies use today may not be available or supported in the future. As a result, the electronic records may not be readable or accessible by replacement technology.

C. Statewide agencies considering whether to image records for the sole purpose of saving storage space should first consider the following:

1. If the records have met retention and no longer support the business functions of the agency, the agency should submit Form SS ARC 930 (Request for Authority to Dispose of Records) to the state archivist for approval to destroy the records. The records do not need to be imaged. See Chapter 9. Destruction of Public Records.
2. If the records are seldom accessed and have a retention period of less than 10 years, the agency should request to store its records in the State Records Center. The records do not need to be imaged. See Chapter 5. Storage of Records in State Records Center.
3. If the records are older than 50 years old, possess historical value, or have a permanent retention period deemed by law, the records may be eligible for transfer to the custody of the Louisiana State Archives for permanent preservation. The agency should contact the Louisiana State Archives for an appraisal of the records. See Chapter 7. Transferring Records for Inclusion in the Archives Collection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:1876 (November 2025).

§1306. Electronic Records Conversion Agreement

A. In accordance with R.S. 44:39 and 44:415, agencies who wish to convert records from analog format to electronic format and destroy the original analog records must obtain prior written approval from the state archivist, agree to comply with the document conversion standards established by the Louisiana State Archives in Form SS ARC 970 (Electronic Records Conversion Agreement), and submit a

listing of the records series they wish to convert. To request approval, an agency shall submit to the state archivist the following:

1. Form SS ARC 970 (Electronic Records Conversion Agreement). The form must be signed by the head of the agency. The agreement is valid for five years.

2. A listing of all the records series the agency wishes to convert on Form SS ARC 972 (Electronic Records Series List).

B. If an agency wishes to seek approval to convert additional records series after the initial agreement has been approved by the state archivist, the agency must submit Form SS ARC 972 (Electronic Records Series List) listing the newly requested records series as an addendum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1876 (November 2025).

§1307. Imaging Standards

A. When converting analog records to electronic format, agencies must ensure imaging processes are defensible. The agency must be able to demonstrate:

1. the imaging of the records does not expose the agency to any undue risk;

2. the electronic version of the record is a true and accurate copy of the original source record;

3. the agency can use the electronic version of the record for all the purposes the original record served, including the ability to attest to transactions and activities;

4. all imaging processes are documented and usable as evidence and that all relevant imaging standards have been met; and

5. the records remain secure throughout the imaging process, minimizing the risk of unauthorized additions or deletions.

B. Any enhancements agencies use in the imaging process (for example, deskewing, sharpening, despeckling, cropping, contrast adjustment, brightening, and gamma correction) must not remove any of the original content of the records and must be documented.

C. Agencies must define specific metadata to access and manage the records efficiently:

1. the metadata must be sufficient to understand the content, context, and structure of the records;

2. the metadata must be sufficient to understand the relationships among the imaged records with each other and any associated records that may be maintained in their original analog format;

3. the metadata must be sufficient to identify and later retrieve the records; and

4. the metadata should include administrative, descriptive, structural, and technical metadata elements.

D. Agencies must implement the following quality control procedures:

1. provide training for all staff who are involved in the imaging process;

2. account for all records in the project's scope before the imaging process, and document any missing records or gaps in coverage found in the original source records;

3. verify that all pages and information contained in the original source records, including attachments, have been captured by visually comparing source records with their

imaged versions and by referring to box lists, folder title lists, and other inventories;

4. verify the pages remain in their original order or are organized in the most accessible order;

5. verify the electronic files can be opened, viewed, are readable, and are not dimensionally distorted, do not have any information that is cropped, and do not have any content obscured by imaging artifacts;

6. ensure electronic files are named according to the agency's naming conventions;

7. verify the metadata is complete and accurate; and

8. ensure that if the agency contracts with a vendor for imaging services, the vendor complies with the Louisiana State Archives' imaging standards.

E. Agencies should follow the technical guidelines specified in the *Federal Agencies Digital Initiative's Technical Guidelines for Digitizing Cultural Heritage Materials, Third Edition* or any superseding guidelines produced by a relevant authority.

F. Agencies must maintain their records according to the standards put forth in Subchapter C. Maintenance of Electronic Records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:1877 (November 2025).

§1309. Retention of Original Source Records

A. Agencies must maintain the following records in their original analog format after conversion to electronic format:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;

2. records that are not listed on the agency's approved retention schedule; and

3. records that are currently under a litigation hold, even if the records series has been previously approved for conversion by a signed SS ARC 970 (Electronic Records Conversion Agreement).

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:1877 (November 2025).

§1311. Disposition of Original Records after Imaging

A. Agencies may dispose of the original source records after the records are converted to electronic format provided:

1. the agency has met the requirements of §1306 and §1307; and

2. the agency has submitted Form SS ARC 930 (Request for Authority to Dispose of Records) to the Louisiana State Archives and has received approval to destroy the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:1877 (November 2025).

Subchapter C. Maintenance of Electronic Records

§1313. Electronic Records Preservation.

A. In accordance with R.S. 44:39 and 44:411, agencies must establish and maintain a program for the maintenance, access, use, security, and preservation of the records in its custody.

B. Agencies must ensure they can locate, retrieve, access, and use the electronic records for the entirety of the records' retention periods.

1. Agencies should name electronic records at the point of creation. File names must convey enough information to allow the records to be easily retrieved for discovery, public information requests, disposition, and operational use.

2. Agencies must monitor if the retention period for any record series is longer than the life of the information system the agency is using to store, access, or use the records.

3. Agencies must convert a record's file format to a usable format if its current file format is at risk of becoming obsolete.

4. Agencies must carry out system upgrades of hardware and software when needed to ensure continued access and use of the records.

5. Agencies must migrate records to a new information system before the records' current system becomes inoperable.

6. Agencies must ensure any migration of records does not neglect inactive records or records stored offline.

7. Agencies must retain responsibility for managing their electronic records, regardless of whether the records reside in a public, private, or community cloud, a contracted environment, or under the agency's physical control.

8. Agencies must monitor changes to third-party terms of service that may alter the management of records.

9. Agencies must ensure that if the records are stored in a proprietary system, the agency has an exit strategy, which allows the agency to retain legal ownership of the records and have the records returned in a usable format should the agency or vendor terminate the contract.

C. Agencies must create metadata to access and manage the electronic records.

1. The metadata must be sufficient to understand the content, context, and structure of the records.

2. The metadata must be sufficient to understand the relationships between the electronic records with each other and any associated records.

3. The metadata must be sufficient to identify and later retrieve the records.

4. The metadata should include administrative, descriptive, structural, and technical metadata elements.

5. When migrating records between information systems or converting to new file formats, agencies must ensure informational content remains unaltered and that sufficient metadata describing the context and structure of the records is retained so the records can be used for all the same business purposes as the source records.

6. When migrating records to a new information system, all records and associated metadata in the originating system must be retained until the migration is complete and the destination system has been deemed reliable and secure.

D. Agencies must preserve the integrity of the records.

1. Agencies must monitor and review access rights and permission rules for electronic records regularly.

2. Agencies must have controls for file integrity monitoring to prevent unauthorized use, alteration, concealment, or deletion of records such as checksums, audit trails, and access lists.

3. Agencies must ensure they have appropriate security and records management controls in place to manage the records throughout the records' entire lifecycle including preventing the unauthorized access to, alteration of, or disposal of records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1878 (November 2025).

Subchapter D. Electronic Mail (Email) Guidelines

§1321. Retention of Email

A. An email is classified into a record series based on its content not its format. Email should not be treated as a single records series for retention scheduling purposes. Email should be incorporated into existing records series maintained by an agency.

B. An email must be maintained for the full time period specified in the retention schedule for its associated records series.

C. Agencies may adopt a Capstone or modified Capstone approach to email management and categorize and schedule emails based on the work and/or position of the email account owner. Agencies should refer to NARA Bulletin 2013-02, "Guidance on a New Approach to Managing Email Records" or any superseding guidelines developed by the same authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1878 (November 2025).

§1323. E-Mail Is Not a Records Series

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), repealed LR 51:1878 (November 2025).

§1325. Transitory Records and Non-records Emails

A. Agencies are encouraged not to maintain emails that are transitory records or non-records. Agencies may delete them immediately without obtaining approval from the state archivist.

1. Transitory records. Transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

2. Non-records. Non-records are kept only for convenience or reference purposes. They do not document an agency's business.

3. Examples of transitory records and non-records include but are not limited to the following: unsolicited and junk emails not related to agency work, listserv and other email broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e., cake in the conference room, staff meeting moved from 2 p.m. to 3

p.m.), personal non-work related emails received by employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:1878 (November 2025).

§1327. Maintenance of Electronic Mail

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), repealed LR 51:1879 (November 2025).

§1329. User Responsibilities

A. It is the responsibility of the user of the email system to manage email messages according to their agency's retention schedule.

1. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message.

B. When an email is sent to multiple recipients in the transaction of official business:

1. The creator of the email must retain the email and consider it a record.

2. If the recipient of the email takes any action in response to the email, the recipient must retain the email and consider it a record.

3. If the recipient receives the email for information purposes only and does not take any action in response to it, the email is considered transitory and may be deleted. Agencies are encouraged to use the "cc" designation to indicate to the recipient they were included for information purposes only.

C. User responsibilities may be mitigated by the use of a server level automated classification system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:1879 (November 2025).

§1331. Agency Responsibilities

A. Each agency should adopt and disseminate to the employees the agency policy governing the proper use of email, messaging, and collaborative software. The policy should:

1. define official use and set limits on personal use of agency email, messaging, and collaborative software;

2. prohibit the use of agency email, messaging, and collaborative software to promote discrimination (on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference), promotion of sexual harassment, or to promote personal, political, or religious business or beliefs;

3. prohibit employees from sending electronic messages under another employee's name without authorization;

4. prohibit the altering of electronic messages including any attachments;

5. establish the agency process for storing and maintaining electronic messages for the duration of the message's retention period;

6. alert users of an agency's electronic messaging systems that they should not expect a right of privacy and that

electronic messages may be monitored for compliance and abuse; and

7. establish which messaging services and collaboration softwares are acceptable for use in conducting agency business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:1879 (November 2025).

§1333. Use of Records Management Application (RMA) Software

A. Agencies may use records management application (RMA) software to manage records in digital form. RMA software categorizes and locates records and identifies records that are due for disposition. RMA software also stores, retrieves, and disposes of the electronic records that are stored in its repository. Agencies should use RMA software that complies with DoD 5015.2-STD, "Design Criteria Standard for Electronic Records Management Software Applications," as issued by the U.S. Department of Defense or any superseding standards that may be issued by a relevant authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:1879 (November 2025).

Chapter 15. Microfilm Policy

§1501. General

A. This policy applies to the microfilming of any agency record that is to be maintained solely in microfilm format and to all microfilm which is created or maintained for the full retention period of the record as a preservation copy of an agency record. This policy does not apply to access film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:1879 (November 2025).

§1503. Definitions

A. The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these Sections have the meanings defined in the R.S. 44:402.

Access Film—microfilm copies of records created only for convenience of use and considered non-records under R.S. 44:402.

Aperture Card—card with a rectangular opening(s) into which 16mm/35mm microfilm frames can be inserted, mounted, or pre-mounted.

Batch—a quantity of chemicals or film which has been prepared at one time and which has been identified through labeling or through other means by the manufacturer as a batch or lot.

CAD (Computer Aided Design)—a method of creating microimages by computer-driven laser.

Certification by the Camera or Scanner Operator—a target photographed on film following the filmed records that provides identification of beginning and ending records on the film, signature of the scanner or camera operator, date the certification was filmed, and reduction range if more than one ratio has been used.

Diazo—a photographic film containing one or more photosensitive layers composed of diazonium salts in a polymeric material which react with coupler(s) to form an azo dye image after film processing.

Duplicate Microfilm—a microfilm copy made from the original or master negative. It can be silver, diazo, or vesicular film.

Essential Record—any agency record necessary to resume or continue an agency's business, to recreate its legal and financial status, and to preserve the rights of the agency, its employees, and its clients. It is also known as a vital record.

Microfilm—roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of reduction on film.

Microfilm Container—generic term for any enclosure in close or direct contact with film such as a reel, can, bag, folder, sleeve (sheath), jacket, envelope, window mount or mat, slide mount, carton, cartridge, cassette, and aperture card.

Microfilming—the methods, procedures, and processes used to produce microfilm.

Original Microfilm—first generation of film produced when records are filmed.

Silver Original—first generation silver-gelatin film or other archival quality film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:1879 (November 2025).

§1505. Access to Referenced Standards and Practices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:1880 (November 2025).

§1507. Retention Schedule Compliance

A. Microfilming of records must be in compliance with an approved agency retention schedule. For microfilm maintained as roll film, no more than one records series is permitted on each roll of microfilm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), amended LR 51:1880 (November 2025).

§1508. Retention of Original Source Records

A. Agencies must maintain the following records in their original analog format after microfilming:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;
2. records that are not listed on the agency's approved retention schedule; and
3. records that are currently under a litigation hold.

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:1880 (November 2025).

§1511. Annual Report Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:1880 (November 2025).

§1513. State Centralized Microfilm Unit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003) repealed LR 51:1880 (November 2025).

§1515. Film Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:1880 (November 2025).

§1523. Image Sequence

A. Image sequence on roll microfilm must include at a minimum:

1. leaders with a minimum of 3 feet (36 inches) of blank film;
2. a density target and resolution target;
3. a title page (including agency of record);
4. a records series identification page;
5. records on film;
6. a certification by camera or scanner operator;
7. a density target and resolution target; and
8. a trailer with a minimum of 3 feet (36 inches) of blank film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1880 (November 2025).

§1525. Retake Sequence

A. Filming sequence for retakes and additions on all microfilm must include:

1. title target identifying the retake or addition records;
2. the retake or addition records; and
3. certification of the camera or scanner operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1880 (November 2025).

§1529. Quality Control

A. Original processed microfilm must be visually inspected according to the following procedures:

1. A visual inspection of microfilm within two weeks of creation must be completed to verify legibility.
2. Images of documents must be uniformly placed on the film and must be free of any defects in the filming area that would interfere with the documents being read.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1880 (November 2025).

§1531. Film Imaging and Ancillary Equipment

A. It is recommended that film imaging equipment be calibrated, tested, or otherwise inspected and adjusted at least twice annually or more often if required to comply with manufacturer's specifications or recommended operating and maintenance procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1881 (November 2025).

§1533. Storage of Original Microfilm

A. Original film should be stored in a separate building from where duplicate copies or the original record are housed. In addition, films of different generic types should not be stored in the same storage room/vault or in rooms sharing common ventilation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1881 (November 2025).

§1535. Storage of Original Microfilm at State Archives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), repealed LR 51:1881 (November 2025).

§1537. Storage Environment

A. Original microfilm should be stored in a storage room or vault that:

1. conforms to ISO 18911:2010 or any superseding standards that may be issued by a relevant authority;
2. offers protection from fire, water, steam, structural collapse, unauthorized access, and other potential hazards; and
3. has adequate temperature and humidity controls:
 - a. Temperature should not exceed 70 degrees Fahrenheit, with temperatures of 55 degrees Fahrenheit being preferable.
 - b. Relative humidity should not exceed 50 percent, with a maximum variation of plus/minus 5.0 percent relative humidity in a 24-hour period.
 - c. Due to Louisiana's high temperatures and humidity, agencies may not be able to achieve ideal storage conditions. Agencies should strive for consistency and avoid dramatic fluctuations in temperature or humidity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:1881 (November 2025).

§1539. Containers and Storage Housing

A. Storage housing materials must be noncombustible and non-corrosive. Microfilm containers for original microfilm must:

1. be used for processed microfilm to protect the film and facilitate identification and handling;

2. be chemically stable materials such as non-corrodible metals (anodized aluminum or stainless steel), peroxide-free plastics, and acid-free paper to ensure no degradation is caused to the images; and

3. be stored in a closed housing or may be stored on open shelves or racks if the film is in closed containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:1881 (November 2025).

§1541. Inspection of Stored Original Microfilm

A. Inspection of stored original microfilm may be conducted in accordance with the following standards:

1. ISO 18911:2010;
2. ANSI/AIIM MS45;
3. ANSI/AIIM TR13;
4. ANSI/NAPM IT9.1; or
5. any superseding standard that may be issued by a relevant authority.

B. When inspection is done, the sample of microfilm to be inspected for each storage room or vault, if more than one, must be 1/1000th of the total volume of stored microfilm or at least 100 microforms (rolls, jackets, microfiche, aperture cards, COM, etc.), whichever is greater. Sampling procedures must be established that will assure that all parts of the group of microfilm are represented.

C. Inspection must be conducted every five years. Microfilm that has been stored under temperature and/or humidity conditions other than those specified in this policy must be inspected every two years.

D. Containers used to store the film must be inspected for evidence of rust, corrosion, or other deterioration and replaced, if needed.

E. Original microfilm must be inspected on a light box with rewinds or comparable equipment which will not scratch the film.

F. If deterioration is found, a more extensive inspection must be conducted to locate all deteriorating film.

G. Any deteriorating film must immediately be removed from the storage area and the problem corrected before returning the film to storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:1881 (November 2025).

§1543. Computer Output Microfilm (COM)

A. All policies for COM are the same as other microfilm formats, except:

1. the COM original must be wet processed silver-gelatin film for essential records and records with a retention of 10 years or more;
2. the following standards for production, testing, and inspection of COM are recommended:
 - a. ANSI/AIIM MS1;
 - b. ANSI/AIIM MS5;
 - c. ANSI/AIIM MS28;
 - d. ANSI/AIIM MS39;
 - e. ANSI/AIIM MS43;
 - f. ANSI/NAPM IT9.17; or
 - g. any superseding standard that may be issued by a relevant authority.

B. If bar coding is used, the procedures in technical report AIIM TR12 should be followed.

C. The COM original must be visually inspected every 10 feet.

D. Eye-legible titling information must include the following:

1. name of agency;
2. records series title;
3. date(s) of records; and
4. starting and/or ending indexing information.

E. A reduction ratio not exceeding 48:1 must be used.

F. Adherence image sequence for filming, mentioned in this policy, is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:1881 (November 2025).

§1545. Jacketing

A. All policies for jacketed microfilm are the same as other microfilm formats except:

1. original microfilm may be placed in a jacket, if there is a security copy stored in the same fashion as original microfilm;

2. jacket header information should include a record identifier (name, number). If no security copy exists, the following must be included in the jacket header information:

- a. name of agency;
- b. records series title;
- c. date(s) of records; and
- d. starting and/or ending indexing information.

B. Header information must be created with a black carbon-type ribbon or ink that will not bleed, spread, or transfer.

C. Microfilm jackets should comply with ANSI/AIIM MS11 or any superseding standard that may be issued by a relevant authority.

D. The procedures in AIIM TR11 are recommended for the jacketing of film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:1882 (November 2025).

§1549. Expurgements

A. Such action must comply with statutory law.

1. If roll film is spliced, the following information must be inserted in place of the expunged record(s):

- a. a start of expungement target;
- b. replacement documents for documents that were expunged (if necessary); and
- c. an expungement certificate containing the following information:
 - i. the number of the district court ordering the expungement;
 - ii. the signature, printed name, and title of the custodian of expunged records; and
 - iii. the date of expungement.

B. Images on film must not be expunged by punching holes through film, by using opaque, by blotting images with ink-type pen, or by using chemical means such as potassium dichromate (bleach) on film emulsion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended LR 51:1882 (November 2025).

§1551. Destruction of Microfilmed Records

A. Microfilmed records must be destroyed only in accordance with R.S. 44:411. Microfilmed records scheduled for destruction must be disposed of in a manner that ensures protection for any sensitive or confidential information. Destruction of records on a roll of microfilm containing multiple records series must be done by destroying the whole roll of film at the time the records on the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced, a destruction notice containing the following information must be inserted in place of the deleted records:

1. the records series title and the inclusive dates of the records;
2. the signature and printed name of the agency records officer approving deletion of the records; and
3. the date of the deletion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended LR 51:1882 (November 2025).

§1553. Documentation and Record Keeping

A. Microfilm Production

1. The agency's records officer must require documentation to be maintained that identifies titles of records filmed, dates records filmed, disposition of records after filming, dates film processed, disposition of film, reduction ratio used, records series contained on each roll of microfilm, and equipment on which each microfilm was filmed and processed. The documentation must be retained until final disposition of all microfilm documented in the log or equivalent.

B. Inspection of Stored Microfilm

1. The following information must be recorded for each inspection of stored microfilm:

- a. the quantity and identification of microfilm inspected;
- b. the condition of the microfilm including description of any deterioration;
- c. any corrective action required;
- d. the date(s) of inspection and signed certification of inspector; and
- e. the date any corrective action was completed.

2. The inspection log of stored microfilm must be maintained by year and within each year numerically according to microfilm identifier or number.

C. Agency microfilm programs must be reviewed yearly by the agency's records officer for compliance with R.S. 44, Chapter 5, and this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended LR 51:1882 (November 2025).

RULE

**Department of Transportation and Development
Office of General Counsel**

Personnel (LAC 70:XXI.Chapter 1)

Notice is hereby given in accordance with the provisions of the Administrative e Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 36:504 that the Department of Transportation and Development repeals LAC 70:XXI, which sets out the Department's Substance Abuse and Drug-Free Workplace Policy. LAC 70:XXI regulates only the internal management of the agency (i.e., Department of Transportation and Development employees), and therefore does not fit the statutory definition of Rule found in R.S. 49:951. Furthermore, the Department of Transportation and Development's Policy and Procedure Manual Number 21 contains similar directives to govern employees. Therefore, LAC 70:XXI should not be a Rule. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part XXI. Personnel

**Chapter 1. Substance Abuse and Drug-Free
Workplace Policy**

§101. Philosophy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§103. Employment Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§105. Drug/Alcohol Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§107. Drug Testing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§109. Alcohol Testing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§111. Confidentiality

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§113. Enforcement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§115. Employee Assistance Program (EAP)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§117. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§119. Appendix A

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

§121. Appendix B

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:542 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1883 (November 2025).

Glenn Ledet, Jr.
Secretary

RULE

Department of Transportation and Development Office of General Counsel

Pipe Bursting/Crushing (LAC 70:II.Chapter 19)

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. 36:504, that the Department of Transportation and Development has amended LAC 70:II.Chapter 19, entitled "Pipe Bursting/Crushing", which regulates the trenchless replacement of permitted water or sewer pipes situated within the department's rights-of-way. These amendments are intended to clarify and simplify these rules. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part II. Utilities

Chapter 19. Pipe Bursting

§1901. Definitions

ASTM—American Society for Testing and Materials International—is a standards organization that develops and publishes voluntary consensus technical international standards for a wide range of materials, products, systems and services.

High Density Polyethylene Pipe (HDPE)—is a type of flexible plastic pipe used to transfer fluids and gases. It is often employed for replacing aging concrete or steel main pipelines.

Hydraulic Moling Device—a pneumatically-driven machine that forces through soil along the path of the pipe for trenchless replacement of small-diameter pipes.

Louisiana One Call—a toll free number that allows a caller to simultaneously notify many underground utility operators or facilities of the caller's intent to dig in a certain area.

Moling—a trenchless construction technique that uses a specialized tool called a "mole" to create a borehole under the ground, typically for installing pipes, cables, or other utilities.

Pipe Bursting—a trenchless pipe replacement method where an existing pipe is broken by brittle fracture or by splitting, using an internal, mechanically applied force by a bursting tool.

Pneumatic Hammer—a hand tool used to carve in stone, and to break or cut metal objects.

Sag Elimination Pit—is a specialized excavation used to fix sagging pipes, typically in sewer systems.

Standard Dimension Ratio (SDR)—a measure used in the pipe industry to indicate the relationship between a pipe's outer diameter and its wall thickness.

1. The permittee may use one of the following methods for pipe bursting:

- a. a hydraulic moling device or pneumatic hammer
 - i. The pneumatic hammer shall be the smallest diameter necessary to break out the old pipe;
 - ii. The use of oversized hammers is prohibited.
 - iii. A hydraulic winch may be used to aid the forward progress of the moling device.
- b. a modified boring knife with a flared plug that implodes and breaks the existing sewer pipe;
 - i. A hydraulic winch may be used to aid the forward progress of the boring knife.

c. Replacement pipe may be pulled or pushed into place using hydraulic force when the replacement pipe is the same size as, or up to two sizes larger than, the existing pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1884 (November 2025).

§1903. Applicability and Liability

A. Pipe bursting shall be used to replace water or sewer pipes only, and only with the department's approval.

B. The fragments of the old pipe remaining in the soil shall not be considered abandoned until the replacement pipe is abandoned.

C. The permittee is responsible for the replacement pipe and the fragments of the old pipe. The replacement pipe and the fragments of the old pipe can only be abandoned as provided for in §515.B.8 of Chapter 5 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1884 (November 2025).

§1905. Responsibility for Overflows and Spill

A. The permittee shall be responsible for scheduling and performing the work so that the permittee does not cause or contribute to overflows or spills from a sewer system.

B. If the permittee's activities cause or contribute to overflows or spills, the permittee shall take appropriate action immediately, as follows:

1. contain and stop the overflow;
 2. clean the spillage;
 3. disinfect the area affected by the overflow or spill;
- and
4. notify the owner in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1884 (November 2025).

§1907. Indemnification

A. The permittee shall indemnify and hold harmless the department against any fines or third-party claims for personal injury or property damage arising out of a spill or overflow that partially the responsibility of the permittee contributes to or causes. This indemnification shall include all legal expenses including attorneys' fees, engineering expenses, and administrative expenses incurred by the department in defending such fines and claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1884 (November 2025).

§1909. Materials

A. The permittee shall use replacement pipe that meets the following minimum requirements:

1. The replacement pipe shall be High Density Polyethylene (HDPE) Pipe manufactured from a high density, high molecular weight polyethylene resin which conforms to ASTM D-1248 and meets the requirements for Type III, Class A, Grade P34, Category 5, and has a PPI rating of PE 3408, when compounded.

a. The pipe produced from this resin shall have a minimum cell classification of 345434D or E (inner wall shall be light in color) under ASTM D3350.

2. The pipe shall be made from virgin material. No reworked material shall be used except that obtained from the manufacturer's production of the same formulation.

B. Before commencement of work, the permittee shall submit to the department for approval, the vendor's technical data, which shall include details about the physical properties of the pipe and pipe dimensions.

C. The Standard Dimension Ratio (SDR) classification for various depths shall be as follows.

1. The permittee shall specify the SDR for the various depths listed in Table I.

2. The depth shall be measured from the upstream and downstream manhole rim to the invert (the lowest point inside the pipe, where fluid begins to flow) of the existing sewer in the pipe segment to be replaced.

3. The SDR shall be selected for the deeper of the two manholes for a given pipe segment.

Table I	
Polyethylene Pipe SDR	
(Applicable SDR for Depth Range)	
HDPE Pipe SDR	Maximum Depth (Feet)
21	10
17	20

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1884 (November 2025).

§1911. Backfill

A. The permittee shall backfill and tamp all excavations within the limits of the right-of-way. The permittee shall backfill and tamp dirt-in layers to the density of the adjacent undisturbed soil.

B. Where the permittee removes or destroys sod, the permittee shall replace the sod.

C. Where it is necessary to make excavations on the shoulder of the roadway, the permittee shall backfill the top six inches with material that has the same composition as the shoulder material.

D. The permittee shall dispose of existing soil materials that the department deems unsuitable for backfill. The permittee shall use approved disposal methods and replace the unsuitable soil materials with department-approved materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1885 (November 2025).

§1913. Pre-Installation Preparation

A. The permittee shall submit a work plan with the permit application to the department for review and approval. The work plan shall address the following minimum preparation steps.

1. The permittee shall ~~to~~ examine the proposed line segment and notify the department if conditions exist that could cause problems with the pipe bursting method, such as nearby services that could be damaged, existing slabs that could be damaged, or depth of cover that is less than five feet below the surface of the roadway.

2. Prior to performing any excavations, the permittee shall call Louisiana One-Call. If the permittee will be installing any underground facilities (i.e., cable or conduits), the permittee shall be a member of Louisiana One-Call.

3. When pipe bursting under a roadway, the pipe being replaced shall be a minimum depth of five feet below the roadway. The permittee shall locate all adjacent underground utilities. Pipe bursting is prohibited within the greater of three feet or three times the diameter of the replacement pipe, from existing underground utilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1885 (November 2025).

§1915. Pre-Installation CCTV Inspection

A. The permittee shall use closed-circuit television (CCTV) to televise the sewer pipe immediately before the pipe bursting to assure that the existing pipe conditions are acceptable for pipe bursting.

B. If the pre-installation CCTV inspection reveals a sag in the existing sewer that is greater than one-half the diameter of the existing pipe, the permittee shall install the replacement pipe so that the result is an acceptable grade without the sag. The permittee shall eliminate sags using one of the following measures:

1. pipe replacement
2. digging a sag elimination pit and bringing the bottom of the pipe trench to a uniform grade in line with the existing pipe invert, or
3. by other industry-accepted measures approved by the department.

C. Eliminating sags under the roadway is prohibited if it necessitates open cutting the roadway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1885 (November 2025).

§1917. Bypassing Sewage

A. When required for acceptable completion of the pipe bursting process, the permittee shall provide for continuous sewage flow around the section(s) of pipe designated for the installation of replacement pipe.

B. The pump bypass lines shall be of adequate capacity and size to handle the flow.

C. Bypass pumping shall be considered incidental to the installation of the replacement pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1885 (November 2025).

§1919. Access to Worksite and Traffic Control

A. The permittee shall access the work area from the roadway or ramps or from adjacent property, as safety dictates.

B. The permittee shall conduct his operations in accordance with, and shall utilize appropriate traffic control devices as detailed in, the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the Federal Highway Administration under 23 C.F.R. Part 655, Subpart F.

C. The permittee shall restore any disturbed access areas to their original condition upon completion of the work.

D. The permittee shall perform work only during regular daylight hours, Monday through Friday excluding legal holidays, during the department's business hours.

E. When a lane closure on a state highway is necessary, the permittee shall ensure, whenever feasible, that work is not performed between the hours of 7 a.m. and 9 a.m. or between the hours of 3 p.m. and 6 p.m.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1886 (November 2025).

§1921. Installation Process

A. The permittee shall submit information detailing the procedures and steps for the installation of the pipe bursting method selected, even if the process is named in the specification.

B. The permittee shall follow all procedures.

C. The permittee shall submit for the department's approval any proposed.

D. If the permittee damages the roadway, the permittee shall be responsible for repairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1886 (November 2025).

§1923. Insertion Pits

A. The permittee shall plan the location and number of insertion pits and submit the plans in writing for the department's approval prior to excavation.

B. The insertion pits shall be located so that their total number is minimized and the length of replacement pipe installed in a single pull is maximized.

C. Repairs under the roadway are prohibited if they necessitates open cutting the roadway. If the permittee experiences difficulty with the crossing, the permittee shall install a new pipe crossing at his sole expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1886 (November 2025).

Glenn Ledet, Jr.
Secretary

2511#035

RULE

Department of Transportation and Development Office of General Counsel

Recycling of Highway Construction and Maintenance Material (LAC 70:I.501, 503, and 505)

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. 36:504, that the Department of Transportation and Development has amended LAC 70:I.Chapter 5, Recycling of Highway Construction and Maintenance Material, which regulates the department's use of recycled materials for highway construction and maintenance. The amendments simplify these Rules and add the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247, as required by R.S. 30:2415. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part I. Highway Construction

Chapter 5. Recycling of Highway Construction and Maintenance Material

§501. Purpose

A. All items the Department of Transportation and Development (the department) purchases, except road and bridge materials, are subject to the recycling content rules the Office of the Governor, Division of Administration, Office of State Procurement has promulgated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:973 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1886 (November 2025).

§503. Construction

A. Recycling and Use of Materials Containing Recycled Content for Construction Projects

1. Reclaimed asphalt pavement may be:

- a. used in new mix,
- b. blended into base course,
- c. used as aggregate surface course on shoulders and ramps,
- d. delivered to a department maintenance yard for reuse, or
- e. reused as specified in a department contract.

2. Salvaged concrete pavement may be used in base course, asphaltic concrete, or as riprap.

3. Recycled calcium sulfate may be used as an alternate for base course, embankment, and shoulder materials.

B. Recycled Content of Construction Materials

1. To the extent possible, materials purchased for use in department projects, including construction of roads and bridges, shall consider the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 17:973 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1886 (November 2025).

§505. Maintenance

A. Recycling and Use of Materials Containing Recycled Content for Maintenance

1. To the extent possible, materials should be salvaged from construction projects for reuse.

2. Old signs may be made into temporary signs for use until permanent signs are installed, or they may be sold to a salvage company for recycling.

3. Scrap aluminum and steel, and copper wire may be sold to a salvage company for recycling.

4. Signal parts having any value shall be refurbished for reuse, or they may be sold to a salvage company for recycling.

5. Unusable tires and battery cores shall be returned to vendor for credit during the purchase of new tires or batteries.

B. Recycled Content of Maintenance Materials

1. To the extent possible, materials purchased for use in department projects, including maintenance of roads and bridges, shall consider the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:974 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:1887 (November 2025).

Glenn Ledet, Jr.
Secretary

2511#036

RULE

**Department of Transportation and Development
Office of General Counsel**

System Management (LAC 70:V.101, 103, and 105)

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. 36:504 that the Department of Transportation and Development has repealed LAC 70:V, which purports to regulate Department of Transportation and Development officers' and employees' use of state-owned aircraft. Pursuant to R.S. 39:231, the commissioner of administration, with the governor's approval, is authorized to prescribe the conditions under which state officers and employees may use state-owned aircraft in the discharge of their duties. There is no provision

of law that exempts the Department of Transportation and Development's officers or employees from the rules promulgated by the commissioner of administration. There exists no legal authority for the existence of this Part of the *Louisiana Administrative Code*. Therefore, LAC 70.V should be repealed. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part V. System Management

**Chapter 1. Flight Operation Manual Revision
Number 1**

Subchapter A. Provisions

§101. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:116 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1887 (November 2025).

Subchapter B. Scheduling Procedures

§103. Authorized Use of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:117 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1887 (November 2025).

§105. Appointment of the Agency Schedulers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:117 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:1887 (November 2025).

Glenn Ledet, Jr.
Secretary

2511#037

RULE

**Department of Treasury
Deferred Compensation Commission**

Deferred Compensation Plan
(LAC 32:VII.101, 301, 303, 307, 313, 701,
709, 2101, 2103, 2105, and 2107)

In accordance with R.S. 42:1301 et seq., the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, and SECURE 2.0 Act of 2022, the Deferred Compensation Commission has adopted and amended LAC 32:VII.101, LAC 32:VII.301, LAC 32:VII.303, LAC 32:VII.307, LAC 32:VII.313, LAC 32:VII.701, and LAC 32:VII.709 within the Deferred Compensation Plan. In accordance with R.S. 42:1301 et seq. and R.S. 42:17.2 (Act 393 of the 2023 Regular Session), the Deferred Compensation Commission has adopted LAC 32:VII.2101, LAC

32:VII.2103, LAC 32:VII.2105, and LAC 32:VII.2107 within the Deferred Compensation Plan. These rules and amendments are promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The United States Congress passed the SECURE Act and SECURE 2.0 Act. By virtue of these acts, participants in eligible 457(b) plans now have the ability to make deferral elections at any time prior to the date the compensation being deferred is available. These acts also permit participants ages 60-63 years of age to utilize increased catch up. Additionally, these acts impose a three-year re-contribution period for participants who take distributions for qualified birth and adoption events. These acts also provide exceptions to early withdrawal penalties for small distributions for personal emergency expenses, distributions taken by victims of domestic abuse, and distributions for qualified disaster recovery. Lastly, these acts permit a plan administrator to rely on the self-certification of a plan participant that a distribution is being requested due to a valid unforeseeable emergency. The Deferred Compensation Commission adopts these rules and amendments to adopt provisions to incorporate the aforementioned provisions of SECURE and SECURE 2.0 within the Commission's Plan Document. These rules and amendments also provide clarity in regards to a Roth matching contribution.

Furthermore, the Louisiana Legislature passed Act 393 of the 2023 Regular Session. By virtue of this act, certain agencies may hold open public meetings via electronic means provided the agency adopts rules, regulations, and procedures to allow the public to participate in the meeting via electronic means. The Deferred Compensation Commission adopts these rules to adopt provisions to enable open public meetings via electronic means. This Rule is hereby adopted on the day of promulgation.

Title 32

EMPLOYEE BENEFITS

Part VII. Public Employee Deferred Compensation

Subpart 1. Deferred Compensation Plan

Chapter 1. Administration

§101. Definitions

* * *

Designated Roth Account—a separate account maintained by the plan in accordance with IRC §402A and the regulations thereunder for accepting designated Roth contributions. A designated Roth contribution is an elective deferral that would otherwise be excludable from gross income but that has been designated by the participant who elects the deferral as not being so excludable, or a non-elective employer contribution designated as a Roth matching contribution, or an existing account which is converted to a designated Roth account in compliance with the Internal Revenue Code. Any amount in a designated Roth account shall be disregarded for the purposes of calculating required minimum distributions under IRC §401(a)(9).

* * *

Non-Elective Employer Contribution—any contribution made by an employer for the participant with respect to which the participant does not have the choice to receive the contribution in cash or property. Such term may also include an employer matching contribution, including a designated Roth matching contribution.

* * *

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1962 (October 1998), amended LR 28:1494 (June 2002), LR 32:118 (January 2006), LR 37:1617 (June 2011), LR 40:2281 (November 2014), LR 50:1011 (July 2024), LR 51:1888 (November 2025).

Chapter 3. Plan Participation, Options, and Requirements

§301. Enrollment in the Plan

A. The following applies to compensation deferred under the plan.

1. A participant may not defer any compensation unless a deferral authorization providing for such deferral has been completed by the participant and is filed in good order with the administrator. Such election shall become effective no earlier than the first payroll period after such new election is made, and shall continue in effect until modified, disallowed or revoked in accordance with the terms of this plan, or until the participant ceases employment with the employer. With respect to a new employee, compensation will be deferred in the payroll period during which a participant first becomes an employee if a deferral authorization providing for such deferral is executed on or before the first day on which the participant becomes an employee. Any prior employee who was a participant in the plan and either revoked their participant agreement, or is rehired by employer, may resume participation in the plan by entering into a participation agreement, which shall take effect no earlier than the first payroll period after such new participation agreement is entered into by the participant and accepted by the administrator. Any distributions being taken from this plan are to be terminated prior to the resumption of deferrals under the plan. Additionally, if distributions had not begun pursuant to a prior severance from employment, any deferred commencement date elected by such employee with respect to those prior plan assets shall be null and void.

2. In signing the participation agreement, the participant elects to participate in this plan and consents to the deferral by the employer of the amount specified in the participation agreement from the participant's gross compensation for each pay period. Such deferral shall continue in effect until modified, disallowed or revoked in accordance with the terms of this plan. Unless the election specifies a later effective date, a change in the amount of the deferral shall take effect as of the first payroll period after the election is made, or as soon as administratively practicable, if later.

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with IRC § 457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1964 (October 1998), amended LR 28:1495 (June 2002), LR 32:119 (January 2006), LR 37:1620 (June 2011), LR 51:1888 (November 2025).

§303. Deferral Limitations

A. - C. ...

D. A participant who attains the age of 60 but not age 64 before the end of a plan year may make a deferral in excess of the limitations specified in Paragraphs A and C of this §303, up to the amount specified in IRC §414(v)(2), as such amounts are adjusted in accordance with IRC §414(v)(2)(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1964 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 51:1888 (November 2025).

§307. Participant Modification of Deferral

A. The participant shall be entitled to modify the amount (or percentage) of deferred compensation with respect to compensation payable no later than the close of the payroll period the compensation is earned, or as soon as administratively practicable, if later, provided such modification is entered into by the participant and accepted by the commission. Notwithstanding the above, if a negative election procedure has been implemented pursuant to §301.A.4, a participant may enter into or modify a participation agreement at any time to provide for no deferral.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 51:1889 (November 2025).

§313. Re-Enrollment

A. A participant who revokes the participation agreement as set forth in §311.A may execute a new participation agreement to defer compensation payable no earlier than the payroll period after the election is made, or as soon as administratively practicable, if later, provided such new participation agreement is executed by the participant and accepted by the commission.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:121 (January 2006), LR 51:1889 (November 2025).

Chapter 7. Distributions

§701. Conditions for Distribution

A. Payments from the participants § 457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 5. ...

6. the participant makes a qualified birth or adoption distribution pursuant to §113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant's birth or adoption certificate for purposes of determining eligibility. Any individual who receives a qualified birth or adoption distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

7. the participant makes an emergency personal expense distribution in accordance with IRC §72(t)(2)(I). The commission or plan administrator may rely on a written certification by the participant that the distribution meets the requirements of IRC §72(t)(2)(I). Any individual who receives a distribution under the terms of this paragraph may, at any time during the 3-year period beginning on the day after

the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

8. the participant is a domestic abuse victim and takes a distribution in accordance with IRC §72(t)(2)(K). The commission or plan administrator may rely on a written certification by the participant that the distribution meets the requirements of IRC §72(t)(2)(K). Any individual who receives a distribution under the terms of this paragraph may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

9. the participant makes a qualified disaster recovery distribution in accordance with IRC §72(t)(2)(M). Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with IRC § 457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 50:1011 (July 2024), LR 51:1889 (November 2025).

§709. Unforeseeable Emergency

A. If a participant has incurred a genuine unforeseeable emergency and no other resources of financial relief are available, the commission may grant, in its sole discretion, a participant's request for a payment from the participant's account. Any payment made under this provision shall be in a lump sum.

1. The commission shall have the right to request and review all pertinent information necessary to assure that hardship withdrawal requests are consistent with the provisions of IRC §457. The commission may rely on a written certification by the participant that the distribution is made when the participant is faced with an unforeseeable emergency of a type which is described in the Internal Revenue Code and the regulations thereunder, not in excess of the amount required to satisfy the emergency need, and that the participant has no alternative means reasonably available to satisfy such emergency need.

A.2. - B.7. ...

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1968 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 37:1621 (June 2011), LR 51:1889 (November 2025).

Chapter 21. Open Meetings via Electronic Means

§2101. Agency Eligibility

A. The commission meets the criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:1889 (November 2025).

§2103. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the Commission shall post the following on the Division of Administration's website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:1890 (November 2025).

§2105. Electronic Meeting Requirements and Limitations

A. The commission shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

B. To the extent practicable, a schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings may be posted on the Division of Administration's website on an annual basis.

C. All members of the commission, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

D. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the Division of Administration's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:1890 (November 2025).

§2107. Disability Accommodations

A. In the event it has the capability to do so, the Commission shall provide an opportunity for people with disabilities, or their designated caregiver, to participate in any electronic meeting via electronic means, provided that the person with a disability or their designated caregiver request such accommodation prior to the meeting. If the Commission determines it does not have the above-referenced capability, it shall provide for a viable alternative method for participation in electronic meetings by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, or viable alternative method, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:1890 (November 2025).

Beverly Hodges
Chairperson

2511#006

RULE

Department of Treasury Municipal Employees' Retirement System

Municipal Employees' Retirement System
(LAC 58:XXV.Chapters 2, 3, 8, and 10)

In accordance with the Administrative Procedures Act, R.S. 49:950. et seq., the Municipal Employees' Retirement System amends the Rules it adopted in 2022, pursuant to the authority of R.S. 11:1823, in the areas of elections, community property, and documents required for applications for disability retirement and the Deferred Retirement Option Program. The amendments are to comport with Act 28 of 2024, the requirements of an election services vendor, a policy of the board of trustees, and current practices. This Rule is hereby adopted on the day of promulgation.

Title 58

RETIREMENT

Part XXV. Municipal Employees' Retirement System Chapter 2. Elections

§201. Active Eligible Candidates

A. An active member candidate for a non-elected position on the board of trustees must be an active member of the system with at least six years of creditable service.

B. - C. ...

D. An active member candidate for an elected official position must be holding an office elected through the state election code and must have four years of service credit.

E. - G. ...

H. Only active members, as described for candidates, may vote for an active member candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), amended LR 51:1890 (November 2025).

§203. Retiree Eligible Candidates

A. - B. ...

C. Only retirees may vote for a retiree member candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), amended LR 51:1890 (November 2025).

§207. Specific Schedule of Elections

- A. The schedule for elections shall be as follows.
1. nominations open on the first business day of April;
 2. nominations close by noon of the last business day of April;
 3. ballots will be mailed by the last business day of May;
 4. - 7. ...
 8. run-off ballots will be mailed no later than 14 business days after the last business day of June;
 9. run-off ballots are due no later than 30 calendar days after the run-off ballots are required to be mailed. If this day falls on a weekend or holiday, then ballots are due by the next business day;
 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), amended LR 51:1891 (November 2025).

§215. Election Process

A. Approximately five months before the expiration of a trustee's term, the director will issue a notice of the upcoming vacancy on the MERS' website and send a notice to participating employers.

B. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), amended LR 51:1891 (November 2025).

Chapter 3. Employer Agreements

§301. Employer Agreements

A. - D. ...

E. The board of trustees must approve an agreement for coverage by a majority vote at a public meeting before coverage is extended. An agreement should not be approved in the six months preceding an election which could result in a change of leadership for the employer.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1733.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), amended LR 51:1891 (November 2025).

Chapter 4. Community Property

§401. Spousal Rights

A. ...

B. A divorced member of MERS should provide a certified copy of a judgment of divorce and/or community property settlement document indicating that their ex-spouse relinquishes their interest in the member's benefit paid by MERS. Alternatively, the member should provide a certified copy of a Domestic Relations Order (DRO) signed by a judge and indicating how their retirement benefit must be shared with their former spouse. A certified copy of a signed court order other than a DRO dividing retirement benefits must be approved by the Executive Director prior to implementation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:291 and 1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), amended LR 51:1891 (November 2025).

Chapter 8. Disability Retirement

§801. Application Process

A. ...

B. Disability applications will be processed upon receipt of the following:

1. disability application by the member;
2. disability report by supervisor;
3. member statement of disabling condition;
4. copies of all medical records pertaining to the disability;
5. authorization to request income information from the member;
6. authorization for direct deposit;
7. copy of member's birth certificate and Social Security card;
8. copy of beneficiary's birth certificate and Social Security card, if applicable;
9. spousal consent form if legally married and maximum option is chosen;
10. copy of certificate of elected service if the member is an elected official in Tier 1;
11. copy of death certificate of spouse if member's spouse is deceased; and
12. certified copy of divorce decree if member is divorced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022), amended LR 51:1891 (November 2025).

Chapter 10. Deferred Retirement Option Plan (DROP)

§1001. Application Process

A. ...

B. The DROP application shall include:

1. a written acknowledgement by the member of the number of months in which they will participate in DROP;
2. a copy of the member's birth certificate and Social Security card;
3. a copy of the beneficiary's birth certificate and Social Security card;
4. a designation of a beneficiary to receive the DROP fund balance if the member dies while participating in DROP;
5. a spousal consent form as to the retirement benefit if the member is legally married and not selecting a benefit which provides at least 50 percent to the spouse;
6. a spousal consent form as to the DROP funds if the member is legally married and not leaving at least 50 percent of their DROP fund balance to their spouse;
7. a copy of the spouse's death certificate if the member is widowed;
8. a certified copy of the divorce judgment if the member is divorced; and
9. for elected officials, a certificate of elected service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022), amended LR 51:1891 (November 2025).

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program (LAC 76:VII.367)

In accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), the Wildlife and Fisheries Commission amends LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, from having the floats cut by propellers, or are captured in another fisherman's gear. The removal of these traps is necessary to keep Louisiana's coast pristine, reduce litter, and to facilitate improvement of the blue crab stock.

The Wildlife and Fisheries Commission amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from a large number of abandoned and derelict crab traps since 2004. The Wildlife and Fisheries Commission took action on August 7, 2025 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Jefferson, Orleans, and St. Tammany Parishes as described below:

1. from a point originating from the intersection of the southbound lane of the Lake Pontchartrain Causeway Bridge and the southern shoreline of Lake Pontchartrain (30 degrees 01 minutes 18.48 seconds north latitude, 90 degrees 09 minutes 15.15 seconds west longitude); thence easterly along the southern shoreline of Lake Pontchartrain to its intersection with the western shoreline of Chef Menteur Pass (30 degrees 05 minutes 52.14 seconds north latitude, 89 degrees 49 minutes 12.28 seconds west longitude); thence southerly along the western shoreline of Chef Menteur Pass to its intersection with the northern shoreline of Lake Borgne; thence easterly and northerly along the northern shoreline of Lake Borgne to Catfish Point (30 degrees 08 minutes 58.17 seconds north latitude, 89 degrees 37 minutes 42.65 seconds west longitude); thence northerly to a point on the northern shoreline of Rigolets Pass (30 degrees 09 minutes 39.46 seconds north latitude, 89 degrees 37 minutes 49.85 seconds west longitude); thence westerly along the northern shoreline

of Rigolets Pass to its intersection with the westbound lane of U.S. Highway 90; thence northerly along the westbound lane of U.S. Highway 90 to its intersection with the eastbound lane of U.S. Highway 190; thence westerly along the eastbound lane of U.S. Highway 190 to its intersection with the southbound lane of Military Road (30 degrees 15 minutes 40.87 seconds north latitude, 89 degrees 43 minutes 17.30 seconds west longitude); thence northerly on the southbound lane of Military Road to its intersection with the eastbound lane of U.S. Highway 190 (30 degrees 17 minutes 28.98 seconds north latitude, 89 degrees 43 minutes 11.48 seconds west longitude); thence westerly on the eastbound lane of U.S. Highway 190 to its intersection with the southbound lane of Causeway Boulevard (30 degrees 23 minutes 37.52 seconds north latitude, 90 degrees 05 minutes 19.80 seconds west longitude); thence southerly along Causeway Boulevard and then the Lake Pontchartrain Causeway Bridge and terminating at the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Iberia and St. Mary Parishes as described below:

1. from a point originating at Point Chevreuil (29 degrees 31 minutes 37.85 seconds north latitude, 91 degrees 32 minutes 21.91 seconds west longitude); thence southwesterly to South Point on Marsh Island (29 degrees 29 minutes 25.55 seconds north latitude, 91 degrees 46 minutes 07.56 seconds west longitude); thence northeasterly along the eastern shoreline of Marsh Island to East Point on Marsh Island (29 degrees 34 minutes 06.65 seconds north latitude, 91 degrees 42 minutes 33.00 seconds west longitude); thence due north along 91 degrees 42 minutes 33.00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 23.52 seconds north latitude, 91 degrees 42 minutes 33.00 seconds west longitude); thence easterly along the northern shoreline of West Cote Blanche Bay to its intersection with western shoreline of Jaws Bay (29 degrees 44 minutes 48.45 seconds north latitude, 91 degrees 37 minutes 27.21 seconds west longitude); thence easterly to the eastern shoreline of Jaws Bay and West Cote Blanche Bay (29 degrees 44 minutes 48.45 seconds north latitude, 91 degrees 36 minutes 52.53 seconds west longitude); thence southerly along the eastern shoreline of West Cote Blanche Bay to Point Marone (29 degrees 38 minutes 06.35 seconds north latitude, 91 degrees 38 minutes 42.86 seconds west longitude), thence easterly and southerly along the northern and eastern shorelines of East Cote Blanche Bay and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Calcasieu and Cameron Parishes as described below:

1. from a point originating at the intersection of the western shoreline of the Alkali Ditch and the southern shoreline of the Gulf Intracoastal Waterway (30 degrees 03 minutes 30.75 seconds north latitude, 93 degrees 22 minutes 31.89 seconds west longitude); thence southerly along the western shoreline of the Alkali Ditch to its intersection with the southern shoreline of Black Lake (30 degrees 00 minutes 04.88 seconds north latitude, 93 degrees 23 minutes 49.16 seconds west longitude); thence due south along 93 degrees 23 minutes 49.16 seconds west longitude to Clarpha Road;

thence southerly on Clarpha Road to its intersection with West Main Street; thence easterly on West Main Street to its intersection with the northbound lane of U.S. Highway 27; thence northerly on U.S. Highway 27 to its intersection with the southern shoreline of the Gulf Intracoastal Waterway (30 degrees 03 minutes 54.16 seconds north latitude, 93 degrees 20 minutes 50.69 seconds west longitude); thence westerly along the southern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 9, 2026 through 11:59 p.m. February 22, 2026 within portions of Plaquemines Parish as described below:

1. from a point originating on the southbound lane of U.S. Highway 23 at 29 degrees 38 minutes 10.68 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence southerly along 89 degrees 57 minutes 01.21 seconds west longitude to the origin of Wilkinson Canal (29 degrees 38 minutes 01.19 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude); thence southerly along the eastern shoreline of Wilkinson Canal to its termination at 29 degrees 27 minutes 30.74 seconds north latitude, 89 degrees 57 minutes 00.00 seconds west longitude; thence due south along 89 degrees 57 minutes 00.00 seconds west longitude to a point at 29 degrees 26 minutes 06.00 seconds north latitude, 89 degrees 57 minutes 00.00 seconds west longitude; thence due east along 29 degrees 26 minutes 06.00 seconds north latitude to a point at 29 degrees 26 minutes 06.00 seconds north latitude, 89 degrees 50 minutes 42.00 seconds west longitude; thence due south along 89 degrees 50 minutes 42.00 seconds west longitude to a point at 29 degrees 24 minutes 18.00 seconds north latitude, 89 degrees 50 minutes 42.00 seconds west longitude; thence due east along 29 degrees 24 minutes 18.00 seconds north latitude to its intersection with the northern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 18.00 seconds north latitude, 89 degrees 46 minutes 25.68 seconds west longitude); thence northeasterly along the northern shoreline of the Freeport Sulphur Canal to its termination, thence northeasterly to the southbound lane of Highway 23 (29 degrees 28 minutes 35.89 seconds north latitude, 89 degrees 41 minutes 25.88 seconds west longitude); thence northwesterly along the southbound lane of U.S. Highway 23 and terminating at the origin.

E. The use of crab traps shall be prohibited for 14 days from 12:00 a.m. February 16, 2026, through 11:59 p.m. March 1, 2026, within portions of Terrebonne Parish as described below:

1. from a point originating along the western shore of Bayou Pointe Aux Chenes (29 degrees 25 minutes 59.26 seconds north latitude, 90 degrees 27 minutes 31.39 seconds west longitude) near the intersection of Lower U.S. Highway 665 and Island Road; thence westerly to the southbound lane of Island Road; thence southerly along the southbound lane of Island Road to its intersection with the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 24 minutes 25.77 seconds north latitude, 90 degrees 29 minutes 28.43 seconds west longitude); thence northerly along the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area to its intersection with the southern boundary of the Montegut Unit of the Pointe Aux

Chenes Wildlife Management Area (29 degrees 25 minutes 20.38 seconds north latitude, 90 degrees 29 minutes 58.29 seconds west longitude); thence westerly along the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area to its southwestern most point located on the eastern shore of the Humble Canal (29 degrees 25 minutes 51.12 seconds north latitude, 90 degrees 33 minutes 31.88 seconds west longitude); thence northerly along the eastern shore of the Humble Canal to its intersection with Bayou Terrebonne (29 degrees 26 minutes 17.70 seconds north latitude, 90 degrees 34 minutes 00.19 seconds west longitude); thence westerly to a point located on the western shore of Bayou Terrebonne at 29 degrees 26 minutes 17.66 seconds north latitude, 90 degrees 34 minutes 02.75 seconds west longitude; thence southerly along the western shore of Bayou Terrebonne to its intersection with Bush Canal (29 degrees 22 minutes 07.16 seconds north latitude, 90 degrees 36 minutes 05.44 seconds west longitude); thence westerly along the northern shore of Bush Canal to its intersection with Bayou Little Caillou (29 degrees 22 minutes 52.50 seconds north latitude, 90 degrees 37 minutes 14.93 seconds west longitude); thence southerly along the western shore of Bayou Little Caillou to 29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 38 minutes 41.40 seconds west longitude; thence east along 29 degrees 17 minutes 00 seconds north latitude to the western shore of Bayou Pointe Aux Chenes (29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 23 minutes 00.51 seconds west longitude); thence northerly along the western shore of Bayou Pointe Aux Chenes to the origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, surplus in conformity with R.S. 39:330.1, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:2767 (November 2022), LR 50:38 (January 2024), LR 50:1860 (December 2024), LR 51:1892 (November 2025).

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resident Quadrupeds and Nuisance Wildlife Control Operator Program (LAC 76:V.Chapter 1)

The Wildlife and Fisheries Commission adopts changes to the rules and regulations that govern the permitting and operations of Nuisance Control Operators (NWCO), Control of Nuisance Wild Quadrupeds, Night Time take of Outlaw Quadrupeds, Nutria, and Beaver, Fox/Coyote Hunting Preserves and the Sale of Live Foxes and Coyotes, and Aerial Feral Hog Control Permits. The department regulates the operation of Fox/Coyote Hunting Preserves, the live sale of foxes and coyotes, the control of Nuisance Wild Quadrupeds, night time take of outlaw quadrupeds, nutria and beaver, and Aerial Feral Hog Control Permits. This Rule is hereby adopted on the day promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§113. Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes, Permitting Year-Round Coyote Trapping

A. Purpose. These regulations are to govern the trapping, purchasing, selling and captive possession of live foxes and coyotes for chasing with hounds. These regulations prohibit the importation and exportation of any species of foxes or coyotes to or from Louisiana in an effort to prevent possible disease and parasite contamination of native wild canids and humans. These regulations allow the sport of fox/coyote hunting with dogs within enclosed areas.

B. Definitions

Acclimation Pen—an area which is built within or adjacent to fox/coyote hunting preserves which will contain game and exclude hounds and which will allow game to become acclimated to an enclosed environment.

Bill of Sale—receipt showing the amount of game purchased, the date of purchase, and the person from whom the game was purchased.

Box Trap—a drop-door type of trap that upon the game's entry into the device encloses and detains the game.

Cable Device—wire device used for taking nongame quadrupeds.

Closed Season—that period of time of the calendar year not specifically included in the open season.

Department—the Louisiana Department of Wildlife and Fisheries.

Enclosure—(see fox/coyote hunting preserve).

Fox/Coyote Hunting Preserve—an area which is completely enclosed by adequate fencing to contain red fox, grey fox, or coyote and hounds which is built and maintained for the purpose of training or chasing game with hounds.

Fox/Coyote Hunting Preserve Operator—anyone acting as an agent of the owner in caring for or managing the maintenance and/or business of the preserve.

Fox/Coyote Hunting Preserve Owner—anyone who legally has possession or has legally leased property on which the enclosure is established.

LDWF-Approved Applicant—a person who has no Class 3 or greater wildlife or fish violations during the past three years, and who is at least 15 years old.

Landowner—any person who owns land on which traps are set.

Licensee—any lawful holder of a valid trapper's or nongame quadruped exhibitor/breeder license duly issued under the authority of the department for the purposes of operating a fox/coyote hunting preserve.

Nongame Quadruped—alligators, beavers, bobcats, coyotes, grey foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks and other wild quadrupeds valuable for their furs or skins.

Nongame Quadruped Breeder—any person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds.

Nongame Quadruped Exhibitor—any person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

Nontarget Animal—any animal other than red fox, grey fox or coyote.

Person—includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

Possess—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Raising—the production of red fox, grey fox, or coyotes in controlled environmental conditions or in outside facilities.

Rearing—(see raising).

Take—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

Transport—in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

Trap—any device used in the capture of birds, quadrupeds or fish.

Trapper—any person properly licensed by the department engaged in the trapping of nongame quadrupeds.

C. Licenses and Fees.

1. A trapper's license is required to take foxes or coyotes by means of a trap during the open season for nongame quadrupeds, however, coyotes may be taken by trap during the closed season by any properly licensed trapper.

2. A nongame quadruped exhibitor's license may be issued permitting the applicant to possess, breed and/or exhibit live foxes or coyotes outside of the open trapping season, provided he meets the rules and regulations of the department;

3. A nongame quadruped breeder license may be issued permitting the applicant to possess, breed, propagate, exhibit, and sell live foxes or coyotes outside of the open trapping season.

D. General Rules

1. No person shall take, possess, purchase or sell live foxes or coyotes, except as provided in these regulations.

2. No person shall hold in captivity any live foxes or coyotes outside of the open trapping season, except as provided in these regulations.

3. Fox/coyote hunting preserves shall be of a type and construction such that it will insure the normal containment of foxes, coyotes and hounds.

4. Fox/coyote hunting preserves shall contain an adequate number of escape areas which are houndproof. These may be provided by maintaining thickets, brush piles, windrows, or where natural cover is insufficient, by providing manmade escapes such as culverts or houndproof feeding stations.

5. Licensees holding live foxes or coyotes in captivity shall be required to make available:

a. food that is palatable, uncontaminated and nutritionally adequate to ensure normal growth and maintenance;

b. water which is fresh, uncontaminated and available at all times.

6. No person shall transport, possess, purchase or sell any live foxes or coyotes taken outside the state of Louisiana. Live foxes and coyotes obtained from outside the state of Louisiana prior to the enacted date of these regulations and in possession of properly licensed persons shall be exempt.

7. No person shall transport from the state or offer for sale out of state any live foxes or coyotes.

8. Acclimation pens shall be constructed adjacent to or within an enclosure to insure the containment of foxes and coyotes and the exclusion of hounds. This requirement may be waived for "training enclosures" or in enclosures where running is discontinued for a minimum of two weeks while foxes/coyotes adjust to the enclosure environment.

9. No person may engage in the business of raising or exhibiting or otherwise possessing fox or coyotes for the purpose of operating a fox/coyote hunting preserve unless he or she has acquired and possesses a valid nongame quadruped breeder or exhibitor license.

10. A licensed trapper may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transactions, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

11. Trappers trapping coyotes during the closed trapping season will be required to use only either a padded (4 9/16-6 1/2 inch inside jaw width at hinge posts), offset, laminated or wide (4 5/8-6 3/8 inch inside jaw width at hinge posts) or unmodified (5 inch inside jaw width at hinge posts) foot-hold trap, or a box-type trap, or a cable restraint with a relaxing lock that loosens and tightens in response to the wildlife's action.

12. Trappers trapping coyotes during the closed trapping season and licensed as a nongame quadruped breeder may offer for sale such coyotes. During any such transaction, a bill of sale must be provided by the seller to the purchaser and retained for a period of one year by the purchaser.

13. Trappers will be required to check traps daily.

14. Trappers will be required to have in possession written permission from the landowners or lessee where traps are set.

15. Trappers shall release all nontarget species in a manner so as to keep stress or injury minimal.

16. It shall be unlawful to sell native wild foxes or coyotes outside the state of Louisiana.

17. Licensees who hold foxes or coyotes for more than one day for sale shall confine animals at a rate of no more than one fox per 9 square feet and one coyote per 17 square feet. The cage must be high enough for each animal to easily sit or stand. The cage must be escape-proof and offer protection from adverse weather.

18. Fox/coyote hunting preserves shall be exempt from the commission action which prohibits the running of coyotes during the open turkey season.

19. The department has the authority to conduct disease investigations at any time and, pending the results of the disease investigations, has the authority to quarantine fox/coyote hunting preserves if deemed necessary. The department also has the authority to prohibit the release of animals that are diseased or have been exposed to diseased animals.

20. Neurological or sick animals shall be humanely euthanized and shall not be moved or sold in an effort to prevent the spread of disease. Licensees shall be required to immediately report to the department the occurrence of any disease contracted by captive fox or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or Echinococcus infections.

21. Animals held under any nongame quadruped breeder or nongame quadruped exhibitor license shall not be physically altered, except for medical treatment by a Louisiana licensed veterinarian, or mutilated in any way.

E. Report Requirements

1. Report forms provided by the department must be completed and filed with the department by all persons who have been issued a nongame quadruped breeder or exhibitor license. Failure to complete these forms properly and completely will result in nonrenewal of the nongame quadruped breeder or exhibitor license.

2. All licensed nongame quadruped exhibitors will be required to include information regarding numbers of animals by species in captivity, number of known losses (death or escape), number of animals by species purchased and the sources of wildlife purchases.

3. All licensed nongame quadruped breeders will be required to include information regarding numbers of animals by species in captivity, numbers of losses, numbers of animals by species purchased and the sources of wildlife purchases, and number of sales by species and the person who bought the game. Records must be maintained for a minimum of three years.

F. Penalty for Violation. Violation of these regulations will be a Class 2 violation with the following exceptions.

1. Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors, including the reporting requirements, shall be a Class 2-B violation.

2. Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class 4 violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:116.1(D), R.S. 56:140, R.S. 56:259, and R.S. 56:262.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:205 (February 1991), amended LR 49:512 (March 2023), LR 49:1568 (September 2023), LR 51:1894 (November 2025).

§125. Control of Nuisance Wild Quadrupeds

A. This rule applies only to the control of the wild quadrupeds listed below and only when they are conclusively proven to be creating a nuisance or causing damage to property. The burden of establishing that the animal in question is causing the property damage shall rest with the property owner.

B. The following wild quadrupeds may be taken year-round by any properly licensed hunter without permit by the property owner or his designee, with written landowner permission, but only by trapping or shooting during legal daylight hours:

1. coyote;
2. armadillo;
3. nutria;
4. beaver;
5. raccoons;
6. skunks; and
7. opossums.

C. Squirrels, rabbits, foxes, bobcats, mink, otter, muskrat, and any of the other species listed above may be trapped alive and relocated to suitable habitat without permit provided the following conditions are met.

1. Written permission is obtained from the property owner where the animals are to be released and such written permission is carried in possession while transport and release activities are taking place.

2. Animals are treated in a responsible and humane manner and released within 12 hours of capture.

D. Traps shall be set in such a manner that provides the trapped animal protection from harassment from dogs and other animals and direct sun exposure.

E. Nuisance animals listed above may be so controlled by the property owner or his designee with written landowner permission, to prevent further damage.

F. Property owners must comply with all additional local laws and/or municipal ordinances governing the shooting or trapping of wildlife or discharge of firearms.

G. No animal taken under this provision or parts thereof shall be sold, except the animal's glands and urine. A valid trapping license is required to sell or pelt nuisance furbearers during the open trapping season. Live coyotes may be sold, provided the seller has a valid Nongame Quadruped Breeder's License and a valid Trapper's License.

H. No species taken under the provisions of this rule shall be kept in possession for a period of time exceeding 12 hours. Coyotes may be possessed alive, provided the seller has a valid Nongame Breeder's License and a valid Trapper's License.

I. This Rule has no application to any species of bird as birds are the subject of other state and federal laws, rules and regulations.

J. Game animals, other than squirrels and rabbits, may only be taken by hunting during the open season under the conditions set forth under Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

K. A permit may be issued to landowners or their designees to take white-tailed deer during the closed season when deer are causing substantial damage to commercial agricultural crops or orchards. Crops or orchards of less than 5 acres will not be considered for permits unless alternative

exclusionary methods, including electric fencing, have been attempted and proven unsuccessful. Loss of 25 percent or more of the expected production or value of a crop must be documented by a Louisiana Department of Agriculture and Forestry crop specialist or Louisiana State University Cooperative Extension Service agent. Emergency deer removal permits may be issued by Department of Wildlife and Fisheries Wildlife Division with approval by the Deer Program Manager and Enforcement Division. Landowners or their designees may take only the number of deer recommended by a Department of Wildlife and Fisheries biologist and specified on the permit. Only antlerless or unbranched antlered deer are legal for removal. All deer taken under this permit must be tagged in a manner specified on the permit before being moved from the site of the kill. Deer may only be taken during daylight hours and all deer meat will be salvaged and donated to a recipient or charitable organization approved by the Department of Wildlife and Fisheries. Biological samples may be requested by Department of Wildlife and Fisheries biologists for research and health monitoring purposes.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:2570 (December 2002), repromulgated LR 29:51 (January 2003), amended LR 35:703 (April 2009), LR 51:1896 (November 2025).

§126. Outlaw Quadruped, Nutria and Beaver Night Take

A. Purpose—to establish rules and regulations for the take of outlaw quadrupeds, nutria and beaver during the nighttime hours (one-half hour after official sunset to one-half hour before official sunrise).

B. On private property, the landowner, or his lessee or agent with written permission from the landowner may take outlaw quadrupeds, nutria, or beaver during nighttime hours.

C. General Rules

1. The landowner, lessee or agent, with written permission from the landowner, may take or authorize the take of outlaw quadrupeds, nutria or beaver during nighttime hours on private property from one-half hour after official sunset to one-half hour before official sunrise.

2. Any participant shall not trespass or commit any other violations of law while conducting activities authorized.

3. No person shall be allowed to participate or be present during activities authorized if convicted of a class 3 or greater wildlife violation within the previous five years or if they have any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity.

4. Outlaw quadrupeds, nutria and beaver may be taken by any means of take authorized by Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

5. Any person attempting to take outlaw quadrupeds, nutria, or beaver between the hours of one-half hour after official sunset to one-half hour before official sunrise shall notify the sheriff of the parish in which the property is located of the intention to attempt to take outlaw quadrupeds, nutria or beaver within 24 hours prior to the attempted taking or immediately upon taking.

D. Penalties for Violation

1. Persons found in violation of rules and regulations contained herein or any other laws shall be subject to the penalties as authorized by law, violation of these regulations will be a class 3 violation as defined in R.S. 56:33.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112, R.S. 56:115, and R.S. 56:116.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1692 (October 2016), amended LR 51:1896 (November 2025).

§127. Nuisance Wildlife Control Operator Program

A. Purpose

1. The purpose of this Section is to establish guidelines for the permitting of Nuisance Wildlife Control Operators (NWCO's) and the procedures to be used by the NWCO's in controlling nuisance wildlife.

2. NWCO's are defined as individuals who offer commercial services for the control of nuisance wildlife.

B. Permits

1. All NWCO's must have a valid NWCO permit issued by the Louisiana Department of Wildlife and Fisheries (LDWF) in their possession while engaged in nuisance wildlife control activities. NWCO permits are issued only to individuals and each individual engaged in NWCO activities must possess a NWCO permit issued in his/her name. This rule does not provide for or authorize any NWCO to name a subpermittee.

2. In addition to the NWCO permit, all NWCO's must possess a valid Louisiana trapping license and valid Louisiana basic hunting license (or equivalent) in their possession while engaged in nuisance wildlife control activities. Additionally, any NWCO servicing non-protected reptile and amphibian nuisance calls must possess a valid basic fishing license or equivalent.

3. NWCO permits will be issued on a calendar year basis (January 1-December 31) and must be renewed annually.

C. Permit Requirements

1. All applicants must be 18 years of age or older.

2. The applicant must achieve a minimum score of 80 percent on the LDWF NWCO examination. The examination shall consist of questions relating to wildlife biology and behavior, nuisance animal control methods and procedures, and nuisance wildlife control laws, rules and regulations. Any applicant who fails to pass the examination may take another examination no earlier than 30 days from the date of the prior examination. Applicants may not attempt to take the NWCO examination more than three times per calendar year.

3. Anyone who has been convicted of a Class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past three years shall not be eligible for a NWCO permit. Also, any person whose hunting or trapping license privileges have been revoked and is prohibited from hunting and trapping in Louisiana shall not be allowed to possess or operate under the authority of a NWCO permit.

D. Exemptions

1. Employees of the Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, Louisiana Department of Transportation and Development, U.S. Fish and Wildlife Service, and USDA/APHIS/Wildlife Services are exempt from all NWCO permit requirements while they are on duty and carrying out official business of their respective agency. Also, city, parish,

or local municipal government employees assigned to animal control duties are exempt from permit requirements while on duty and carrying out official business of their respective agency. It is recommended that exempted agencies adopt a policy requiring euthanasia of all skunks, raccoons, feral hogs, coyotes, and nutria. Animals that are not euthanized may not be released on LDWF owned or managed land such as wildlife management areas or refuges and may not be sold, bartered or exchanged.

E. Reporting and Renewal Requirements

1. All NWCO's must complete the annual reporting form electronically.

2. Any NWCO who does not submit his/her report by the 30th day after the expiration date of the permit, or who submits a false or materially incomplete report shall be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the NWCO will be considered for reapplication upon receipt of the late annual report.

3. Records must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department. NWCO's must maintain copies of all records and reports for three years.

F. Procedures and Guidelines

1. The NWCO permit authorizes the holder to capture, euthanize or relocate designated species of wildlife by safe and effective means at any time of the year and without limits provided the operator is acting on a valid, documented wildlife complaint.

2. The following procedures and guidelines for NWCO permittees shall be in effect to establish what species of wildlife may be taken under the authority of this permit, the legal methods that may be used to take nuisance wildlife under the authority of this permit, and the legal methods of disposing of nuisance wildlife.

a. Only wildlife damage or nuisance complaints affecting humans and/or their property are considered valid complaints. Complaints involving conflicts between two or more species of wildlife are not valid nuisance wildlife complaints.

b. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap the following species when such action is warranted by a valid nuisance wildlife complaint: armadillo, beaver, bobcat, coyote, feral hogs, fox, mink, muskrat, nutria, opossum, otter, rabbit, raccoon, squirrel (including flying squirrel) and skunk. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap reptiles and amphibians that are not protected by federal law. Nuisance birds may be controlled as provided by existing law. Except, Muscovy ducks may be captured and euthanized by licensed NWCO's. Muscovy ducks are not permitted to be relocated. Bats may be controlled by exclusion or by capture and relocation only. Bats shall not be controlled by any lethal methods. It is recommended all NWCO's working with bats complete the Bat Conservation International (BCI) professional excluders' course available on-line. Red-eared sliders may not be relocated or released off or away from the site of capture.

c. The NWCO permit does NOT authorize the capture and/or handling of white-tailed deer, bears, wild turkeys or alligators.

d. The sale, trade, barter, gifting or retention of any wildlife or part thereof taken under the authority of a NWCO permit is prohibited except that furbearers taken during the open trapping season may be sold as provided by law except glands and urine of the animal. Except in order to sell live coyotes an individual must possess a nongame quadruped breeders license and a valid trapper's license.

e. NWCO permittees must follow all state and federal laws, rules and regulations that apply to the taking of wildlife, with the exception of season dates and bag limits, except as otherwise provided in this section.

f. All wildlife taken under a NWCO permit shall be taken and disposed of in a manner to ensure safe and effective handling and/or euthanasia. Acceptable carcass disposal options include deep burial (four feet), incineration, and sanitary landfills. Disposal of carcasses must be in compliance with all local codes and ordinances. Euthanasia of a captured animal is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

g. Traps or other capture devices set for live capture (including foot hold traps) shall be checked a minimum of once every 24 hours and all animals removed. Traps intended to result in immediate death must be checked a minimum of once every 48 hours. All traps and other capture devices shall be marked with permanent tags bearing the LDWF issued permit number of the NWCO.

h. Only legal methods of take, as provided by existing law, shall be authorized under the NWCO permit. In addition to legal traps and cable devices, nets and capture by hand are authorized.

i. All traps and other capture devices shall be set in a manner that:

- i. will minimize the risk to non-target animals;
- ii. will minimize the risk to the public and to pets; and
- iii. are out of the view of the general public.

j. The NWCO permit does not authorize the use of firearms, except that nutria, beaver, coyotes, armadillos, otter, raccoon, skunk, and feral hogs where legal, may be taken as provided by existing law. Firearms may also be used in accordance with the American Veterinary Medical Association (AVMA) guidelines on euthanasia. Use of any firearms shall be subject to all state, parish and municipal restrictions and ordinances.

k. When relocation is authorized, the NWCO may have the wildlife in possession for no more than 24 hours unless specifically authorized by the department.

l. Wildlife that is relocated shall be released at least five miles outside of any city limit and must be released within the state of Louisiana.

m. Wildlife shall not be released on private land without written permission of the landowner or landowner designee.

n. Wildlife shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the release property.

o. Captured wildlife that appears to be sick or injured shall not be relocated. NWCO's must contact the appropriate LDWF regional office for instructions regarding sick wildlife.

Injured animals may be delivered to a licensed rehabilitator or euthanized in accordance with AVMA guidelines.

p. Raccoons, skunks, feral hogs, coyotes and nutria shall not be relocated and shall be euthanized, within 12 hours of capture, in accordance with the current AVMA guidelines on euthanasia. Except, coyotes may be sold live if the NWCO also possess a valid Nongame Quadruped Breeder's License.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2080 (September 2004), amended LR 36:75 (January 2010), LR 51:1897 (November 2025).

§135. Aerial Feral Hog Control Permits

A. Purpose

1. The purpose of this Section is to establish regulations concerning the use of aircraft to aid in the control of feral hogs. The regulations provide and establish general rules regarding permit requirements, reporting requirements, landowner authorization, and safety training.

B. Definitions

Aerial Hog Control Permit—a permit issued by LDWF to locate, pursue, take, harass, or kill feral hogs by using an aircraft.

Applicant—an individual, partnership, or corporation who files an application for an aerial hog control permit.

Department or *LDWF*—the Louisiana Department of Wildlife and Fisheries.

Gunner—an individual who uses a firearm to shoot or attempt to shoot feral hogs pursuant to an aerial hog control permit.

Landowner's Authorization—signed consent from the landowner or the landowner's agent.

Observer—any person other than the pilot or gunner who is on board an aircraft while feral hog control measures are being taken pursuant to an aerial hog control permit.

Permittee—any individual who has obtained a valid aerial hog control permit.

Pilot—an individual who pilots an aircraft to locate, pursue, take, harass, or kill feral hogs pursuant to an aerial hog control permit.

Possess—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Qualified Landowner or *Landowner's Authorized Agent*—a person who contracts to be a gunner or observer and who has not:

a. been convicted of a class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years; or

b. been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act).

Take—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

C. Permits

1. An aerial feral hog control (AFHC) permit authorizes the permittee to utilize a helicopter to locate, pursue, take, harass, or kill feral hogs.

2. It shall be unlawful for any person to use a helicopter to locate, pursue, take, harass, or kill feral hogs without an AFHC permit.

3. Possession of an AFHC permit does not exempt the permit holder from other local, state, or federal rules, laws, or permit requirements.

4. Permits are not transferrable.

D. Permit Requirements

1. Application for an aerial feral hog control (AFHC) permit shall be made on an official application form provided by the department. AFHC permits will be valid for the calendar year in which issued and will expire on December 31 of each year.

2. A permit may be issued in the name of an individual, partnership, or corporation for named pilots to locate, pursue, take, harass, or kill feral hogs by the use of an aircraft.

3. Application for a permit shall include:

- a. name, address, and phone number of applicant;
- b. if applicant is an individual, the birth date, federal aviation administration (FAA) certificate number, and driver's license number of the applicant;
- c. name, address, driver's license number, FAA license number, and date of birth for each individual pilot; and
- d. make, model, color, and registration number of each aircraft to be used.

4. Anyone who has been convicted of a class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, or been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act) shall not be eligible for an AFHC permit.

5. The application must contain a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing an AFHC permit. AFHC permits will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries that occur during or as a result of activities related to the AFHC permit.

E. Landowner's Authorization

1. Prior to participation in permitted activities, a permit holder must submit to LDWF a landowner's authorization form (LOA) for each contiguous and non-contiguous piece of property on which feral hog control activities will be performed.

2. A landowner's authorization form will be made on an official application form provided by the department and shall include:

- a. the name, mailing address, driver's license number, and phone number of the landowner;
- b. the name, mailing address, driver's license number, and phone number of the authorized landowner's agent, if applicable;
- c. the name and permit number of the permittee;
- d. a description and specific location of the property, including acreage; and
- e. justification for why feral hogs should be controlled by use of a helicopter.

3. A landowner's authorization for feral hog control will be valid for the duration of the permit, unless:

- a. that permit expires without renewal or is revoked;
- b. the landowner's authorization specifies a time limit; or

c. the landowner requests in writing to LDWF and the permittee that authorization be withdrawn.

4. A single LOA form may be submitted by a group of landowners or by an association on behalf of such landowners. In the case of a group submission, the landowner's authorization form must have an attached list of participating landowner names, phone numbers, mailing addresses, physical addresses of the properties, and acreages for each participating landowner. The justification for control will be for the entirety of the properties listed on the form.

5. Property outlined in an LOA must exceed 1000 acres to be eligible for feral hog control activities under an AFHC permit.

6. If a LOA is approved by LDWF, a unique control number will be issued to identify the property and LOA in permit activities.

7. AFHC permit activities may not commence on a property until a LOA control number has been assigned by LDWF and received by the permittee.

F. Landowner's Authorization to Appoint Subagents

1. A permittee may contract with a qualified landowner or landowner's authorized agent to act as a gunner or observer in the location, pursuit, taking, harassing or killing of feral hogs from a helicopter, provided that the permittee possesses a valid, properly obtained LOA describing the activity.

2. A landowner with a valid LOA number can allow an AFHC permit holder to appoint subagents to act as gunners or observers during permit activities, provided that the landowner or the landowner's authorized agent has completed a landowner's authorization to appoint subagents (LAAS) form. Such forms shall be made on an official application form provided by the department and shall include:

- a. the name, mailing address, and phone number of the landowner;
- b. the name, mailing address, and phone number of the authorized landowner's agent, if applicable;
- c. the name and permit number of the permittee;
- d. LOA number;
- e. physical address of the property referenced by the LOA number;
- f. signatures and dates of agreement to the terms by the landowner or landowner's authorized agent and the permittee; and
- g. time limit for the LAAS, if desired.

3. LAAS forms will be valid for the duration of the permit, unless:

- a. that permit expires without renewal or is revoked;
- b. if the LAAS specifies a time limit; or
- c. if a landowner requests in writing to the permittee that authorization be withdrawn.

4. AFHC permit holders will be responsible for completion of LAAS forms, and will maintain completed LAAS forms in perpetuity.

5. LAAS forms will be made available for inspection upon demand by LDWF personnel.

G. General Rules

1. A holder of an AFHC permit is authorized to engage in feral hog control by the use of an aircraft only on land described in the landowner's authorization (LOA).

2. The AFHC permit shall be carried in the aircraft when performing feral hog control activities using an aircraft.

3. The permit is only valid for the taking of feral hogs from a helicopter. Taking any wildlife or animals other than feral hogs is strictly prohibited.

4. A pilot of an aircraft used for feral hog control must maintain a daily flight log and report as detailed below. The daily flight log must be up-to-date and made available for inspection upon demand of LDWF employees.

5. A pilot of an aircraft must possess and maintain a valid pilot's license as required by the FAA.

6. All pilots and permittees must comply with FAA regulations for the specific type of aircraft listed in the permit.

7. The permit holder may only use an aircraft to take feral hogs that are causing verifiable damage to land, structures, crops, water, or livestock, domestic animals, or human life.

8. An AFHC permit holder may only take feral hogs that are located on property outlined in the LOA. It is prohibited to fire shots over property not included in the LOA. It is prohibited to fire upon, haze, harass, or track any animals, including feral hogs, located on property not listed in the LOA.

9. Any activities performed under this permit must occur during daylight hours, from one-half hour before official sunrise to one-half hour after official sunset.

10. An AFHC permit is not to be used for sport hunting.

11. All observers and gunners must successfully complete a four hour safety training held by the permittee prior to participating in AFHC permit activities. Safety training must include aspects of:

- a. aircraft safety procedures;
- b. target and non-target animal identification;
- c. firearm safety;
- d. emergency procedures.

12. Attendance at a safety training course will allow a gunner or observer to participate in AFHC permit activities for 90 days after successfully completing the class.

13. Permittee must report violations of these regulations by pilots, observers, gunners, or ground personnel during AFHC activities to LDWF within 24 hours of occurrence of the violation.

14. Any unreported violation of AFHC regulations by a pilot, gunner, or observer may result in immediate and permanent loss of this permit and possible criminal prosecution.

H. Reporting and Renewal Requirements

1. A report of activities completed under this permit shall be required within 30 days of the end of each calendar quarter. Additionally, a report of activities completed under this permit shall be required when submitting a request for permit renewal or upon termination of the permit. All reports shall be maintained for a minimum of three years. This report shall be completed on official forms provided for this purpose by LDWF, and consist of daily flight log sheets, showing:

- a. name, permit number, and signature of permit holder;
- b. number of feral hogs managed under the permit;
- c. landowner's authorization control number issued by LDWF;
- d. dates of flight;
- e. time of day an authorized flight begins and is completed;
- f. type of management taken by use of aircraft;
- g. name, pilot's license number, and signature of pilot;
- h. name and address of gunner(s) and observer(s);
- i. date that safety training was successfully completed by observer(s) and gunner(s).

2. Application for renewal of an AFHC permit must be submitted to LDWF no later than 45 days prior to expiration of the permit and AFHC permits will not be renewed until all renewal requirements are received.

3. If no flights were taken during the calendar quarter, a negative daily flight log and report must be submitted to LDWF.

I. Penalties for Violation. Unless another penalty is provided by law, violation of these regulations will be a class two violation as defined in title 56 of the *Louisiana Revised Statutes*. In addition, upon conviction for violation of these regulations, the AFHC permit associated with the permittee may be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:2282 (November 2014), amended LR 51:1898 (November 2025).

Tyler Bosworth
Secretary

2511#029

Notices of Intent

NOTICE OF INTENT

Department of Culture, Recreation, and Tourism Office of the Secretary

Atchafalaya Trace Heritage Development Zone (LAC 25:XI.Chapter 3)

The Department of Culture, Recreation and Tourism proposes to repeal Part XI. Chapter 3 of Title 25 of the *Louisiana Administrative Code*, consisting of Sections 301-309, which provides the policy, purpose, definitions, application requirements, and application review criteria for a tax incentive program for heritage-based cottage industry located in the Atchafalaya Trace Heritage Area Zone. The legislature sunset this program (Act 403 of the 2017 Regular Session) and repealed its enabling legislation (Act 5 of the Third Extraordinary Session of the Louisiana Legislature 2024). The department proposes to repeal rules that provide for the administration of a program for which there is no longer statutory authority.

Title 25

CULTURAL RESOURCES

Part XI. Office of the Secretary

Chapter 3. Atchafalaya Trace Heritage Development Zone

§301. Statement of Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:

§303. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:

§305. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:

§307. Application for Tax Credit or Exemption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:

§309. Criteria for Reviewing Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:

Family Impact Statement

In accordance with R.S. 49:972, the impact of this proposed Rule on the family has been considered. The proposed Rule has no effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; family earnings and family budget; behavior and personal responsibility of children; or ability of the family or local government to perform to function as contained in the proposed Rule.

Poverty Impact Statement

In accordance with R.S. 49:973, the impact of this proposed rule on poverty issues has been considered. The proposed Rule has no known or foreseeable effect on household income, assets, and financial security; early childhood development; employment and workforce development; taxes and tax credits (because the tax credit program to which these rules pertain has already been repealed in law); or assistance for child and dependent care, housing, health care, nutrition, transportation and utilities.

Small Business Analysis

In accordance with R.S. 49:974.5, the impact of this proposed Rule on small businesses has been considered. There is no known adverse impact on the establishment of less stringent compliance or reporting requirements for small businesses; the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; the consolidation or simplification of compliance or reporting requirements for small businesses; the establishment of performance standards for small businesses to replace design or operational standards required in the proposed Rule; or the exemption of small businesses from all or any part of the requirements contained in the proposed Rule.

Provider Impact Statement

In accordance with House Concurrent Resolution 170 of the 2014 Regular Session, the impact of this proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. It does not have any effect on provider staffing levels, qualifications, costs, or overall ability of providers to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments should be submitted by email or mail to Britain Engleton, Department of Culture, Recreation and Tourism, at bcarbins@crt.la.gov or P.O. Box 44243, Baton Rouge, LA 70804-4243 by 4:30 p.m. on December 11, 2025. The period for requesting a public hearing will be through December 11, 2025. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Nancy Watkins
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Atchafalaya Trace Heritage
Development Zone**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE
OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated costs or savings to state or local governmental units resulting from the proposed rule change, other than the cost to promulgate the proposed rule change.

The proposed rule change repeals the rules that govern the administration of the Atchafalaya Trace Heritage Development Zone Tax Incentive Program. LAC Title 25, Part XI, Chapter 3 (§301 – 309) establishes rules for the administration of the Atchafalaya Trace Heritage Development Zone Tax Incentive Program created by Act 112 of the 2002 1st Extraordinary Session of the Louisiana Legislature (codified as R.S. 25:1226 – 1226.6). Specifically, the rules outline the purpose, definitions, application requirements, and criteria for reviewing an application for the Atchafalaya tax credit program.

- Act 832 of the 2014 Regular Session of the Louisiana Legislature abolished the Atchafalaya Trace Heritage Area Development Zone Review Board (the board established to review applications for the Atchafalaya tax credit program) and its functions.
- Act 403 of the 2017 Regular Session of the Louisiana Legislature sunset the Atchafalaya tax credit program, beginning January 1, 2020.
- Act 5 of the Third Extraordinary Session of the Louisiana Legislature 2024 repealed the enabling legislation for the Atchafalaya tax credit program, effective January 1, 2025.

Because the Louisiana Legislature sunset the Atchafalaya Trace Heritage Development Zone Tax Incentive Program (effective January 1, 2020) and repealed the enabling legislation for the Atchafalaya tax credit program (effective January 1, 2025), the proposed rule change repeals the rules that pertain to the administration of the Atchafalaya tax credit program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change. The proposed rule change simply repeals provisions providing for the purpose and application process for a program repealed by the Louisiana Legislature. The Atchafalaya tax credit program was sunset on January 1, 2020.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups because of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change is not anticipated to affect competition or employment in either the public or private sectors.

Nancy Watkins
Undersecretary
2511#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Culture, Recreation, and Tourism,
Office of Tourism**

Guidelines for Act 455—Matching Funds Program;
Placement of Litter Receptacles; Welcome Centers
(LAC 25:V.Chapters 1-5)

The Department of Culture, Recreation, and Tourism proposes to repeal Part V of the Title 25 of the *Louisiana Administrative Code*, consisting of Chapters 1, 3 and 5. The proposed Rule change repeals rules relative to programs that are no longer administered by the department. Chapter 1 (§§101-119) provides rules for the Act 455 Matching Funds Program, a program that has been inactive for more than 20 years. The legislature removed statutory references to the program in 2004. Chapter 3 (§§301-317) provides minimum standards for litter receptacles, a program and responsibility transferred by the legislature to the Department of Environmental Quality in 1995. Chapter 5 (§§501-507) provides rules for reserving designated spaces within welcome centers for private events for a fee. This program is inactive and was only ever applied at the Capitol Park Welcome Center, a building that was transferred in 2020 to the Department of Economic Development to be used for other purposes. Because the rules are no longer necessary or consistent with applicable law, the department proposes to repeal LAC Title 25, Part V, Chapter 1 (Sections 101-119), Chapter 3 (Sections 301-317), and Chapter 5 (Section 501 - 507).

Title 25

CULTURAL RESOURCES

Part V. Office of Tourism

**Chapter 1. Guidelines for Act 455 Matching Funds
Program**

§101. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§103. Eligibility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§105. Matching Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§107. Evaluation Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§109. How to Apply

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§111. Application Deadline

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§113. Grant Award Notification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§115. Payment Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§117. Reporting Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

§119. Review Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

Chapter 3. Placement of Litter Receptacles

§301. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§305. Responsibility to Procure and Place Litter Receptacles

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§307. Litter Receptacles: Where Required and Number Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§309. Minimum Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§311. Antilitter Symbol

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§313. Prohibited Acts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§315. Penalties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

§317. Effective Date and Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988), repealed by the Department of Culture, Recreation and Tourism, LR 52:

Chapter 5. Welcome Centers

§501. Welcome Centers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism LR 52:

§503. Reservations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism LR 52:

§505. Standard Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), amended LR 42:35 (January 2016), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism LR 52:

§507. Discounts; Fee Waivers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), repealed by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 52:

Family Impact Statement

In accordance with R.S. 49:972, the impact of this proposed Rule on the family has been considered. The proposed Rule has no effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; family earnings and family budget; behavior and personal responsibility of children; or ability of the family or local government to perform to function as contained in the proposed Rule.

Poverty Impact Statement

In accordance with R.S. 49:973, the impact of this proposed Rule on poverty issues has been considered. The proposed Rule has no known or foreseeable effect on household income, assets, and financial security; early childhood development; employment and workforce development; taxes and tax credits; or assistance for child and dependent care, housing, health care, nutrition, transportation and utilities.

Small Business Analysis

In accordance with R.S. 49:974.5, the impact of this proposed Rule on small businesses has been considered. There is no known adverse impact on the establishment of less stringent compliance or reporting requirements for small businesses; the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; the consolidation or simplification of compliance or reporting requirements for small businesses; the establishment of performance standards for small businesses to replace design or operational standards required in the proposed rule; or the exemption of small businesses from all or any part of the requirements contained in the proposed Rule.

Provider Impact Statement

In accordance with House Concurrent Resolution 170 of the 2014 Regular Session, the impact of this proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. The proposed Rule is not anticipated to have any effect on provider's staffing levels, qualifications, costs, or overall ability of providers to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments should be submitted by email or mail to Britain Engleton, Department of Culture, Recreation and Tourism, Human Resources Director, at bcarbins@crt.la.gov or P.O. Box 44243, Baton Rouge, LA 70804-4243 by 4:30 p.m. on December 11, 2025. The period for requesting a public hearing will be through December 11, 2025. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Nancy Watkins
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Guidelines for Act 455—Matching Funds Program; Placement of Litter Receptacles; Welcome Centers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to the Louisiana Department of Culture, Recreation, and Tourism (CRT), other than the cost to promulgate the proposed rule change. There is no anticipated cost or savings to other state agencies or local governmental units as a result of the proposed rule change.

The proposed rule change repeals LAC Title 25, Part V, Chapters 1, 3, and 5. LAC Title 25, Part V provides for three programs formerly administered by the Louisiana Office of Tourism (LOT) that are no longer active. The proposed rule change repeals the following sections that are no longer administered by CRT:

- LAC Title 25, Part V. Chapter 1 provides relative to the "Act 455 Matching Funds Grant Program." Statutory references to the grant program were repealed by Act 114 of the 2004 RS. The Fiscal Note of Act 114 explained, "The Act 455 Matching Fund Program of 1970 was a dollar-for-dollar matching funds program. The fund has been inactive for 20 years; therefore, the proposed rule change removes reference to the fund from R.S. 51:1257(B)(1)."
- LAC Title 25, Part V. Chapter 3 provides relative to the "Placement of Litter Receptacles." The rules were originally promulgated by the "Louisiana Litter Control and Recycling Commission" pursuant to authority granted in R.S. 25:1110 et seq. Act 1019 of the 1995 RS amended and the Louisiana Law Institute re-designated R.S. 25:1102 - 1110, relating to litter reduction, as R.S. 30:2522 - 30:2530. The CRT's Louisiana Litter Control and Recycling Commission was abolished, and the Louisiana Litter Reduction and Public Action Commission was created in the Department of Environmental Quality (DEQ) to advise the litter

reduction and public action section of DEQ. Authority to adopt and promulgate reasonable rules about litter receptacles was transferred to DEQ and is now codified as R.S. 30:2535.

- LAC Title 25, Part V, Chapter 5 provides relative to "Welcome Centers." These rules provided a process for reserving designated spaces within welcome centers for private events for a fee. This program is inactive and was only ever applied at the Capitol Park Welcome Center, which has since been transferred to Louisiana Economic Development to be used for other purposes. Remaining welcome centers operated by LOT are located within interstate highway rights-of-way, where federal law prohibits commercial activity such as fee-based private events. Accordingly, the program and its rules are obsolete.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
- There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
- There are no anticipated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
- The proposed rule change is not anticipated to impact competition or employment in either the public or private sectors.

Nancy Watkins
Undersecretary
2511#016

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsement
(LAC 28:CXXXI.1353)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions acknowledge professional experience and provide expanded opportunities for educational diagnostician certification endorsement.

Title 28

EDUCATION

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

Chapter 13. Endorsements to Existing Certificates

§1353. Educational Diagnostician (Special Education)

A. - A.2. ...

- a. hold generic special education certification, with at least one year of classroom teaching experience in special education; and
- b. hold certification in at least two special education disability areas, with at least one year of teaching experience

in special education, noting that academically gifted is not an accepted special education area;

A.3. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:463 (March 2022), repromulgated LR 48:1071 (April 2022), amended LR 52:

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 local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? Yes.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2025, to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsement**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change amends LAC 28:CXXXI in Bulletin 746—Louisiana Standards for State Certification of School Personnel to expand opportunities for professional advancement in special education by removing the requirement that special education experience be in a “properly certified area” and instead may be in any special education environment.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may lead to an increase in duly certified and qualified professionals available to serve students with exceptionalities. The proposed rule change broadens the definition of professional experience needed to earn the educational diagnostician endorsement by removing the requirement that experience be in a “properly certified area” of special education.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition and employment as the expanded definition of professional experience may increase opportunities for educator advancement in the field of special education.

Beth Scioneaux
Deputy Superintendent
2511#056

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Comprehensive Assessments
(LAC 28:XI.1707, 1903, 5107, 5701, 6803,
6821, 6827, and 6829, LAC 28:CXV.323 and 2316)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*, *Bulletin 118—Statewide Assessment Standards and Practices*, and LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions establish comprehensive exams for incoming freshmen in the 2026-2027 school year and beyond. In spring 2028, tenth grade students would take comprehensive ELA and math assessments at the end of the school year. Students would continue taking LEAP 2025 Biology and Civics. The shift to comprehensive exams reduces the number of statewide standardized assessments while ensuring that quality information about student performance is available.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 1. General Provisions

§1707. Student Growth Methodology

A. - C. ...

D. For students taking a first LEAP 2025 assessment in high school in a subject area, the eighth grade assessment taken in the same subject will be used as the prior-year assessment for determining growth. The student must grow by one achievement subcategory from eighth grade to the comprehensive exam. If the student scored at mastery in eighth grade, the student must improve one scale point per year since the prior test. The high school assessment need not be taken in the school year directly following the examination counted as the prior-year assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1630 (November 2024), amended LR 52:

Chapter 19. Inclusion in Accountability

§1903. Inclusion of Students

A. - C. ...

D. When eighth grade students only participate in the Algebra I test, the Algebra I test results shall be used in the middle school assessment index in the numerator and the denominator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024), amended LR 52:

**Subpart 3. Bulletin 118—Statewide Assessment
Standards and Practices**

Chapter 51. General Provisions

§5107. Assessment Programs

[Formerly LAC 28:CXI.107]

A. - B.1. ...

2. The assessments will be administered to high school students enrolled in and/or receiving credit for a high school course having a LEAP assessment or retesting for the purposes of graduation, as well as for students in the third-year assessment cohort as defined in Part XI, Subpart 1, §409. Comprehensive exams must be taken in the second year of the cohort.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 36:477 (March 2010), LR 40:2509 (December 2014), LR 44:462 (March 2018), LR 47:566 (May 2021), LR 49:44 (January 2023), LR 49:645 (April 2023), LR 52:

Chapter 57. Assessment Program Overview

§5701. Louisiana Assessment Programs

A. - C.1. ...

2. LEAP 2025 English I, English II; fall 2017 to spring 2029.

3. LEAP 2025 Algebra 1, Geometry; fall 2017 to spring 2029.

4. - 6. ...

7. Comprehensive high school exam in English language arts; beginning spring 2028.

8. Comprehensive high school exam in mathematics; beginning spring 2028.

D. - I.10. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020), LR 47:566 (May 2021), repromulgated LR 47:721 (June 2021), amended LR 48:38 (January 2022), LR 49:44 (January 2023), LR 49:646 (April 2023), LR 52:

Chapter 68. LEAP 2025 Assessments for High School

Subchapter A. General Provisions

§6803. Introduction

A. LEAP 2025 and comprehensive assessments for high school will measure the knowledge and skills a student should have mastered in required subjects. The results of the LEAP 2025 and comprehensive assessments for high school will help ensure that all Louisiana students have access to a rigorous curriculum that meets high academic standards.

B. - B.6. ...

C. Beginning in the 2024-2025 through 2025-2026 school year, LEAP 2025 assessments for high school will assess student learning in the high school courses:

1. - 4. ...

5. biology; and

C.6. - F. ...

G. For incoming freshmen in 2026-2027 and beyond, participation in comprehensive high school exams for ELA and math is required. The exams shall be administered in the spring semester of the second year of the cohort, beginning in spring 2028. Participation in LEAP Biology and LEAP Civics assessments shall be required upon completion of each course.

H. Comprehensive exams for ELA and math shall be administered in the spring of the students' second year of the cohort. Any student enrolled the second year of the cohort is required to take the comprehensive high school ELA and math assessments.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:214 (February 2009), LR 36:477 (March 2010), amended LR 38:35 (January 2012), LR 40:2514 (December 2014), LR 44:469 (March 2018), LR 44:2129 (December 2018), LR 47:567 (May 2021), LR 48:38 (January 2022), LR 49:861 (May 2023), LR 52:

**Subchapter C. LEAP 2025 for High School
Administrative Rules**

§6821. High School Test Cohorts

[Formerly LAC 28:CXI.1821]

A. - B.1.d.ii. ...

C. For incoming freshmen in 2026-2027 and beyond, participation in comprehensive high school exams for ELA and math is required. The exams shall be administered in the spring semester of the second year of the cohort, beginning in spring 2028. Participation in LEAP Biology and LEAP Civics assessments shall be required upon completion of each course.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021), LR 48:2559 (October 2022), LR52:

§6827. LEAP 2025 Retest Administration

[Formerly LAC 28:CXI.1827]

A. ...

B. Students who did not score *approaching basic* or above on a comprehensive exam may retest in the next administration.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010), amended LR 44:471 (March 2018), LR 52:

§6829. LEAP 2025 Transfer Rules

[Formerly LAC 28:CXI.1829]

A. - A.3.b. ...

4. A student who transfers in twelfth grade with fewer than 30 days of enrollment in a Louisiana public high school is not required to take the comprehensive ELA and math exams.

B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010), amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:1372 (October 2020), LR 47:567 (May 2021), LR 52:

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

§323. Louisiana Educational Assessment Program

A. Each LEA shall participate in the Louisiana Educational Assessment Program (LEAP) grade level, subject area, and comprehensive exams in accordance with this Part.

B. Performance standards for LEAP and comprehensive exams are developed to be comparable to the rigor of national achievement tests including but not limited to the national assessment of educational progress (NAEP) performance standards.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013).

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2316. Assessment Requirements

A. - D. ...

E. - E.2.d. Repealed.

F. For incoming freshmen in the 2010-2011 through 2016-2017 school years, students must pass three end-of-course tests in the following categories:

1. - 3. ...

G. For incoming freshmen in the 2017-2018 through 2023-2024 school years, students must pass three LEAP 2025 assessments in the following categories:

G.3. - I.4.c. ...

J. For incoming freshmen in the 2024-2025 and 2025-2026 school year, the LEAP 2025 Civics assessment will replace the LEAP 2025 U.S. History assessment as the social studies assessment required for graduation. The LEAP 2025 U.S. History assessment will be available through 2026-2027 for those students requiring a retest to fulfill graduation requirements. Students must pass three LEAP 2025 assessments in the following categories:

1. - L.4. ...

5. English I, English II, Algebra I, and geometry scores from the comprehensive exams from fall and spring administrations in 2027-2028.

M. For incoming freshmen in 2026-2027 and beyond, comprehensive exams in ELA and math replace the LEAP 2025 English I, English II, Algebra I, and geometry assessments required for graduation. The former assessments will be available through the 2028-2029 school year for students requiring a retest to fulfill graduation requirements.

1. Students are required to participate in comprehensive high school exams for ELA and math. The exams will be administered in the spring semester of the second year of the cohort beginning in spring 2028. Retesting shall be available.

2. A passing score on at least one of the LEAP 2025 Biology or LEAP 2025 Civics assessments is required for graduation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 52:

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 local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2025, to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Comprehensive Assessments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is anticipated to result in an annual estimated savings of \$2,661,000 for the Louisiana Department of Education (LDOE), beginning in FY 28. The proposed rule change updates the schedule for the administration of state high school assessments, combining the separate English I and English II exams into one comprehensive ELA exam, as well as combining the separate Algebra I and Geometry exams into one comprehensive Mathematics exam, beginning with testing conducted in the spring of the 2027-28 school year. This update reduces the number of assessments given to high school students by two.

Of the total \$2,661,000 in estimated savings, \$2 M is attributable to the cost of scoring and psychometrics for the two removed assessments. The remaining \$661,000 in savings is a result of a reduction in the costs of item development and forms construction associated with the two removed assessments. The reduction in the number of tests administered each year is also expected to reduce the number of proctors needed during the testing window, which may result in a savings for local education agencies for payments made to staff to proctor assessments.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may result in a loss of revenues for businesses contracted to develop, print, and score statewide ELA and Mathematics assessments. The change may also reduce proctoring-related revenue for affected staff members.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may result in a reduction in the hiring of temporary staff by local education agencies needed to proctor assessments.

Beth Scioneaux
Deputy Superintendent
2511#058

Patrice Thomas
Deputy Fiscal Office
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation of Education Acts of the
2025 Regular Legislative Session
(LAC 28: CXV.1301; LAC 28: CLXI.1715 and 1727)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28: CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy. Revisions provide further clarity and alignment to include:

- Bulletin 741—Louisiana Handbook for School Administrators
 - Act 439. School Employee Bill of Rights
- Bulletin 137—Louisiana Early Learning Center Licensing Regulations
 - Act 409. Child Safety and Welfare

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 13. Discipline

§1301. Disciplinary Regulations

A. - H. ...

I. Each LEA shall establish a discipline policy review committee composed of seventeen members in accordance with the mandates of R.S. 17:416.8. The LEA shall establish procedures for selecting one paraprofessional to be elected by peers and for appointing the two parent members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 36:1225 (June 2010), LR 37:1132, 1133 (April 2011), LR 39:476 (March 2013), LR 39:2210 (August 2013), LR 39:3069 (November 2013), LR 48:1011 (April 2022), LR 51:57 (January 2025), LR 52:

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

Chapter 17. Minimum Staffing Requirements and Standards

§1715. Staff Records and Personnel Files

A. - B. ...

C. LDOE Electronic System. All current staff names, hire date, first day onsite working with children, and initial and annual mandatory reporter training documentation must be maintained in the LDOE electronic system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1276 (September 2021), LR 52:

§1727. Child Neglect and Abuse Mandatory Reporter Training

A. After initial completion of training at time of hire, all staff members shall annually complete the online child abuse and neglect Mandated Reporter Training provided by DCFS between June 1 and August 31 of the calendar year.

B. Documentation of completion of the course shall be submitted in the LDOE electronic system by no later than September 30 of each calendar year for all staff and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, Article 603.1, and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:1278 (September 2021), amended LR 52:

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 local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 10, 2025, to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Implementation of Education Acts of the
2025 Regular Legislative Session**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE
OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change, in accordance with Act 409 of the 2025 RS, requires the annual submission of mandatory reporter training data by each entity at which a teaching or child care provider is employed to the Louisiana Department of Education (LDOE). Additionally, it requires LDOE to publish completion rates for each entity on the department's website. This will be accomplished through existing systems, at no additional cost to the department.

Additionally, the proposed rule change, in accordance with Act 439 of the 2025 RS, requires each local discipline policy review committee to include a paraprofessional elected by his or her peers. Members of the discipline review committee serve

without additional compensation; therefore, there is no anticipated impact to local governmental expenditures as a result of this change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated costs to persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2511#057

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Firefighters Pension and Relief Fund for the City of New Orleans and Vicinity

Retirement (LAC 58:V.Chapters 1-21)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, (board), hereby determines that the implementation of amendments to LAC 58.V. are required under R.S. 49:964(D) and Executive Order JML 25038 issued April 1, 2025 which mandated that by December 31, 2025, state agencies review their rules to determine if it is necessary, consistent with law, aligned with the agency's mission and otherwise complies with the legislation described therein. The Board of Trustees have reviewed their rules in their entirety and propose the amendments herein to eliminate redundant and obsolete language and to simplify the rules to reflect current administrative protocols. Chapter 1 (Qualified Domestic Relations Orders) is renumbered as Chapter 15 and is amended to simplify and eliminate redundant language and to reflect administrative protocols. Chapter 1 will now consolidate all definitions which were previously found throughout the rules. Chapters 13 (Service Credit), 15 (Deferred Retirement Option Plan), and 19 (Partial Lump Sum Option Plan) have been repealed in their entirety as they are obsolete, redundant and already referenced under the statute. Chapter 20 (Tax Qualification Provisions) will be consolidated with Chapter 5 (Direct Rollover) and renumbered as Chapter 13 (Tax Qualification Provisions) and are amended to reflect proper statutory references and to update actuarial factors. Chapter 21 is now consolidated with Chapter 3, (Procedural Rules and Regulations of the Board) which is amended to eliminate redundant language that is already set forth in the statute, and to update the rules to reflect statutory language. Chapter 17 (Election Rules) is now renumbered as Chapter 5 and is amended to eliminate redundant language that is already reflected in the statute, and to update the rules to reflect statutory language and administrative protocols. Chapter 7 (Partial Buy Back of

Service Credit) is amended to eliminate obsolete language. Chapter 9 (Death Benefits) is restructured and amended to eliminate redundant language. Chapter 11 (Calculation of Benefits) is amended to eliminate obsolete language and to simplify and update the rules to reflect statutory language.

Title 58

RETIREMENT

Part V. Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity

Chapter 1. Introductory Information

§101. Definitions

Alternate Payee—the participant's spouse (or former spouse, child, or other dependent) who is entitled to receive some or all of the fund's benefit payments with respect to the participant under the terms of the QDRO. The same QDRO may identify more than one alternate payee, and several alternate payees may be identified in multiple QDROs. However, the board shall not recognize the entitlement of any alternate payee, even if specified in a domestic relations order, if the benefits assigned therein have already been assigned by reason of an earlier QDRO validly served upon the fund.

Dependent or Dependent upon the Firefighter for Support—prior to the firefighter's death, he contributed 50 percent or more to the support of said dependent.

Distributee—includes a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is the alternate payee under a qualified domestic relations order are distributees with regard to the interest of the spouse or former spouse. A distributee also includes a non-spouse beneficiary properly designated by the member.

Domestic Relations Order (DRO)—any judgment, decree, or order (including approval of a property settlement or community property partition) that:

1. relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant; and
2. is made pursuant to a state domestic relations law (including a community property law).

Note: A state court shall actually issue an order, or formally approve a proposed property settlement, in order for it to be recognized as a domestic relations order. A property settlement or community property partition signed by a participant and the participant's former spouse, or a draft order to which both parties consent, shall not be considered a domestic relations order until the state authority has executed the order or formally approved it and made it part of the domestic relations proceeding.

Eligible Retirement Plan—an individual retirement account described in IRC § 408(a), an individual retirement annuity described in IRC § 408(b), an annuity plan described in IRC § 403(a), or a qualified trust described in IRC § 401(a), that accepts the distributee's eligible rollover distribution. In the case of an eligible rollover distribution to the surviving spouse or alternate payee, an eligible retirement plan is an individual retirement account or individual retirement annuity. An eligible retirement plan also shall include an annuity contract described in IRC § 403(b) and an eligible plan under IRC § 457(b), which is maintained by a state, political subdivision of the state, or any agency or instrumentality of a state or political subdivision of a state (which agrees to separately account for amounts transferred into such plan from this plan) a Roth individual retirement account or Roth individual retirement annuity described in IRC § 408A.

a. In the case of a non-spouse beneficiary, an eligible retirement plan is an individual retirement account or annuity described in IRC § 408(a), or IRC § 408(b) or, a Roth individual retirement account or annuity described in IRC § 408A, that is established on behalf of the designated beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC § 402(c)(11).

Eligible Rollover Distribution—any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

a. any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancy) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

b. any distribution to the extent such distribution is required under IRC § 401(a)(9).

Non-Designated Beneficiary—in the event no valid designation of beneficiary exists with the fund, the person or persons designated in the first of the following classes which is applicable to the deceased firefighter shall be paid in the following order of priority to:

- a. the surviving spouse; and if none to;
- b. the surviving children, in equal shares; and if none to;
- c. the surviving parents; and if none to;
- d. the firefighter's estate or succession, if a succession has been opened, and if not, then to;
- e. the surviving heirs, in equal shares.

Qualified Domestic Relations Order (QDRO)—a domestic relations order that creates or recognizes the existence of an alternate payee's right (or assigns to an alternate payee the right) to receive all or a portion of the benefits payable with respect to a participant in the fund, provided that the order complies with the fund's rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§103. Gender and Meaning

A. Whenever any words are used in these regulations in the masculine gender, they shall also be construed to include the feminine gender in all situations where they would so apply; and whenever any words are used in the singular, they shall also be construed to include the plural in all situations where they would apply and whenever any words are used in the plural, they shall also be construed to include the singular.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§105. QDRO Language

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1305 (October 1997), LR 30:1685 (August 2004), repealed LR 52:

§107. Notice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1305 (October 1997), repealed LR 52:

§109. Determination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1305 (October 1997), repealed LR 52:

§111. Payments Pending Determination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1305 (October 1997), repealed LR 52:

§113. Representative of Alternate Payee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 23:1306 (October 1997), repealed LR 52:

Chapter 3. Procedural Rules and Regulations of the Board of Trustees

§301. Organization, Rules, and Procedures of the Board [Formerly §303]

A. Organization of the Board

1. Election of President and Secretary. The board at a meeting held after the election of members to the board, shall elect from its members a president and secretary-treasurer, for the term of two years, or until a successor is duly elected in a manner consistent with R.S. 11:3362(C).

2. Rules of Order. The board or any committee shall not be bound by any rules of order, evidence, or procedure at its meetings, hearings or investigations, except such as it may itself establish.

B. Rules

1. Adoption of Amendment. These rules may be adopted or amended by the board in a manner consistent with R.S. 49:961.

2. Effective Date of Amendments. An amendment to the rule shall become effective on the first day of the month following the date of adoption by the board, unless otherwise specifically provided.

C. Meetings

1. Regular meetings may be held on any day of the month as determined by the board. Notice of the time and place of all regular meetings shall be given in writing to each member of the board by the secretary-treasurer.

2. Special meetings may be held at times and places specified by call of the president, or three other members of the board.

3. Four members of the board shall constitute a quorum for the transaction of business.

4. For purposes of a disability determination, an affirmative vote of two-thirds of the majority will be required.

5. The board shall maintain its records at the fund office.

D. Agency Ineligibility – Meeting Via Electronic Means

1. The fund does not meet the criteria pursuant to R.S. 42:17.2(H) to be eligible to conduct open meetings via electronic means, because it

a. is not a state agency as defined by R.S. 49:951; and

b. has powers, duties or functions that are limited in scope to a particular political subdivision or region.

E. Disability Accommodations

1. Despite ineligibility to conduct open meetings via electronic means, nonetheless the fund is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as any of the following:

a. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

b. a designated caregiver of such a person; or

c. a participant member of the fund with an ADA-qualifying disability.

3. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the fund representative to whom a disability accommodation may be submitted.

4. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

5. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:685 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:

§303. Application Procedure, Initial Determination, and Notice
[Formerly §305]

A. Application

1. All applications for pension and relief benefits must be made in advance of the regular monthly meeting at which the application is to be heard. Application shall only be made on a form provided by the board.

2. Documentary Evidence. Documentary evidence in support of disability applications shall be submitted in addition to the application, and may be in the form of doctors' reports, medical reports, or any other medical evidence or statements acceptable to the board which the claimant wishes to present to assist the board in making its initial determination of benefits payable. Said documentary

evidence shall include a medical report from the board's chosen physician.

3. Application for death benefits shall be made on a form provided for by the board.

4. **Surviving Spouses' Applications.** In addition to providing medical evidence and any other statements presented to assist the board in making an initial determination, all surviving spouses who apply for pension benefits shall do so on a form furnished by the board. In addition, surviving spouses shall furnish the board with a copy of the member's death certificate and a notarized affidavit to the effect that the surviving spouse was married to the decedent at the time of his death, and list the names of any and all surviving children under 18 years of age. Accompanying this affidavit shall be a certified copy of the marriage certificate of the decedent and surviving spouse, and birth certificates of all children under 18 years of age.

B. Initial Determination

1. The board shall meet and make an initial determination on any application filed in accordance with these rules based upon the evidence that is presented by the claimant in support of that application.

2. After the board makes its initial determination, the claimant shall be notified of the board's determination by mail and/or electronic means, as to what action the board has taken. In the event the application or any part of it is denied, the claimant shall be advised of his right to appeal the initial determination of the board by filing such a request, in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§305. Hearing Procedures, Appeal, Oath, Testimony, Production of Records and Depositions
[Formerly §307]

A. The board may conduct a hearing to review any completed appeal filed. The claimant may represent himself or may be represented by an attorney or any other person he may designate.

B. Depositions may be used at the hearing conducted by the board or committee.

C. After hearing all of the evidence and considering all of the facts presented, the board shall make a determination of the appeal. The claimant shall be notified of the decision of the board by mail and/or electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:

§307. Judicial Review
[Formerly §309]

A. Judicial review of any final decision by the board shall be reviewable in the District Court of the domicile of the board. No petition for judicial review shall be filed, however, unless and until the claimant shall have first exhausted all internal fund remedies available hereunder, including the

filing of an appeal contesting an adverse determination by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:

§309. Judicial Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 16:686 (August 1990), repealed LR 52:

Chapter 5. Election Rules

[Formerly Chapter 17]

§501. Nominations

[Formerly §1701]

A. Election for positions on the board of trustees as described in R.S. 11:3362(A)(3) and (4) will be held every two years on odd numbered years as required by R.S. 11:3362(B).

B. Notices for nomination will be recorded in monthly fund minutes, beginning in July of any election year.

C. Nominations for positions will be accepted from eligible members in writing on or around the second week in July in the fund office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§503. Election Committee

[Formerly §1703]

A. All members nominated for the board will automatically become members of the election committee for the election in which they have been nominated. The election committee will meet to review all the rules of the election. The committee can discuss procedures but will not have the authority to change any rules for any election. Any committee member may offer recommendations or rule changes for any subsequent election, which shall be recorded in the minutes of the committee or a special report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§505. Ballot Procedure

[Formerly §1705]

A. Ballots with security envelopes and return envelopes will be mailed out no later than 21 days before the fourth Wednesday in August, subject to the following controls.

1. Records of the mailing will be kept at the fund office.
2. The listing of all members who were mailed ballots will be kept at the fund office. Any member may inspect, but not copy, the voter mailing list.

3. The election committee will make available to its members, upon request, the number of names added to the list

after the initial mailing and the number of duplicate ballots mailed to members who did not receive the original ballot.

4. The election committee will account for all ballots (used and unused).

B. All ballots must be returned, signed, no later than 8 p.m. on the fourth Wednesday in August subject to the following controls:

1. Ballots will be verified for eligibility by fund office staff daily.

2. The election committee will have authority to check for eligibility prior to counting of ballots.

3. A current account of envelopes returned will be preserved.

4. Ballots will be placed in two secured ballot boxes at the fund office. Separate boxes will be maintained for active firefighter and retired members.

5. Each ballot box will be secured with two different locks. The election committee will designate two incumbent members and two non-incumbent member nominees to control the keys to all locks.

C. The following voting instructions and procedures shall apply:

1. Each member will receive an official ballot with voting instructions.

2. A blank security envelope and a self-addressed stamped envelope addressed to:

Firefighters' Pension and Relief Fund
5710 General Haig Street
New Orleans, LA 70124

3. Members must vote for only the specified number of candidates in the appropriate sections. Members may vote for less than the specified number, however, voting in excess of the specified number, in the appropriate section, will spoil and void the ballot for that section.

4. Members should place their ballot in the security envelope, then seal the envelope. The security envelope should then be placed inside the self-addressed, stamped envelope.

5. Members must sign the self-addressed envelope in the upper left corner in the space provided. A member's signature shall serve as proof of eligibility. Any envelopes not signed will be rejected.

6. All ballots must be returned signed, to the fund office, no later than the fourth-Wednesday in August.

D. All ballots will be counted at the fund office at 9 a.m. on the Thursday following the deadline for ballots to be returned, subject to the following conditions:-

1. The election committee shall report to the fund office no later than 8:30 a.m.

2. The election committee is to oversee the counting of ballots.

3. The election committee is responsible for accuracy of votes counted.

E. Envelopes and ballots will be maintained and preserved at the fund office for three months following any election.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board

of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§507. Election Inquiries
[Formerly §1709]

A. Any questions from members regarding the election should be directed to the election committee, in writing, addressed care of the fund secretary-treasurer.

B. The election committee may propose comments, suggestions and recommendations on any changes for the next election to be held following the election under its supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1928 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

Chapter 7. Partial Buy Back and Partial Restoration of Forfeited Credits of Service

§701. Partial Buy Back and Partial Restoration of Forfeited Credits of Service

A. A member shall partially buy back a portion of his forfeited credits of service and shall do so by satisfying the following requirements, as set forth herein.

1. A member must have returned to employment with the fire department and remain in such employment for a period of four years or more.

2. The amount of a partial buy back, and accordingly a partial restoration of forfeited credits, shall be determined by calculating the amount the member withdrew of his accumulated employee contributions on his initial termination of employment, plus 3 1/2 percent of interest, compounded annually, for each calendar year the member retained his withdrawn accumulated employee contributions, which total amount shall be referred to as the "total buy back amount" (interest shall be prorated for any period less than a calendar year period).

3. A member may restore his total number of years of forfeited credit on a piecemeal basis, provided the member restores at least two or more years of forfeited credit, in increments of 12 consecutive months. A member is prohibited from restoring his forfeited credits of service on a monthly basis and is prohibited from restoring less than two years, unless the restoration of credits is his final restoration request or the restoration request is for his total forfeited credits.

4. A year of credit shall mean a 12-month consecutive period.

5. A member shall elect a partial buy back and partial restoration of forfeited credits of service by completing and filing the applicable forms. A member may revoke any election for a partial buy-back and partial restoration, provided such revocation is in writing.

6. The member's years of credit service shall be adjusted as a result of the partial restoration of forfeited credits upon receipt of the annual buy-back amount for each year the member elects to restore.

7. A member is strictly prohibited hereunder from receiving his accumulated employee contributions upon his termination of employment in a form other than a full and total lump sum payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363 and 3365.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5219:743 (June 1993), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

Chapter 9. Death Benefits

§901. Beneficiary Designations and Election of Retirement and Death Benefits
[Formerly §903]

A. Any designation of beneficiary made by a firefighter pursuant to the statute shall be made, in writing, by completing the applicable beneficiary designation form required by the board and shall be filed by the board.

B. Whenever a retirement benefit election includes a survivor annuity in any amount, a certified copy of the said survivor's birth certificate shall be furnished as proof of age. The retiree shall keep the board advised at all times of all changes of address of himself and said beneficiary.

C. Any such designation of beneficiary may be changed at any time prior to retirement but such change shall have no effect until filed and received by the board.

D. If a firefighter dies without having designated a beneficiary, in accordance with the statute, and a benefit is payable, the applicable death benefit shall be paid to the firefighter's non-designated beneficiary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:183 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§903. Preretirement Death Benefits
[Formerly §907]

A. Nonduty Deaths

1. If an active firefighter, whether or not he is eligible by age and service to retire should die a nonduty death, his surviving spouse may elect one of the following death benefits:

a. an annuity payable for the duration of the surviving spouse's life and calculated as if the employee had retired prior to death pursuant to R.S. 11:3385, Option 2; or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

2. If an active firefighter whether or not he is eligible by age and service to retire, should die a nonduty death, and is not married at the time of his death, the designated beneficiary may elect one of the following death benefits:

a. an annuity payable for the duration of the designated beneficiary's life and calculated as if the employee had retired prior to death pursuant to R.S. 11:3385, Option 2; or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

3. If an active firefighter, whether or not he is eligible by age and service to retire, fails to designate a beneficiary and is not married, when he suffers a nonduty death, his dependent parent may elect one of the following:

a. an annuity payable for the life of the dependent and calculated as if the employee has retired prior to death pursuant to R.S. 11:3385, Option 2, or alternatively

b. a refund of the employee's accumulated contributions in a lump sum.

4. If an active firefighter whether or not he is eligible by age and service to retire; should die a nonduty death, and if the firefighter is not married, failed to designate a beneficiary, and does not have a dependent parent, a refund of the employee's accumulated contributions, in lump sum, plus interest shall be paid to the non-designated beneficiary.

5. If an active firefighter who is not eligible by age and service to retire when he suffers a nonduty death, and the firefighter is survived by dependent minor children or physically or mentally handicapped dependent children, each child shall receive a death benefit set forth in R.S. 11:3378(A)(2).

B. On-Duty Deaths

1. If an active firefighter whether or not he is eligible by age and service to retire when he suffers death in the line of duty, the surviving spouse shall elect one of the following death benefits:

a. an annuity payable for the duration of employee had survived until he had 20 years service at the same salary and elected to retire under R.S. 33:43385, Option 2 with no reduction for age at the date of retirement. The Option 2 calculation shall be based on his age and the age of the surviving spouse at the date of death pursuant to R.S. 11:3385(B); or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

2. If an active firefighter whether or not he is eligible by age and service to retire when he suffers death in the line of duty, and is not married at the time of death, his designated beneficiary may elect one of the following death benefits:

a. an annuity payable for the duration of the designated beneficiary's life and calculated as if the employee had survived until he had 20 years service at the same salary and elected to retire under R.S. 11:3385, Option 2 with no reduction for age at the date of retirement. The Option 2 calculation shall be based on his age and the age of his designated beneficiary at the date of death; or alternatively

b. a refund of the employee's accumulated contributions, plus interest earned, in lump sum, plus interest.

3. If an active firefighter, whether or not he is eligible by age and service to retire when he suffers death in the line of duty and is not married at the time of death and has failed to designate a beneficiary, a refund of the employee's accumulated contributions, in lump sum, plus interest shall be payable to the non-designated beneficiary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:184 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§905 General

[Formerly §909]

A. A spouse or parent may receive only one survivor pension under R.S. 11:3378A(1)(e).

B. Neither a retiree nor a surviving spouse shall receive a pension less than \$1200 per month R.S. 11:3383.

C. Once a firefighter has retired and elected an optional benefit under R.S. 11:3385, neither the designated joint annuitant nor the optional form of benefit may be changed.

When the survivor designated as a joint annuitant dies, no further survivor benefit shall be payable.

D. No benefit or joint annuity payable under R.S. 11:3385 shall exceed the actuarial value of the employee's benefit.

E. Unless the benefit payable is a refund of the employee's accumulated contributions or is payable under R.S. 11:3378(B), no lump sum benefits shall be payable by this fund pursuant to R.S. 11:155.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:184 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§907. Preretirement Death Benefits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 20:184 (February 1994), repealed LR 52:

§909. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 20:184 (February 1994), repealed LR 52:

Chapter 11. Calculation of Benefits

§1101. Definitions

A. The term *year* when appearing in the term *best year of service*, under R.S. 11:3386 shall mean any 12-consecutive month period commencing on any day and date preceding the firefighter's retirement that results in the highest average compensation.

B. The term *years* when appearing in the term *highest five average consecutive years of service* under R.S. 11:3384 shall mean any five consecutive years ending on any day and date preceding the firefighter's last day of service that results in the *highest five consecutive years of service*.

C. The term *year* when appearing in the term *last year of service* under R.S. 11:3377(A) shall mean the consecutive 12-month period ending on the last day of the month prior to the firefighter's last day of service prior to retirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, 3377, and 3384.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1103. General

A. Under no circumstances shall the terms *average compensation* and *average salary* be interpreted to include more than one annual excess millage payment in any given year.

B. Under no circumstances shall a different *year* be utilized for purposes of calculating the value of the different components included in *average compensation* or *average salary*, except in regard to excess millage payments, as specified herein.

C. Under no circumstances shall excess millage paid to a firefighter for any period less than a full calendar year be annualized for purposes of calculating a retirement benefit,

nor shall excess millage paid to the firefighter in the calendar year of his retirement be utilized in his benefit calculation unless that calendar year is also a benefit year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, 3381, 3385, and 3386.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1105. Calculation of Benefit Amount

A. *Average compensation*, as referenced in R.S. 11:3386 for purposes of identifying the *best year of service*, and in R.S. 11:3377A), for purposes of calculating the benefit attributable to the *last year of service*, shall mean the monthly base pay (including regularly paid millage), monthly scheduled overtime, and monthly state supplemental pay earned in the year under review, irrespective of the date of payment.

B. The term *average salary* when appearing in R.S. 11:3384 for purposes of calculating the highest five consecutive years of service, shall mean the monthly base pay (including regularly paid millage), monthly scheduled overtime, and monthly state supplemental pay earned in the five years under review, irrespective of the date of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363-3381, 3385, and 3386.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

Chapter 13. Tax Qualification Provisions

EDITOR'S NOTE: Section 1307 below references section 401(a)(37) of the Internal Revenue Code:

(37) Death benefits under userra-qualified active military service.— A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.

§1301 Direct Rollover

[Formerly §501]

A. Notwithstanding any provision to the contrary, the fund shall permit a direct rollover of an eligible rollover distribution to an eligible retirement plan in accordance with the IRC §401(a)(31) and the terms set forth herein, upon properly completing and filing the appropriate administrative forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5219:742 (June 1993), amended LR 5222:708 (August 1996), LR 5238:1011 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1303. General Provisions

[Formerly §2001]

A. The New Orleans Firefighters Pension and Relief Fund is a tax-qualified governmental plan. The following provisions shall apply:

1. The assets of the fund shall be held for the exclusive benefit of the members of the fund, the retirees thereof, and the survivors and beneficiaries of the retirees and members. No part of the assets held by the fund shall be used or diverted for any reason, including any contingency or event or by any other means, to other purposes, including but not limited to reversion to any employer.

2. The retirement benefit of a member shall be fully vested and nonforfeitable no later than the date on which he becomes eligible to retire. Benefits of members shall also become vested and nonforfeitable upon the termination of the fund or the complete discontinuance of contributions to the system.

3. Forfeitures shall not be used to increase the benefits of the remaining members of the fund. This shall specifically not preclude any increase in benefits by amendment to the benefit formula made possible by a change in contribution rate, favorable investment results, or other means.

4. A member's benefit shall begin to be distributed not later than the latest date provided for the commencement of benefits for governmental plans under IRC §401(a)(9)(C). Distributions to a surviving spouse, dependent, successor and/or beneficiary of a member shall be made at least as soon as distributions are required to be made by qualified governmental plans under IRC § 401(a)(9). Benefits payable shall be limited in accordance with IRC § 415 and applicable Treasury Regulations as applied to governmental plans.

5. In computing benefit accruals, there shall not be taken into account compensation in excess of the limitations specified in IRC §401(a)(17).

6. The fund, its trustees, consultants, and advisors shall not engage in any prohibited transactions as that term is defined in IRC § 503.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5237:1392 (May 2011), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1305. Actuarial Equivalence

[Formerly §2003]

A. The following provisions shall apply to the fund:-

1. The term *actuarial equivalence* or terms of similar import, wherever used, means a benefit of equivalent actuarial value determined by using the mortality assumptions and interest rates described herein.

a. The mortality assumptions will be based upon the Pub-2016 for Public Safety healthy retirees, disabled retirees and contingent survivors (amount weighted mortality projected with Scale MP-2021, at 7.2 percent interest.

b. For purposes of determining actuarial equivalence, the assumptions used as the basis for actuarial equivalence shall be reviewed periodically by the board and updated and amended if appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5238:1012 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1307. Military Service
[Formerly §2005]

A. Notwithstanding any provision to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC § 414(u). To the extent applicable, the provisions of IRC § 401(a)(37) shall apply. (See Editor's Note.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5238:1012 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

Chapter 15. Qualified Domestic Relations Orders
[Formerly Chapter 1]

§1501. Determining Qualified Status of Domestic Relations Orders
[Formerly §101]

A. Intent and Construction. These procedural rules are adopted in order to satisfy the requirements of R.S. 11:291 and 292 and shall be construed consistently with this purpose.

B. The purpose of these rules is to establish the board's willingness to recognize and enforce any QDRO that meets the requirements set forth herein.

C. A QDRO must clearly specify:

1. the name and last known mailing address of the participant and the name and mailing address of each alternate payee covered by the order or, in the event the alternate payee is a minor or legally incompetent, the name and address of the alternate payee's guardian;

2. the amount or percentage of the participant's benefits to be paid by the fund to each alternate payee, or the manner in which such amount or percentage is to be determined;

3. the number of payments or the period to which such order applies; and

4. the name and identify of the fund.

D. The board shall not honor the terms of any order that requires the fund:

1. to provide any type or benefits, or any option, not otherwise provided under the fund.

2. to provide increased benefits (determined on the basis of actuarial value).

3. to pay benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a QDRO.

4. to pay benefits to an alternate payee prior to the date the participant terminates employment and begins receiving pension benefits from the fund.

5. that allows the alternate payee to elect a form of benefit payable in any manner other than over the life of the participant when the order is presented to the fund after the participant has already begun receiving pension benefits.

6. to pay benefits to an alternate payee in any manner other than over the life of the alternate payee when the order is presented to the fund before the participant begins to receive pension benefits.

E. *Participant*—for purposes of this section, any employee or former employee in relation to the fund, who is or may become eligible to receive a benefits of any type from the fund, and who is the individual whose benefits under the fund are being divided by the QDRO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1304 (October 1997), LR 5230:1685 (August 2004), LR 5238:796 (March 2012), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

1503. QDRO Language
[Formerly §105]

A. Many factors should be taken into account by the drafters of a DRO to determine which benefits to assign to an alternate payee and how these benefits are to be assigned. Because of the complexity and variety of circumstances that should be considered and the need to individually tailor the assignment of benefits under a DRO, the board may propose specific sample language for inclusion in a DRO. The participant, alternate payee, and their respective attorneys, are directed to collaborate jointly to draft a DRO that satisfies their individual needs. If requested, the board will review any proposed order submitted to the fund prior to its submission to the appropriate court for execution and entry, with the intent of determining the proposed order's qualified status. The board is required by law to honor and enforce the terms of any QDRO which meets the conditions specified in these rules, applicable statutes and the courts' interpretations thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1305 (October 1997), LR 5230:1685 (August 2004), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

§1505. Determination and Payment
[Formerly §109 and §111]

A. The board shall determine whether a domestic relations order is a qualified domestic relations order within a reasonable time after it is received and shall have the right to require such evidence as they may reasonably need to make the determination.

B. The board shall notify the participant and the alternate payee of its determination within a reasonable period of time after the determination is made.

C. The board's decision shall be in writing and shall include specific reasons for the decision, expressed in a manner calculated to be understood by the participant and the alternate payee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1305 (October 1997), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:

1507. Representative of Alternate Payee
[Formerly §113]

A. An alternate payee, by written notice to the board, may designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1306 (October 1997), LR 52:

§1509. Trustees' Procedures Applicable to Payments to DROP Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, and 3385.1.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 22:706 (August 1996), amended LR 26:294 (February 2000), repealed LR 52:

§1511. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363 and 3385.1.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 22:707 (August 1996), repealed LR 52:

Chapter 17. Election Rules

§1701. Nominations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1927 (October 1998), repealed LR 52:

§1703. Election Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1927 (October 1998), repealed LR 52:

§1705. Ballot Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1927 (October 1998), repealed LR 52:

§1707. Installation of Elected Members

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1928 (October 1998), repealed LR 52:

§1709. Election Inquiries

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1928 (October 1998), repealed LR 52:

§1711. Special Elections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 24:1928 (October 1998), repealed LR 52:

Chapter 19. Partial Lump-Sum Option Payment

§1901. General Rules for Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, and 3385.2.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 26:291 (February 2000), repromulgated LR 26:1610 (August 2000), amended LR 30:1684 (August 2004), repealed LR 52:

§1903. Distributions from Partial Lump-Sum Option Payment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, and 3385.2.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 26:291 (February 2000), repromulgated LR 26:1610 (August 2000), amended LR 30:1684 (August 2004), repealed LR 52:

Chapter 20. Tax Qualification Provisions

§2001. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 37:1392 (May 2011), repealed LR 52:

§2003. Actuarial Equivalence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 38:1012 (April 2012), repealed LR 52:

§2005. Military Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 38:1012 (April 2012), repealed LR 52:

Chapter 21. Procedural Rules and Regulations of the Board of Trustees

§2101. Agency Ineligibility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 50:780 (June 2024), repromulgated LR 51:70 (January 2025), repealed LR 52:

§2103. Disability Accommodations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 50:780 (June 2024), repromulgated LR 51:70 (January 2025), repealed LR 52:

Family Impact Statement

The proposed addition to LAC 58:2101 and 2103 should have no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule has no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or local government to perform this function.

Poverty Impact Statement

The proposed amendments to LAC 58: 2101 and 2103 should have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed amended Rules should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rules are not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Any interested person may submit written comments regarding the content of this proposed Rule to Thomas Meagher, Secretary-Treasurer of the Fund, 5710 General Haig, New Orleans, Louisiana, before 5 p.m., on December 10, 2025.

Thomas Meagher
Secretary-Treasurer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Retirement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in any costs or savings for the New Orleans Firefighter Pension and Relief Fund (Board).

In order to comply with newly enacted federal law, Public Law 119-21, the Board proposes to amend Title 58 (Retirement) of the Louisiana Administrative Code, Part V, Chapter 1 (Qualified Domestic Relations Orders), Chapter 3 (Procedural Rules and Regulations of the Board of Trustees), Chapter 5 (Direct Rollovers), Chapter 7 (Partial Buy Back and Partial Restoration of Forfeited Credits of Service), Chapter 9 (Death Benefits), Chapter 11 (Calculation of Benefits), Chapter 13 (Service Credit), Chapter 15 (Deferred Retirement Option Plan), Chapter 17 (Election Rules), Chapter 19 (Partial Lump-Sum Option Payment), Chapter 20 (Tax Qualification Provisions), and Chapter 21 (Procedural Rules and Regulations of the Board of Trustees). The proposed rule reorganizes all chapters within Part V of Chapter 58 to eliminate redundant and outdated language, and to simplify and align the language with current practice.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Jeanne Cresson
Attorney
2511#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Optometry Examiners

Continuing Education (LAC 46:LI.301)

The Board of Optometry Examiners proposes to amend LAC 46:LI Section 301, Continuing Education, in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Optometry Practice Act, R.S. 37:1041-1068. The proposed amendment is in response to Act 194 of the 2023 Regular Session of the Louisiana Legislature, which changed the continuing education criteria for licensed optometrists. The purpose of the amendment is to align the board's continuing education rule with RS 37:1056 and to provide definitions for in-person and online continuing education.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LI. Optometrists

Chapter 3. License

§301. Continuing Education

A. Definitions

In-Person Classroom Setting—The course instructor and learners are physically present at the same location with live, real-time interaction.

Online Education Source(s)—The course instructor and learner are not together at the same time and at the same location, have no real-time communication, and the content is learner-paced.

B. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry license holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 hours of continuing education courses, of which a maximum of six hours may be obtained from approved online sources.

2. License holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of each calendar year at least 16 hours of continuing education courses. A minimum of eight of these 16 hours shall pertain to ocular and systemic pharmacology and/or current diagnosis and treatment of ocular disease and shall be obtained only through an in-person classroom setting. The remaining eight hours may pertain to general optometry topics such as contact lenses, and up to six of these eight hours may be obtained from approved online education sources. Practice management courses will not qualify for any of the 16 hours toward re-licensure, regardless of whether they are taken in an in-person classroom setting or through online education

sources. Additionally, for those holding a controlled dangerous substance license for the State of Louisiana and who are satisfying the one-time, 3-hour continuing education requirement for a Louisiana controlled dangerous substances license set forth in LAC 46:LI.303, those one-time continuing education requirement hours shall all count toward their required annual continuing education in the calendar year in which they are obtained, whether from an online education source or through an in-person classroom setting. The preceding shall not apply to any federally mandated education, such as that set forth by the DEA. Such certificate holders will be entitled to apply the CPR/BLS continuing education to their required annual continuing education, provided that such CPR/BLS continuing education shall not count toward the required eight in-person classroom setting hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than two hours of CPR/BLS continuing education may be applied to the continuing education requirement in any two calendar years.

3. No licensee shall obtain more than six hours per year from approved online education sources.

4. The continuing education required by this Section 301 shall be obtained, whether through an in-person classroom setting or through an approved online education source, through any continuing education program that satisfies at least one of the following criteria:

a. offered by a nationally recognized optometric association;

b. offered by a state affiliate of a nationally recognized optometric association or a regional council composed of state affiliates of a nationally recognized optometric association;

c. offered by a school or college of optometry accredited by the American Optometric Association Accreditation Council on Optometric Education; or

d. accredited by a nationally recognized organization, such as but not limited to the Council on Optometric Practitioner Education, the American Optometric Association, or the Accreditation Council for Continuing Medical Education.

5. The board reserves the right in its discretion to disallow any continuing education source or course that is commercially biased or that has as a principal purpose or content the marketing of optometric supplies, drugs or equipment.

6. The board further reserves the right in its discretion to disallow any continuing education source or course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Optometry Examiners, LR 32:631 (April 2006), amended LR 35:1111 (June 2009), LR 38:1590 (July 2012), LR 44:1248 (July 2018), LR 46:23 (January 2020), LR 52:

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 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 change 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 change 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 change will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule change will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule change 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 change 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 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 and 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 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 reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on consolidation

or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the proposed Rule. The proposed Rule changes will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the proposed Rule. There are no exemptions for small businesses in the proposed Rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the 2014 Regular Legislative Session, there is hereby submitted a provider impact statement on the Rule proposed for amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes may increase the cost to the provider to provide the same level of service if the provider is currently engaged in centralized prescription dispensing and is delivering prescription medication to the on-site pharmacy without proper safeguards in place to ensure the integrity of the medication. The amount of this increase is variable and indeterminate.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no impact on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written comments, Anna Cahill, Executive Director, Louisiana State Board of Optometry Examiners, 1111 Medical Center Blvd, S-670, Marrero, LA 70071 or lsboe@yahoo.com. The deadline for receipt of all written comments is 12 p.m. on Wednesday, December 10, 2025. To request reasonable accommodations for persons with disabilities, please call the board office at (318) 335-2989.

Anna Marie Cahill
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Continuing Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Louisiana State Board of Optometry Examiners is approximately \$640 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact 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 benefit licensed optometrists by providing greater flexibility in how continuing education requirements may be satisfied. Allowing up to six hours of coursework from approved online sources may reduce travel and registration costs for licensees. In addition, the updated list of acceptable educational providers broadens the range of qualifying programs, making compliance more accessible and convenient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Carrie LeBlanc Jones
General Counsel
2511#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Practical Nurse Examiners

Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN (LAC 46:XLVII.1706)

The Board of Practical Nurse Examiners proposes to add LAC 46:XLVII Section 1706, in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the proposed Rule is to allow practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination to be employed in nursing settings and to perform procedures and/or tasks for which they have been educated and certified as competent by their practical nursing program and/or by graduation from an LSBPNE approved practical nursing program.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 1. Practical Nurses

Chapter 17. Licensure

§1706. Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN

A. Practical nursing students and unsuccessful candidates on the NCLEX-PN licensing examination employed in nursing settings may be employed as unlicensed persons and perform procedures and/or tasks for which they have been educated and cleared by their practical nursing program and/or by graduation from a board approved practical nursing program.

B. To assist these individuals to be employed in an acceptable position whereby they contribute to patient care and yet do not jeopardize the welfare of the patient nor legally

implicate themselves or their employing institution, the board has adopted the following policies for performance of nursing activities by currently enrolled practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination.

1. The employer shall:

a. document the unlicensed status of these individuals as currently enrolled practical nursing students or practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination;

b. develop and review the written job description with the employee;

c. provide proper orientation and training for the position;

d. provide direct supervision of these unlicensed personnel by a registered nurse or physician;

e. inform all nursing personnel that the practical nursing student and the unsuccessful candidate may perform procedures and/or tasks enumerated in the job description.

2. Employers shall not jeopardize the potential for licensure of the practical nursing student or the unsuccessful candidate for licensure in order to augment their staffing. It is understood that these unlicensed personnel may not perform the nursing tasks and procedures enumerated in their specific job description independently without the requisite direct supervision of the registered nurse or physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Practical Nurse Examiners, LR 52:

Family Impact Statement

In accordance with R.S. 49:961 (A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known impact on child, individual, or family poverty in relation to individual or community asset development.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*. The impact of the proposed Rule change on small businesses has been considered. The board, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known effect

on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments until 4 p.m., December 9, 2025, to Christina Costanza, RN, Louisiana State Board of Practical Nurse Examiners, 131 Airline Drive., Suite 301 Metairie, LA 70001.

Christina Costanza, RN
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Employment of Practical Nursing
Students and Unsuccessful Candidates
on the NCLEX-PN**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE
OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Louisiana State Board of Practical Nurse Examiners is approximately \$640 in FY 26 for the notice and rule publication in the *Louisiana Register*.

The proposed rule changes would allow practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination to be employed in nursing settings and to perform procedures and/or tasks for which they have been educated and certified as competent by their practical nursing program and/or by graduation from an LSBPNE approved practical nursing program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes benefit practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination as these individuals would be able to perform procedures and/or tasks that they are certified as competent. These individuals may experience more job opportunities as well as an increase in wages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed rule changes are not anticipated to have a significant effect on competition or overall employment within the healthcare industry. The rule may provide a modest positive impact on employment by allowing practical nursing students and unsuccessful NCLEX-PN candidates to be employed in supervised, unlicensed positions. This clarification could temporarily expand the pool of eligible support personnel available to healthcare providers without creating barriers to competition or altering existing wage structures.

John W. Becknell, III.
Associate Executive Director
2511#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Dental Benefits Prepaid Ambulatory Health Plan Enrollment Broker (LAC 50:I.2105)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.2105 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 dental benefits prepaid ambulatory health plan to simplify enrollment rules, allowing beneficiaries to transfer to another dental benefit program manager (DBPM) up to two times per calendar year. Following the second transfer, beneficiaries will be required to remain with their selected DBPM for the remainder of the calendar year. In addition, the proposed rule seeks to ease transfer restrictions and eliminate the open enrollment period, thereby enhancing beneficiary flexibility and expanding their options for dental coverage.

The Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2105. Prepaid Ambulatory Health Plan Responsibilities

A. - B.3. ...

C. Enrollment Period. The enrollment of a DBPM member shall be based on a calendar year, contingent upon his/her continued Medicaid eligibility. A member shall remain enrolled in the DBPM until:

1. the member submits a request to transfer to another DBPM. The member may request to transfer to another DBPM without cause up to two times per calendar year. After transferring a second time, the member will remain in that DBPM until the end of the calendar year unless the member submits a for cause disenrollment request, which is approved; or

2. Repealed.

C.3. - D.3. ...

E. Voluntary Selection of DBPM for New Enrollees

1. - 2. ...

3. Eligible enrollees shall be given the opportunity to change DBPMs two times each calendar year. If the enrollee transfers a second time, they will remain in that DBPM until the end of the calendar year.

4. All enrollees shall be given the opportunity to choose a DBPM at the start of a new DBPM contract through the regularly special enrollment period.

F - F.3 Repealed.

G. - G.4. ...

H. Disenrollment and Change of Dental Benefit Plan Manager

1. An enrollee may request disenrollment from the DBPM as follows:

- a. for cause that is approved, once the member is locked into his/her DBPM. The following circumstances are cause for disenrollment:

- i. - vi. ...

- b. without cause for the following reasons:

- i. ...

- ii. upon automatic re-enrollment pursuant to 42 CFR §438.56(g);

- iii. - iv. ...

- v. at any time, up to two times per calendar year.

After the second transfer, the enrollee will remain in that DBPM for the remainder of the calendar year unless they receive approval for a for cause disenrollment.

I. - U.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:784 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1228 (September 2020), LR 49:682 (April 2023), LR 52:

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 may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 since it will allow beneficiaries to have more freedom of choice in their DBPM.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, 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 Tangelia Womack, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Womack is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on December 22, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 29, 2025, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Dental Benefits Prepaid Ambulatory Health Plan—Enrollment Broker

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 25-26. It is anticipated that \$639 (\$320 SGF and \$319 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the dental benefits prepaid ambulatory health plan to simplify enrollment rules, allowing beneficiaries to transfer to another dental benefit program manager (DBPM) up to two times per calendar year. Following the second transfer, beneficiaries will be required to remain with their selected DBPM for the remainder of the calendar year unless they submit a for-cause disenrollment request that is approved by the department. In addition, the proposed rule seeks to ease transfer restrictions and eliminate the open enrollment period, thereby enhancing beneficiary flexibility and expanding their options for dental coverage.

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 state or local governmental revenue collections for FY 25-26. It is anticipated that \$319 will be collected in FY 25-26 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 dental benefits prepaid ambulatory health plan to simplify enrollment rules, allowing beneficiaries to transfer to another dental benefit program manager (DBPM) up to two times per

calendar year. Following the second transfer, beneficiaries will be required to remain with their selected DBPM for the remainder of the calendar year. This will provide beneficiaries with more freedom of choice regarding their plan. In addition, the proposed rule seeks to ease transfer restrictions and eliminate the open enrollment period, thereby enhancing beneficiary flexibility and expanding their options for dental coverage. It is anticipated that implementation of this proposed rule will have no impact on providers or businesses in FY 25-26, FY 26-27, and FY 27-28. The rule may result in some shifts in enrollment between DBPMs, but each DBPM will continue to receive the appropriate per-member per-month payments based on actual enrollment. Therefore, the rule is not expected to result in a net fiscal impact to DBPMs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

LDH does not anticipate any significant impact on competition or employment among DBPMs, as the rule maintains equitable access to beneficiaries and does not alter provider network requirements or payment structures.

Drew Maranto
Interim Medicaid Executive Director
2511#047

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Enrollment Broker (LAC 50:I.3105 and 3107)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3105 and 3107 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 managed care organizations (MCOs) to simplify the enrollment process. The proposed Rule updates language by removing parts that are no longer relevant, removes the annual enrollment period, and allows beneficiaries to change which MCO they are enrolled with twice in a calendar year. This will provide beneficiaries with more freedom of choice regarding their MCO plan.

The Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3105. Enrollment Process

A. ...

B. The department will contract with an enrollment broker who will be responsible for the enrollment and disenrollment process for MCO enrollees. The enrollment broker shall be:

1. the primary contact for Medicaid beneficiaries regarding the MCO enrollment and disenrollment process, and shall assist the beneficiary with MCO enrollment;

2. the only authorized entity, other than the department, to assist a Medicaid beneficiary in the selection of an MCO; and

3. ...

C. Enrollment Period. The enrollment of an MCO member shall be based on a calendar year, contingent upon his/her continued Medicaid eligibility. A member shall remain enrolled in the MCO until:

1. the member submits a request to transfer to another MCO. The member may request to transfer to another MCO without cause up to two times per calendar year. After transferring a second time, the member will remain in that MCO until the end of the calendar year unless the member submits a for cause disenrollment request that is approved; or

2. Repealed.

3. ...

D. - D.4. Repealed.

E. Special Enrollment Provisions for Mandatory, Opt-In Population Only

1. Mandatory, opt-in populations may request participation in Healthy Louisiana for physical health services at any time. The effective date of enrollment shall be no later than the first day of the second month following the calendar month the request for enrollment is received. Retroactive begin dates are not allowed.

2. ...

3. Following an opt-in for physical health and selection of an MCO and subsequent 90-day choice period, these members may transfer to another MCO up to two times for the remainder of the calendar year. If the member transfers a second time, the member will be locked in that MCO until the beginning of the next calendar year unless they elect to disenroll from physical health, or the member submits a for cause disenrollment request that is approved.

F. Enrollment of Newborns. Newborns of Medicaid eligible mothers, who are enrolled at the time of the newborn's birth, will be automatically enrolled with the mother's MCO.

1. If there is an administrative delay in enrolling the newborn and costs are incurred during that period, the member shall be held harmless for those costs and the MCO shall pay for those services.

2. - 2.b....

G. Selection of an MCO

1. As part of the eligibility determination process, Medicaid and LaCHIP applicants, for whom the department determines eligibility, shall receive information and assistance with making informed choices about participating MCOs from the enrollment broker. These individuals will be afforded the opportunity to indicate the MCO of their choice on their Medicaid application or in a subsequent contact with the department prior to determination of Medicaid eligibility.

2. All new beneficiaries who have made a proactive selection of an MCO shall have that MCO choice transmitted to the enrollment broker immediately upon determination of Medicaid or LaCHIP eligibility. The member will be assigned to the MCO of their choosing unless the MCO is otherwise restricted by the department.

a. Beneficiaries who fail to choose an MCO shall be automatically assigned to an MCO by the enrollment broker, and the MCO shall be responsible to assign the member to a primary care provider (PCP) if a PCP is not selected at the time of enrollment into the MCO.

b. For mandatory populations for all covered services as well as mandatory, specialized behavioral health populations, the auto-assignment will automatically enroll members using a hierarchy that takes into account family/household member enrollment, or a round robin method that maximizes preservation of existing provider-enrollee relationships.

3. All new beneficiaries shall be immediately, automatically assigned to an MCO by the enrollment broker if they did not select an MCO during the eligibility determination process.

a. Repealed.

4. All new beneficiaries will be given 90 days to change MCOs if they so choose.

a. Repealed.

5. The following provisions will be applicable for beneficiaries who are mandatory participants.

a. ...

b. Enrollees may request to transfer out of the MCO for cause and the effective date of enrollment into the new plan shall be no later than the first day of the second month following the calendar month that the request for disenrollment is filed.

H. Automatic Assignment Process

1. The following participants shall be automatically assigned to an MCO by the enrollment broker in accordance with the department's algorithm/formula and the provisions of §3105.D:

a. mandatory MCO participants;

b. ...

c. other beneficiaries as determined by the department.

2. - 2.e....

3. MCO assignment methodology shall be available to enrollees upon request to the enrollment broker.

I. Selection or Automatic Assignment of a Primary Care Provider for Mandatory Populations for All Covered Services

1. - 2. ...

3. If the enrollee does not select an MCO and is automatically assigned to a PCP by the MCO, the MCO shall allow the enrollee to change PCP, at least once, during the first 90 days from the date of assignment to the PCP.

4. ...

J. Enrollment Period

1. Members have 90 days from the initial date of enrollment into an MCO in which they may change the MCO for any reason. Beginning on the ninety-first day, the member will be able to change his/her MCO for any reason up to two times for the remainder of the calendar year. If the member transfers two times, he/she will remain in his/her MCO until the end of the calendar year, unless disenrolled under one of the conditions described in this Section, with the exception of the mandatory, opt-in populations, who may disenroll from Healthy Louisiana for physical health and return to legacy

Medicaid at any time. Beginning January first of the following calendar year, the member will again be able to change MCOs up to two times per calendar year.

K. - K.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, Bureau of Health Services Financing, LR 37:1574 (June 2011), amended LR 40:310 (February 2014), LR 40:1097 (June 2014), LR 41:929 (May 2015), LR 41:2364 (November 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:755 (May 2016), LR 52:

§3107. Disenrollment and Change of Managed Care

Organization

A. A member may request disenrollment from an MCO for cause once the member has changed MCOs two times in a calendar year.

B. A member may request disenrollment from an MCO without cause at the following times:

1. ...

2. at any time, up to two times per calendar year. After the second transfer, the enrollee will remain in that MCO for the remainder of the calendar year unless they receive approval for a for cause disenrollment;

3. upon automatic re-enrollment; or

B.4. - C.4. ...

D. Disenrollment for Cause

1. A member may initiate disenrollment or transfer from their assigned MCO after the first 90 days of enrollment for cause once the member has changed MCOs two times in a calendar year. The following circumstances are cause for disenrollment:

D.1.a. - G.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1575 (June 2011), amended LR 40:311 (February 2014), LR 41:931 (May 2015), LR 41:2365 (November 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 52:

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 may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 since it will allow beneficiaries to have more freedom of choice in their MCO.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, 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 Tangela Womack, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Womack is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is December 22, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on December 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 29, 2025, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Managed Care for Physical and Behavioral Health—Enrollment Broker

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 25-26. It is anticipated that \$1,349 (\$675 SGF and \$674 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing enrollment in managed care organizations (MCOs) to update language, remove the open enrollment period, and ease transfer restrictions by allowing beneficiaries to change what MCO they are enrolled in twice a year. After the second transfer, beneficiaries will be required to remain with their selected MCO for the remainder of the calendar year unless they submit a for-cause disenrollment request that is approved by the department.

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 state or local governmental revenue collections for FY 25-26. It is anticipated that \$674 will be collected in FY 25-26 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 enrollment in managed care organizations (MCOs) to update language, remove the open enrollment period, and ease transfer restrictions by allowing beneficiaries to change what MCO they are enrolled in twice a year. This will provide beneficiaries with more freedom of choice regarding their MCO plan. It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 25-26, FY 26-27, FY 27-28. The rule may result in some shifts in enrollment between MCOs, but each MCO will continue to receive the appropriate per-member per-month payments based on actual enrollment. Therefore, the rule is not anticipated to result in a net fiscal impact to MCOs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

LDH does not anticipate any significant impact on competition or employment among DBPMs, as the rule maintains equitable access to beneficiaries and does not alter provider network requirements or payment structures.

Drew Maranto	Alan M. Boxberger
Interim Medicaid Executive Director	Legislative Fiscal Officer
2511#048	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health

Licensed Professional Counselors Board of Examiners

**Board Meetings, Procedures, Records, Powers and Duties
(LAC 46:LX.Chapter 3)**

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes rule changes to remove redundant or outdated language that duplicates provisions already established in statute. The proposed revisions ensure consistency with current statutory requirements and Executive Order JML 25-38.

The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 3 for publication in the November 20, 2025, edition of the *Louisiana Register*.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

**Chapter 3. Board Meetings, Procedures, Records,
Powers and Duties**

§301. Officers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), LR 39:1782 (July 2013), repealed LR 52:

§305. Board Staff

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 15:544 (July 1989), LR 29:129 (February 2003), repealed LR 52:

§307. Meetings

A. Open Meetings Via Electronic Means

B. Repealed.

1. - 3.d....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), 39:1782 (July 2013), LR 41:709 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 50:686 (May 2024), LR 52:

§309. Quorum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), amended LR 29:2783 (December 2003), LR 41:709 (April 2015), repealed LR 52:

§311. Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), repealed LR 52:

§313. Code of Ethics

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 22:101 (February 1996), LR 29:130 (February 2003), LR 41:710 (April 2015), repealed LR 52:

§315. Records of Proceedings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department

of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:130 (February 2003), LR 41:710 (April 2015), repealed LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

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;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by December 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Board Meetings, Procedures, Records, Powers and Duties

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Licensed Professional Counselors Board of Examiners is approximately \$640 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to impact small businesses or non-governmental groups. There are no expected economic losses. The current rule repeats the Licensing Act language in R.S. 37:1101-1123. The repetitive language being removed is a replication of the statute.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Jamie S. Doming
Executive Director
2511#055

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

General Provisions (LAC 46:LX.Chapter 1)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes rule changes to remove redundant or outdated language that duplicates provisions already established in statute. The proposed revisions ensure consistency with current statutory requirements and Executive Order JML 25-38. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 1 for publication in the November 20, 2025, edition of the Louisiana Register.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 1. General Provisions

§103. Description of Organization

A. The Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the board, resides in the Department of Health and Hospitals, and consists of 11 members, who shall be residents of the state of Louisiana. Each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation. Board membership shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, four licensed marriage and family therapists, and one individual from the public at large. No board member shall serve more than two full consecutive terms. The professional membership of the board shall be licensed under this Chapter. No board member shall be liable in any civil action for any act performed in good faith in the execution of his duties under chapter 13 of title 37.

1. The licensed professional counselor board shall establish a marriage and family therapy advisory committee, which shall consist of the four board members appointed by the governor.

A.2. - 3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:128 (February 2003), amended LR 29:2782 (December 2003), LR 39:1782 (July 2013), LR 41:709 (April 2015), LR 52:

§105. Vacancies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional-Counselors Board of Examiners, LR 29:128 (February 2003), amended LR 29:2783 (December 2003), repealed LR 52:

§107. Reimbursement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), repealed LR 52:

§109. Financially Self-Sufficient

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 15:544 (July 1989), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), repealed LR 52:

§111. Notification of Change

A. ...

B. Every licensed or provisional licensed professional counselor and every licensed or provisional licensed marriage and family therapist shall immediately notify in writing the Licensed Professional Counselors Board of Examiners of any and all status changes with the justice system, including notification of arrest, charges, convictions. Failure to comply with this rule within 30 days of change will result in disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000), amended LR 29:129 (February 2003), LR 41:709 (April 2015), LR 47:1528 (October 2021), LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

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;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;

2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by December 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General Provisions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Licensed Professional Counselors Board of Examiners is approximately \$532 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to impact small businesses or non-governmental groups. There are no expected economic losses. The technical changes are to simplify the rules. The strikeout content is repetitive of the Practice Act statutes. It does not create any new financial or administrative requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

NOTICE OF INTENT

Department of Health Office of Public Health

Day Care Centers and Residential Facilities (LAC 51:XXI.101 and 105)

Under the authority granted by R.S. 40:4 and in accordance with the R.S. 49: 950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health, Office of Public Health, intends to amend existing provisions of LAC 51 *Public Health—Sanitary Code* to allow for the inspection of prekindergarten programs affiliated with nonpublic schools under the provisions of Part XVII of that Code and adds language to exempt certain firms from complying with the provisions of Part XXI.

This Rule language will amend §101 to align the definition of *Early Learning Center* with the revised definition of that term contained in Act 409 of the 2025 Regular Session; amends §105 to provide that facilities operating prekindergarten programs attached to nonpublic schools will continue to be inspected only under Part XVII, rather than Part XXI, until January 1, 2027; and amends §105 to provide that the following types of facilities are not required to meet the provisions of Part XXI: Louisiana Montessori accredited or provisionally accredited approved schools, camps, registered family child day care homes, and care given without charge.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXI. Day Care Centers and Residential Facilities

Chapter 1. General Requirements

§101. Definitions

[Formerly 21:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purpose thereof as follows.

* * *

Early Learning Center—any child day care center, early head start center, head start center, or nonpublic prekindergarten program.

* * *

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Parts 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(10), R.S. 40:5, and R.S. 40:31.15.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended by the Department of Health, Office of Public Health, LR 46:591 (April 2020), LR 52:

§105. General

[Formerly 21:002-1]

A.1. Unless otherwise provided in subparagraph A.2 of this Section, facilities applying for license after the effective date of this Part shall meet all of the requirements contained herein. Facilities licensed or with pending applications prior

to the effective date shall be allowed 36 months from the effective date to comply with the following Sections: 105.C.5.a, 105.C.5.c, as regards temperature control; 105.C.5.d, 105.E.1, 105.F, 501.A, and 501.C as regards opening-sizes, heights and gates; 501.D. Facilities licensed or with pending applications prior to the effective date shall be allowed 12 months from the effective date to comply with the following Sections: 103.H.2 and 301.A.9. Such facilities shall comply with all other requirements of this Part on the effective date.

2. Facilities operating prekindergarten programs attached to nonpublic schools, which are required by Act 409 of the 2025 Regular Session to be licensed as early learning centers, will not be required to comply with the provisions of this Part, and will instead continue to be inspected under Part XVII of the Code, until January 1, 2027.

3. Pursuant to Act 409 of the 2025 Regular Session, the following types of facilities shall not be required to meet the provisions of this Part: Louisiana Montessori accredited or provisionally accredited approved schools, camps, registered family child day care homes, and care given without charge.

B. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10), R.S. 40:5, and R.S. 40:4(A)(13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended LR 37:2728 (September 2011), LR 38:2926 (November 2012), repromulgated LR 38:3233 (December 2012), amended LR 41:2657 (December 2015), LR 52:

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;
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;
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 Regulatory Flexibility 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 effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than December 9, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, 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 4:30 p.m. on December 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 10 a.m. on December 29, 2025, 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 December 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Day Care Centers and Residential Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Office of Public Health is approximately \$781 in FY 26 for the notice and rule publication in the *Louisiana Register*.

The proposed rule changes are not anticipated to result in a material increase in costs to state or local governmental units. The Office of Public Health (OPH) will conduct inspections of nonpublic prekindergarten programs using existing staff and resources already assigned to perform similar inspections under the Sanitary Code. Any additional workload associated with these inspections beginning January 1, 2027, is expected to be minimal and can be absorbed within current staffing levels.

Therefore, any potential costs are considered minimal and indeterminable at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are expected to result in economic benefits for many directly affected persons and small businesses by exempting certain facilities, such as Louisiana Montessori accredited schools, camps, registered family child day care homes, and unpaid care providers, allowing them to avoid potentially regulatory costs. Additionally, nonpublic school prekindergarten programs will benefit from a temporary exemption until January 1, 2027, giving them time to prepare for future compliance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Tonya Joiner
Assistant Secretary
2511#071

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products (LAC 51:IX.318)

Under the authority granted by R.S. 40:4 and in accordance with the R.S. 49: 950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health, Office of Public Health, intends to enact new provisions of Title 51 of the *Louisiana Administrative Code* (also known as “Public Health—Sanitary Code”) to address prohibiting the sale or distribution of empty crustacean and/or molluscan shellfish shells for use in food service—except for the cephalothoraxes of specimens of crawfish from which the viscera have been previously removed for the purposes of preparing crawfish bisque for service by adding an edible stuffing to the cephalothoraxes.

This Rule language adds a new §318 to stipulate clearly that firms engaged in activities requiring a permit under §311 of this Part are not permitted to sell or otherwise distribute any crustacean or molluscan shellfish shells to food establishments for use as “food containers” (except as otherwise provided above).

Title 51

PUBLIC HEALTH—SANITARY CODE

Part IX. Marine and Fresh Water Animal Food Products

Chapter 3. Preparation and Handling of Seafood for Market

§318. Handling of Shells of Crustacean and Molluscan Shellfish

A. No person, firm, or corporation holding or required to hold a permit under §311 of this Part shall engage in the sale or distribution of emptied crustacean or molluscan shells intended for use as serving containers by a “food

establishment”, as that term is defined in Part XXIII §101 of this Code—except for the cephalothoraxes of specimens of crawfish from which the viscera have been previously removed for the purposes of preparing crawfish bisque for service by adding an edible stuffing to the cephalothoraxes. Any sale or distribution by such a person, firm, or corporation of other crustacean or molluscan shells to a food establishment shall include package labeling prominently stating that use thereof as serving containers is prohibited by Part XXIII §2101 of this Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 52:

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;
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;
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 Regulatory Flexibility 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 effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than December 9, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, 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 4:30 p.m. on December 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 10 a.m. on December 29, 2025, 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 December 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marine and Fresh Water Animal Food Products

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Office of Public Health is approximately \$585 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is not anticipated to result in significant costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. Most seafood processors and distributors already comply with sanitary standards that prohibit the reuse or sale of empty crustacean and molluscan shells for food service. For those few businesses that may currently engage in limited distribution of shells, there could be a minor cost associated with adding warning labels to packaging to indicate that the shells may not be used as serving containers, if they are not already including such labeling. These costs are expected to be minimal and indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

NOTICE OF INTENT

Department of Health Office of Public Health

Retail Food Establishments (LAC 51:XXIII.2101)

Under the authority granted by R.S. 40:4 and in accordance with the R.S. 49: 950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health, Office of Public Health, intends to enact new provisions of LAC 51 *Public Health—Sanitary Code* to address prohibiting the use of crustacean and/or molluscan shellfish shells as food-service containers. These surfaces cannot be adequately cleaned and sanitized for this purpose and this activity increases the risk of cross-contamination and the growth of vegetative pathogens and the production of toxins; it therefore represents a significant hazard to public health.

This Rule language amends §2101.B to stipulate clearly that food service establishments may not use shells of shellfish as food-service containers except in the context of an animal removed briefly from the shell for preparation and then immediately returned to the same shell for single service or the use of a cephalothorax from a crawfish from which the viscera have been previously removed for the purposes of service of crawfish bisque by adding an edible stuffing to the cephalothorax.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIII. Retail Food Establishments

Chapter 21. Equipment and Utensils

§2101. General

[formerly paragraph 22:13]

A. ...

B. Mollusk and crustacean shells may not be used as serving containers. This prohibition does not apply to the removal of the animal from the shell for preparation then returning to the same shell for service or the use of a cephalothorax from a crawfish from which the viscera have been previously removed for the purposes of service of crawfish bisque by adding an edible stuffing to the cephalothorax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:324 (February 2002), repromulgated LR 28:1417 (June 2002), amended LR 28:2532 (December 2002), amended by the Department of Health, Office of Public Health, LR 43:1392 (July 2017), LR 52:

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;
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;
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 Regulatory Flexibility 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 effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than December 9, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, 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 4:30 p.m. on December 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 10 a.m. on December 29, 2025, 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 December 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Retail Food Establishments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Office of Public Health is approximately \$372 in FY 26 for the notice and rule publication in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change is not anticipated to impact the revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change is not anticipated to result in any costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. It simply clarifies existing sanitary code language prohibiting the use of crustacean or molluscan shells as serving containers, which reflects current food safety standards already followed by most seafood processors and food service establishments. Therefore, no additional requirements, fees, or operational changes are expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change will have no effect on competition or employment.

Tonya Joiner
Assistant Secretary
2511#070

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Louisiana Economic Development
Office of Economic Development**

**Louisiana Biomedical Research and
Development Park Program (LAC 13:I.Chapter 13)**

Louisiana Economic Development, Office of Economic Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 46:811 through 813.1, and R.S. 36:104, hereby give notice of their intent to repeal rules for the administration of the Louisiana Biomedical Research and Development Park Program.

In accordance with the Office of Governor Executive Order No. JML 25-038, LED reviewed and evaluated these program rules and determined them to be obsolete and unnecessary because the program was repealed by Act 487 of the 2005 Session of the Louisiana Legislature, and therefore seeks their repeal.

**Title 13
ECONOMIC DEVELOPMENT
Part I. Financial Incentive Programs
Chapter 13. Louisiana Biomedical Research and
Development Park Program**

§1301. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1541 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1541 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1305. Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1541 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1307. Filing of Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1541 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

**§1309. Recommendations of the Secretaries of
Economic Development and Revenue and
Taxation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1542 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

**§1311. Application Shall Be Presented to the Board of
Commerce and Industry**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1542 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

**§1313. Board of Commerce and Industry Enters into
Contract**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1542 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1315. Rebates on Sales/Use Taxes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1542 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1317. Violations of Rules, Statutes, or Documents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1542 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1319. Affidavits Certifying Eligibility Filed Annually

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1543 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1321. Appeals Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1543 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1323. Income and Franchise Tax Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:911 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1543 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1325. Hearing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:911 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 19:1543 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1327. Contract Execution Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:811 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division

of Financial Incentives, LR 19:1543 (December 1993), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

Family Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed repeal of the Rule is not anticipated to have a significant adverse impact on small businesses as described in R.S. 49:974.5.

Public Comments

Interested persons should submit written comments on the proposed Rules to Leticia Johnson, Louisiana Economic Development, 100 North Street, 7th Floor, Baton Rouge, LA 70802 or via email to Leticia.Johnson@LA.GOV. All comments must be received no later than close of business day, December 23, 2025.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 10 a.m. on December 29, 2025, in the LaBelle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Deputy Secretary/CFO

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana Biomedical Research and Development Park Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units.

The proposed rule change repeals the Louisiana Biomedical Research and Development Park Program. The proposed repeal aligns with statutory provisions repealed by Act 487 of the 2005 Regular Session of the Louisiana Legislature, and further aligns with Title 19, Part I, as required by the Office of the Governor Executive Order No. 25-038.

Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Economic Development (LED).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal is not anticipated to 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)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Anne G. Villa
Deputy Secretary/CFO
2511#041

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

Louisiana University Research and
Development Parks Program (LAC 13:I.Chapter 15)

Louisiana Economic Development, Office of Economic Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 17:3389(G), and R.S. 36:104, hereby give notice of their intent to repeal rules for the administration of the Louisiana University Research and Development Parks Program.

In accordance with the Office of Governor Executive Order No. JML 25-038, LED reviewed and evaluated these program rules and determined them to be obsolete and unnecessary because the program was sunset on July 1, 2017, has had no recorded activity in the Tax Exemption Budget since at least 2021 and was repealed by Act 5 of the 2024 Third Extraordinary of the Louisiana Legislature.

Chapter 15. Louisiana University Research and Development Parks Program

§1501. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:631 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1503. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:631 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1505. Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:632 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1506. Resolution from Local Governmental Subdivision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:632 (April 2000), repealed by

Louisiana Economic Development, Office of Economic Development, LR 52:

§1507. Filing of Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:632 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1509. Recommendations of the Secretaries of Economic Development and Revenue

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:633 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1511. Application Shall Be Presented to the Board of Commerce and Industry

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:633 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1513. Contract Approvals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:633 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1515. Tax Incentives Available under Contract

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:633 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1516. Tax Relief Granted

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:633 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1517. Violations of Rules, Statutes, or Documents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1518. Contract Renewals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1519. Annual Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1521. Appeals and Petition Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1525. Hearing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

§1527. Contract Execution Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Business Incentives LR 26:634 (April 2000), repealed by Louisiana Economic Development, Office of Economic Development, LR 52:

Family Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed repeal of the Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed repeal of the Rule is not anticipated to have a significant adverse impact on small businesses as described in R.S. 49:974.5.

Public Comments

Interested persons should submit written comments on the proposed Rules to Leticia Johnson, Louisiana Economic Development, 100 North Street, 7th Floor, Baton Rouge, LA 70802 or via email to Leticia.Johnson@LA.GOV. All

comments must be received no later than close of business day, December 23, 2025.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 10 a.m. on December 29, 2025, in the LaBelle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Deputy Secretary/CFO

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana University Research and Development Parks Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units.

The proposed rule change repeals the Louisiana University Research and Development Park Program. The proposed repeal aligns with statutory provisions repealed by Act 5 of the 2024 Third Extraordinary Session of the Louisiana Legislature, and further aligns with Title 19, Part I, as required by the Office of the Governor Executive Order No. 25-038.

Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Economic Development (LED).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal is not anticipated to affect revenue collections for state or local governmental units. The program was sunset on July 1, 2017, and has had no recorded activity in the Department of Revenue's published Tax Exemption Budget since 2015.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Anne G. Villa
Deputy Secretary
2511#042

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

Site Investment and Infrastructure Improvement Fund
(LAC 13:Part I.Chapter 55)

Louisiana Economic Development (LED), as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., R.S. 36:104, R.S. 51:2316, and Act 365 of the 2025 Regular Legislative Session, hereby provides notice of intent to promulgate rules

to be used by LED in administration of the Rules for the Site Investment and Infrastructure Improvement Fund.

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

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Public Comments

Interested persons should submit written comments on the proposed Rules to Rodney Barnes through the close of business on Monday, January 5, 2026 at Louisiana Economic Development, P.O. Box 94185, Baton Rouge, LA 70804 or via email to Rodney.Barnes@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 1 p.m. on Monday, January 5, 2026 in the Griffon Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Deputy Secretary/CFO, LED

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Site Investment and Infrastructure Improvement Fund

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Act 365 of the 2025 Regular Session of the Louisiana Legislature transferred \$150 M from the Revenue Stabilization Fund into the newly created Site Investment and Infrastructure Improvement Fund. However, the legislature did not grant an appropriation from this fund in FY 26. To the extent the legislature grants an appropriation from the fund in the Supplemental bill for FY 26 or the General Appropriations bill for FY 27, the proposed rules are anticipated to increase statutory dedications expenditures by a like amount from the Site Investment and Infrastructure Improvement Fund in 20-931 LED Debt Service/State Commitments.

The proposed rule establishes program guidelines for the Site Investment and Infrastructure Improvement Fund authorized by Act 365 of the 2025 Regular Session.

Louisiana Economic Development (LED) has indicated that application fees received for the program may be utilized for any increase in the cost of administering the program, including, but

not limited to, potential third-party review of applications and supporting documentation. Existing LED staff and resources should otherwise be sufficient to administer the program. LED has indicated the Department intends to disburse up to \$150 M for site development and improvement projects over FY 26 and FY 27, should the legislature grant an appropriation. The proposed rules do not specify the exact nature of awards, leaving LED with a degree of flexibility to structure awards as partially forgivable loans, public-private partnerships, or as an ownership deal for key infrastructure.

Local governmental units are eligible for disbursements from the Site Investment and Infrastructure Improvement Fund. To the extent that local governmental units apply and are awarded monies from the fund, local governmental expenditures may increase by a like amount associated with the projects.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Act 365 of the 2025 Regular Session of the Louisiana Legislature transferred \$150 M from the Revenue Stabilization Fund into the newly created Site Investment and Infrastructure Improvement Fund. Act 432 of the 2025 Regular Session specified that any revenue from the lease, sublease, or sale of property under the control and supervision of LED shall be deemed self-generated revenue and shall then be deposited into the fund. This is anticipated to increase statutory dedication revenue by an indeterminable amount beginning in FY 26. The proposed rules do not specify the exact nature of awards, leaving LED with a degree of flexibility to structure awards as loans, public-private partnerships, or as an ownership deal for key infrastructure. Presumably, funds may be partially or fully recovered, resulting in additional statutory dedication revenue for the fund.

Any interest that accumulates in the fund is directed to the state general fund, potentially increasing SGF revenue by an indeterminable amount beginning in FY 26.

The proposed rules set an initial non-refundable \$250 application fee and a supplemental fee of .5% of the total amount of incentives or award amount (capped at \$15,000), should the applicant receive an award. This is anticipated to increase SGR revenue for LED beginning in FY 26.

Local governmental units are eligible for disbursements from the Site Investment and Infrastructure Improvement Fund. To the extent that local governmental units apply and are awarded monies from the fund, local revenues may increase by a like amount.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Local or regional economic development groups, non-profits, redevelopment authorities, and private landowners are eligible applicants for the funding program. Applicants are subject to an initial non-refundable \$250 application fee and a supplemental fee of .5% of the total amount of incentives or award amount (capped at \$15,000), should the applicant receive funding from the program. Any additional costs for completion and submission of the required paperwork for this proposed rule are expected to be minimal.

To the extent an appropriation is granted from the Legislature, awards from the fund will directly benefit the owners of the properties by increasing the value and marketability of the properties through site improvement and/or infrastructure improvement. Additionally, small businesses, particularly those involved with providing site development and infrastructure improvement services, should benefit from increased demand for their goods and services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent an appropriation is granted from the Legislature resulting in awards and associated economic

activity, the proposed rule may result in employment increases in related industries, particularly those related to providing site development and infrastructure improvement services. Companies receiving benefits under this program will gain a competitive advantage over companies that do not receive the program's benefits.

Anne G. Villa
Deputy Secretary/CFO
2511#025

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Works Office of Workers' Compensation Administration

Drug Testing Programs in Job-Related Accident Cases (LAC 40:I.Chapter 15)

The Louisiana Works does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 1, General Administration, Chapter 15. The purpose of this amendment is to correct outdated references, modify testing requirements, and align with current practices. These changes modernize the rules for current OWCA administration. This Rule is promulgated by the authority vested in the Assistant Secretary of the Office of Workers' Compensation Administration, found in R.S. 23:1081 and R.S. 23:1291.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 1. General Administration

Chapter 15. Drug Testing Programs in Job Related Accident Cases

§1501. Introduction

A. ...

1. Laboratories may not deviate from the provisions of these guidelines without the written approval of the assistant secretary of the Office of Workers' Compensation Administration, or his designee.

2. The assistant secretary of the Office of Workers' Compensation Administration or his designee may routinely update these guidelines for the purpose of conforming them to advances in technology or providing additional guidance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16:851 (October 1990), repromulgated LR 17:773 (August 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1503. Scientific and Technical Requirements

A. ...

B. Definitions

* * *

Confirmatory Test—a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmatory test must be different in

technique and chemical principle from that of the initial test procedure to ensure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method. Headspace gas chromatography is authorized for confirmation of alcohol (ethanol) concentrations in specimens.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16:851 (October 1990), repromulgated LR 17:773 (August 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1505. Specimen Collection Procedures

A. - A.2. ...

B. Collection Procedures

1. - 1.k....

1. In the event blood is required, it should be collected in a tube containing sodium fluoride and potassium oxalate as a preservative. To ensure no adulteration of the blood specimen, alcohol shall not be used as a disinfectant, but benzalkonium chloride, green surgical soap, hydrogen peroxide, or a nonalcoholic equivalent, shall be used.

2. During the performance of any part of the chain of custody procedures, it is essential that the specimen and custody documents be under the control of the involved collector.

2.a. - C. ...

D. Transportation to Laboratory. After collection of specimens, collectors shall arrange to ship the specimens to the drug testing laboratory. The specimens shall be placed in appropriate containers (specimen boxes or padded mailers) that are securely sealed to eliminate the possibility of tampering. Collectors shall sign and date across the tape sealing the containers and ensure that the chain of custody documentation is attached to each sealed container. An outer mailing wrapper shall be placed around each sealed container. Specimens may be delivered to the drug testing laboratory using either the United States Postal Service, commercial air freight, air express, or may be hand-carried. It is unnecessary to send specimens by registered mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16:851 (October 1990), repromulgated LR 17:773 (August 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1507. Laboratory Analysis Procedures

A. Receiving/Preparation

1. - 2. ...

B. Initial Test. If the initial drug test is negative, there shall be no confirmation test. The initial testing shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine usage of these drugs or classes of drugs.

	Initial Test Level
Marijuana Metabolite (THCA)	50
Cocaine Metabolites (Benzoylcegonine)	150
Morphine/Codeine	2000
Phencyclidine	25
Amphetamines/Methamphetamines	500
Hydrocodone/ Hydromorphone	300
Oxycodone/ Oxymorphone	100
6-Acetylmorphine	10
MDMA/MDA	500
Alcohol/Ethanol	0.02 gram %/ml

1. ...

2. The laboratory will use scientifically accepted initial cutoff levels when screening specimens for other drugs in 21 U.S.C. 812, Schedules I, II, III, IV, and V.

3. Some specimens may be subjected to initial testing by methods other than immunoassays, where the latter are unavailable for the detection of specific drugs of special concern. These methods are thin layer, high pressure liquid, and/or gas chromatography. Alternate initial test methods and testing levels shall be submitted for written approval to the assistant secretary of the Office of Workers' Compensation, or his designee.

C. Confirmatory Test. All specimens identified as positive on the initial test shall be confirmed using gas chromatography for alcohol (ethanol) and gas chromatography/mass spectrometry (GC/MS) techniques for drugs in 21 U.S.C. 812, Schedules I, II, III, IV, and V at the following cutoff values.

	Confirmatory Test Level (ng/ml)
Marijuana Metabolite*	15
Cocaine Metabolites**	100
Morphine/Codeine	2000
Phencyclidine	25
Amphetamines	250
Hydrocodone/ Hydromorphone	100
Oxycodone/ Oxymorphone	100
6-Acetylmorphine	10
MDMA/MDA	250
* Delta-9-tetrahydrocannabinol-9-carboxylic acid	
** Benzoylcegonine	

1. ...

2. Confirmation methods and levels for other drugs tested shall be submitted by the employer to the assistant secretary of the Office of Workers' Compensation, or his designee, for approval. In the absence of an accepted quantitative GC/MS assay procedure, preference will be given to a confirmation of qualitative identification by means of full-scan GC/MS analysis and quantification by an alternate chromatographic method. All methods shall meet commonly accepted analytical standards.

3. ...

D. Reporting Results

1. Test results shall be reported to the employer within an average of five working days of receipt of the specimens. The report should contain the specimen number assigned by the submitting employer, the drug testing laboratory accession number, and the results of the drug tests. All specimens negative on the initial test or negative on the confirmatory test shall be reported as negative. Only specimens confirmed positive shall be reported positive for a specific drug. Results

may be transmitted to the employer by various electronic means (e.g., facsimile, or secure portal) in a manner consistent with maintaining confidentiality. It is impermissible to provide results verbally by telephone. A certified copy of the original chain of custody form, signed by the laboratory director or laboratory certifying officer, shall be sent to the employer. Certified copies of all analytical results shall be available from the laboratory when requested by the appropriate authority.

D.2. - F. ...

G. Subcontractors. The drug testing laboratory shall perform all work with its own personnel and equipment, unless otherwise authorized by the employer or assistant secretary of the Office of Workers' Compensation Administration. Subcontractors shall follow all procedures and regulations as set out in these rules.

H. ...

I. Laboratory Personnel

1. The laboratory director/scientific director of the drug testing laboratory shall meet the following criteria. He or she must hold a doctoral-level degree in pharmacology, toxicology, or analytical chemistry and have at least two years of active laboratory experience in analytical toxicology (the analysis of biological materials for drugs of abuse) and appropriate training and/or forensic applications of analytical toxicology (court testimony, research, and publications in analytical toxicology of drug abuse, etc.). The director must be qualified to handle professional, scientific, consultative, organizational, and educational aspects of the laboratory's services.

2. ...

3. Supervisors of analysts must possess a B.S. degree in chemistry, or at least the education and experience comparable to a Medical Technologist/Medical Laboratory Specialist certified by the American Society of Clinical Pathologists, MLS(ASCP)CM, or its equivalent. These individuals must have training in the theory and practice of the procedures used, and an understanding of quality control concepts. Periodic verification of their skills must be documented. Other technicians or nontechnical staff must possess the necessary training and skills for the task assigned. In-service continuing education programs to meet the needs of all laboratory personnel are desirable. Personnel files must include a resume of training and experience; certification or license, if any; references; job descriptions; health records; records of performance evaluations and advancements; incident reports; and results of tests for color blindness.

4. Laboratory screening personnel performing initial tests shall comply with personnel requirements to provide reasonable assurance of the accuracy of test results.

J. - L. ...

M. Judicial Proceedings. The laboratory must have qualified personnel available to testify in an administrative or legal proceeding against an employee based on a positive drug or alcohol result reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16:853 (October 1990), repromulgated LR 17:774 (August 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1509. Reporting and Review of Results

A. ...

1. Medical Review Officer—a licensed physician responsible for receiving laboratory results generated by an employer or testing entities' drug testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information. The role of the MRO is to review and interpret positive test results obtained through the office's testing program. In the conduct of this responsibility, the MRO should undertake the examination of alternative medical explanations for a positive test result. This action could include conducting of employee medical interviews, review of employee medical history, or the review of any other relevant biomedical factors.

2. The MRO is required to review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. After the MRO has reviewed the pertinent information and the laboratory assessment is verified, the results are to be forwarded to the employer and, if applicable, the Office of Workers' Compensation. Should any question arise as to the veracity of a positive test result, the MRO is authorized to order a reanalysis of the original sample. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO may deem that the result is consistent with legal drug use and take no further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16:854 (October 1990), repromulgated LR 17:776 (August 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to update the hearing rules has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

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;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by December 9, 2025, at 5 p.m.

Susana Schowen
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Drug Testing Programs in Job Related Accident Cases

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The proposed rule change updates the Office of Workers' Compensation Administration's (OWCA) drug testing procedures for job-related accident cases to align with current practice and federal standards. The proposed rule change corrects outdated statutory and technical references, revises laboratory personnel qualification requirements, expands and clarifies the list of drugs included in screening and confirmation testing, and adjusts testing cutoff levels. These updates are intended to ensure consistency, accuracy, and reliability in drug testing conducted under the OWCA program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on state or local revenues as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may affect drug testing laboratories and individuals who undergo post-accident drug testing in workers' compensation cases. The revisions primarily align the rules with testing procedures and laboratory qualification standards already in use by the OWCA and its contracted laboratories. Because these practices are currently being followed, no significant changes in workload, documentation, or administrative practices are expected, and any operational impact to laboratories or individuals is anticipated to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change. The proposed rule change aligns the rules with testing procedures and laboratory qualification standards already in use by the OWCA and its contracted laboratories.

NOTICE OF INTENT

Louisiana Works Office of Workers' Compensation Administration

General Administration
(LAC 40:I.Chapters 1, 9, and 11)

The Louisiana Works does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 1, General Administration, Chapter 1 Section 111, Chapter 9, and Chapter 11. The purpose of this amendment is to correct outdated references, eliminate redundancies, update safety requirements and align with current practices. These changes modernize the rules for current OSHA program. This proposed Rule is promulgated by the authority vested in the Assistant Secretary of the Office of Workers' Compensation Administration found in R.S. 23:1178, R.S. 23:1179, R.S. 23:1291, R.S. 23:1292 and R.S. 23:1302.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 1. General Administration

Chapter 1. General Provisions

§111. Restricted Work Notification

A. Every employer of more than 10 employees who is subject to record keeping under the provisions of 29 U.S.C. Section 655 shall, within 90 days of any occupational death of an employee, any nonfatal occupational illness, or any nonfatal occupational injury involving either loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment other than first aid, report to the statistical data section of the office on Form OSHA 300.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1292.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:776 (August 1985), amended by the Department of Employment and Training, LR 17:358 (April 1991), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

Chapter 9. Safety Requirements

§901. Statutory Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated LR 13:309 (May 1987), repromulgated by the Department of Employment and Training, LR 17:176 (February 1991), amended by the Department of Labor, LR 19:755 (June 1993), repealed by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§903. Definitions

Operational Safety Plan—this document of undetermined length will present simply and clearly the program which the employer can follow to reduce accidents in the workplace and incidents of industrial and occupational disease. The safety

plan shall comply with applicable local, state, and federal safety and health standards or appropriate industry standards. To assist in the development of the components of the safety plan, the employer may utilize:

1. - 2. ...

3. private sector safety professionals/engineers as identified by a list maintained by the assistant secretary. The components of a safety plan shall be outlined in §907.

Professional Safety Experience—the responsible charge of 75 percent or more of one's duties and functions is for the successful accomplishment of safety objectives, such as the analysis, investigation, planning, execution of safety plans, feedback adjustments, and the periodic audit of the program. Responsible charge does not imply supervisory responsibility.

Safety Professional/Engineer—an active safety practitioner who possesses one or a combination of the following criteria. These requirements apply to individuals who are making an application to the assistant secretary for placement on the list of private sector safety professionals/engineers for safety services.

1. Graduation from an accredited college or university with a bachelor's degree in engineering or science, plus five years or more of professional safety experience, of which two or more years shall have been in responsible charge. A master's degree will be accepted in lieu of one year of the practitioner's professional safety experience. An earned doctoral degree will be accepted in lieu of two years of the practitioner's professional safety experience;

2. An earned associate degree from an accredited college or university in engineering or science, plus eight years or more professional safety experience;

3. Ten years of professional safety experience in lieu of an engineering or science degree;

4. - 4.c....

d. safety professional/engineers. To ensure adequate safety resources for the employer, the safety professional/engineer shall provide the following consultation services, which will consist of, but not be limited to, the following:

i. review the safety performance of the employer's organization, activities, and operations;

ii. appraise the mechanical hazards, power transmission apparatus, material handling, unsafe work methods, hazardous processes, and hazardous environments;

iii. - v. ...

vi. assist in the development of an employer's safety plan in compliance with Section 907.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), amended LR 13:309 (May 1987), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:755 (June 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§905. Availability of Safety Services

A. The assistant secretary shall maintain a list from the private sector of safety practitioners who meet the criteria as set forth in the definition of a safety professional/engineer in §903. This list shall be made available to any Louisiana employer upon request.

B. ...

C. Insurance carrier safety staff are full-time employees whose primary functions include safety engineering services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:779 (August 1985), amended LR 13:308 (May 1987), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:755 (June 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§907. Classes and Components of Safety Plan

A. - A.1. ...

a. Management Policy Statement. This document shall be signed by the top executive of the company acknowledging management's responsibility and commitment to a safety plan and their intention to comply with all applicable local, state, and federal safety requirements and appropriate industry standards. Management shall commit resources, responsibility, and accountability to all levels of management and to each employee for the safety program. The document shall also state whether the company is a Class A or Class B per A.1 or A.2 of this Section.

b. Responsibility for safety shall be defined in writing for executive and middle-level operating management, supervisors, the safety coordinator, and employees.

c. Inspections shall be made of all areas of the workplace at least monthly by a supervisor at the site. A written report (checklist or narrative) is to be completed for each inspection, with this report to be retained for a period of one year. The report will be designed to cover the identification of recognized unsafe conditions, unsafe acts, and any other items inherent in a particular job. The form will include a space to indicate any corrective action taken. The responsibility for the correction of defects is to be designated by management.

d. ...

i. An accident investigation of any job related injury that requires a visit to a clinic or physician shall be initiated by the injured employee's supervisor as soon as possible on the shift the accident occurs. The accident investigation report will include information required to determine the basic causes of the accident by asking the questions who, what, where, when, and how. Corrective action to be taken and/or recommended to prevent a recurrence of a similar accident will be implemented. Complex accidents may require technical assistance to ensure an accurate investigation; however, the injured employee's supervisor should be included on the investigation team.

ii. The accident investigation report shall include information on the injured person, his or her job, what happened, basic causes, corrective actions required, the time frame to make corrections, and who will be responsible for seeing that corrections are implemented.

e. Safety Meetings

i. Safety meetings shall be held by a supervisor with all of his/her employees on a monthly basis. A record will be kept showing the topics discussed, the date of the meeting, and the names of the persons attending. More safety meetings

may be required in the documentation where higher frequency is stated in the employer's safety plan.

ii. Safety meeting topics will be designed to instruct the employee on how to perform his job productively, efficiently and safely. Hazard recognition and hazard control procedures; selection, use and care of personal protective equipment (PPE); job procedures review, and good housekeeping are examples of the information employees should receive at a safety meeting.

A.1.e.iii. - f ...

g. Training. Management shall implement a training program that will provide for the orientation and training of each new employee, existing employees on a new job, or when new equipment, processes, or job procedures are initiated. The training provided will consist of, but not limited to, the correct work procedures to follow, the correct use of personal protective equipment required, and where to get assistance when needed. This training should be accomplished by the employee's supervisor, but may be done by a training specialist or an outside consultant, such as a vendor or safety consultant. Training shall be provided to all persons in operating supervisory positions in conducting safety meetings, conducting safety inspections, accident investigation, job planning, employee training methods, job analysis, and leadership skills.

h. Record Keeping. Each employer shall maintain safety records for a period of one year from the end of the year for which the records are maintained (state requirement). These will include inspection reports, accident investigation reports, minutes of safety meetings, and training records. In addition, employers shall retain for five years (federal requirement) and present, upon request, their OSHA 300 and 300A logs.

i. ...

j. Emergency Preparedness Program

i. Management shall develop a written emergency preparedness plan to ensure, to the extent possible, the safety of all employees, visitors, contractors, and vendors in the facility at the time of emergency situations, such as but not limited to natural disasters, fire, explosions, chemical spills and/or releases, bomb threats, active shooter, and medical emergencies. Emergency shutdown and start-up procedures will be developed in industries having equipment that requires several steps to properly shutdown and secure. Employees shall be trained in these procedures to reduce the incidence of additional injuries, property damage, and possible release of hazardous materials to the environment. Emergency plans shall comply with all governmental regulations and state and local emergency response committee requirements.

ii. All employees and contractors shall be trained in the facility's emergency plan. A facility training drill will be conducted at least annually to test the emergency plan. The emergency plan will be reviewed annually and revised as required. Employees shall be trained in the updated emergency plan. Monthly inspections of all access and egress aisles and doors will be conducted to determine that they are clear, unobstructed, and operable. Evacuation routes shall be posted in all work areas showing primary and secondary routes for employees' evacuation to a safe, predetermined location for a head count. Shelter in-place plans shall include appropriate procedures based on event.

2. - 2.j. ...

3. The above items listed for Class A and Class B plans are considered to be the minimum requirements and should be referred to as such. Other items such as planning, cost containment procedures, setting of objectives, performance evaluations, incentive programs, etc. may be included in an employer's safety plan as well.

4. The minimum requirements are in no way intended to require the revision of existing company safety plans that have demonstrated proven performance in the past. Any company that has a plan which meets or exceeds these minimum requirements may submit its plan to the OSHA/Workplace Safety program for review and acceptance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:779 (August 1985), repromulgated LR 13:308 (May 1987), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:756 (June 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§909. Submission of Safety Plan

A. Employers shall present their workplace safety plan upon request during a safety audit. Any corrections or revisions required as a result of initial audit findings shall be submitted within 30 days following the initial safety audit, either by electronic mail or during a follow-up audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:779 (August 1985), repromulgated LR 13:310 (May 1987), repromulgated by the Department of Employment and Training, LR 17:178 (February 1991), amended by the Department of Labor, LR 19:757 (June 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§911. Employee Notice

A. It shall be the employer's duty to advise employees and keep posted at some convenient and conspicuous point in his place of business a notice reading substantially as follows.

LOUISIANA WORKS
OFFICE OF WORKERS' COMPENSATION
ADMINISTRATION
POST OFFICE BOX 94040
BATON ROUGE, LA 70804-9040

1. Reporting Injury

1.a. - 2.b. ...

3. Filing Notice. In case of accidental injury or death arising out of and in the course of employment, an injured employee, or any person claiming to be entitled to compensation either as a claimant or as a representative of a person claiming to be entitled to compensation, must give notice to the employer within 30 days of the injury. If notice is not given to the employer within 30 days, no payments will be made under the law for such injury or death.

4. ...

5. Physician Notice. In the event you are injured, you are entitled to select a physician of your choice for treatment. The employer may choose another physician and arrange an examination which you would be required to attend.

6. Formal Claim. In order to preserve your right to benefits under the Louisiana Workers' Compensation Law, you must file a formal disputed claim, LW-WC-1008, with the

Office of Workers' Compensation Administration within one year after the accident if payments have not been made or within one year after the last payment of weekly benefits.

7.a. Per R.S. 23:1304, this notice shall be given by delivering it or sending it by certified mail, return receipt requested, to:

_____ Employer Representative
_____ Employer/Business Name
_____ Address
_____ City
_____ State and Zip

8. Per R.S. 23:1305, failure to give notice may not harm the employee if the employer knew of the accident or if the employer was not prejudiced by the delay or failure to give notice. Inaccuracies in this notice of disease, injury, or death regarding the time, place, nature, or the cause of injury or otherwise will not be held against the employee unless the employer can show harm from being misled about the facts.

9. If you desire any information regarding your rights and entitlement to benefits as prescribed by law, you may call or write to the Office of Workers' Compensation Administration at the above address, or telephone (225) 342-7555.

10. This notice should be posted conspicuously in and about the employer's place(s) of business.

11. If the employer is insured, then include the name and address of the insurance company.

12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1302.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:779 (August 1985), repromulgated LR 13:308 (May 1987), repromulgated by the Department of Employment and Training, LR 17:178 (February 1991), amended by the Department of Labor, LR 19:757 (June 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§913. Lost Time Injury Reports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1306.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:780 (August 1985), repromulgated LR 13:308 (May 1987), repromulgated by the Department of Employment and Training, LR 17:179 (February 1991), amended by the Department of Labor, LR 19:758 (June 1993), repealed by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

Chapter 11. Workers' Compensation Insurance Cost Containment

§1101. Purpose

A. The purpose of these rules is to establish and implement effective injury control measures for employers in high rate classifications with insurance experience modifier (E-MOD) rates of 1.5 or greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1177 & 1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1103. Forms; Preparation and Adoption; Use

A. ...

B. The following forms have been adopted by the Office of Workers' Compensation Administration for use in the implementation of the Workers' Compensation Cost Containment Act.

Forms	
LW -WC-Form No. 1021	Application for Attendance at Cost Containment Meeting
LW-WC-Form No. 1024	Certificate of Satisfactory Implementation of Occupation Safety and Health Program

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1105. Cost Containment Meeting

A. Cost containment meetings can be requested and will be held upon request between June and September of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1106. Experience Modifier Rates

A. ...

B. The incentive discount provided in R.S. 23:1178(C) shall be based on the employer's next effective experience modifier rate after its certified attendance at a cost containment meeting. The certificate of attendance, as issued by the Louisiana Works, Office of Workers' Compensation, shall be valid only during the period of the employer's next effective experience modifier rate following its certified attendance at a cost containment meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:544 (July 1993), amended by Department of Labor, Office of Workers' Compensation, LR 21:272 (March 1995), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1107. Application for Attendance at Cost Containment Meeting

A. A verified application Form LW-WC-Form No. 1021, together with proof that the attendee is a person in a position of authority within the company, must be received 15 days prior to the scheduled meeting to guarantee consideration. Proof may include, but shall not be limited to, a verified job description, annual report to the Secretary of State, a copy of the preprinted tax form or act of partnership. Notice shall be given five days prior to the meeting if the office finds that the designated attendee is not a person in a position of authority within the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation, LR 52:

§1109. Proof of Attendance; Certificate

A. In order to obtain a certificate of attendance, LW-WC-Form No. 1024 at a cost containment meeting, the attendee must have qualified as a designated representative as defined in R.S. 23:1176(1). At the meeting, the designated representative shall submit a picture identification and sign the roles of attendance. The certificate shall thereafter be mailed to those eligible employers who have not qualified for a reduction in the prior three years. Any application received within 15 days prior to a meeting may not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1111. Failure to Attend; Fines

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), repealed by the Louisiana Works, Office of Workers' Compensation, LR 52:

§1113. Application for Participation in the Occupational Safety and Health Program

A. Only eligible employers who have a certificate of attendance Form LW-WC-Form No. 1024 issued within the last four years may apply for participation in the Occupational Safety and Health Program.

B. ...

1. a properly completed Form LW-WC 1021;

2. a copy of the applicant's OSHA 300 log from the previous year;

B.3. - C.2. ...

D. In scheduling surveys, the OWCA will attempt to schedule on the basis of the date the application is received in the office, but shall also consider the OSHA High Hazard list and geographical location for maximizing scheduling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended LR 21:814 (August 1995), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1117. Standard for Satisfactory Implementation

A. The standards used by the Office of Workers' Compensation Administration, OSHA section, in determining a participant's satisfactory implementation of the Occupational Safety and Health Program shall be those provided in Title 29 of the Code of Federal Regulations, Sections 1910, 1915, 1918, 1926, and any regulations of ANSI, NEC, and NFPA applicable to the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:897 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1119. Inspections

A. When the official inspection report contains any recommendation for correction of hazards or program deficiencies, the employer must submit proof of compliance.

The OSHA section may require a follow up inspection to verify satisfactory implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:897 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1121. Certificate of Satisfactory Implementation

A. A certificate of satisfactory implementation, LW-WC-Form No. 1024, shall be issued only to those eligible employers who have not qualified for a reduction pursuant to R.S. 23:1179.C in the prior four years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:897 (July 1993), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1123. Cost Credit Earned from Satisfactory Implementation

A. - B. ...

1. The initial phase shall be the first of any safety and health hazard surveys of the workplace by the OSHA section, including an evaluation of the employer's safety and health program and on-site interviews with employers and employees by the OSHA section. The effective date of the completion of the initial phase shall be the date that the correction of the hazards report is received by the OSHA section. The correction of all hazards identified during the on-site visit shall be made within six months of the visit.

2. ...

a. The follow-up phase may be conducted earlier than six months after the initial phase is completed if the company has had an operational safety plan in effect for the prior 12 months, and if the company has satisfied all elements of management commitment and planning, hazard assessment, hazard correction and control, and safety and health training, as provided in Form Consultation-33, for the prior 12 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21:36 (January 1995); amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1125. Qualification for Cost Credit under R.S. 23:1179

A. - A.1. ...

2. a loss work day incident rate less than the national average for their respective SIC, as indicated on their completed OSHA 300 Form for the prior calendar year; and

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21:37 (January 1995), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1129. Employer Eligibility for Safety and Health Program Assessment

A. ...

1. Category I shall consist of sites which have 250 employees or less, and 500 or less total employees at all sites controlled by the employer, based on the average level of

employment during the most recent 12 months. Sites operated by governmental agencies are specifically excluded.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21:37 (January 1995), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

§1131. Discount Application Period

A. The incentive discount provided in R.S. 23:1179.B shall be based on the employer's next effective modifier rate after its certified satisfactory implementation of an approved occupational safety and health program. A certificate shall be issued by the Office of Workers' Compensation evidencing the satisfactory implementation of an occupational safety and health program. Such a certificate shall be valid only during the period of the employer's next effective modifier rate after its certified satisfactory implementation of the approved occupational safety and health program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21:272 (March 1995), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to update the hearing rules has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

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;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by December 9, 2025, at 5 p.m.

Susana Schowen
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General Administration

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The proposed rule change corrects outdated references, eliminates redundant and obsolete provisions, and updates workplace safety program requirements to align with current practices. The proposed rule change clarifies expectations for employer safety plans, including accident investigation procedures, inspections, training, and recordkeeping, and updates Cost Containment Program scheduling and eligibility to match current administrative practices. These changes are technical in nature and do not expand employer obligations or impose new compliance requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on state or local revenues as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs or economic benefits to persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Brian Blackwood
Assistant Secretary
2511#067

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Works Office of Workers' Compensation Administration

Hearing Rules (LAC 40:I.Chapters 55-67)

The Louisiana Works does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules. Revisions will clarify procedural requirements, such as filing standards, evidentiary expectations, and deadlines, to reduce confusion and promote fairness for all parties. These changes also include moving a form to a new location and removing

an obsolete form that is no longer necessary. This Rule is promulgated by the authority vested in the Assistant Secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 3. Hearing Rules

Chapter 55. General Provisions

Subchapter B. Commencement

§5508. Preliminary Determinations

A. - A.2. ...

B. Upon receipt of a preliminary determination, the court shall:

1. Set a telephone conference within 15 days from receipt of the preliminary determination to schedule a preliminary determination hearing. Schedule the preliminary determination to be heard within 90 days from the telephone status conference. The deadline for any discovery shall be 30 days before the preliminary determination hearing. The parties shall exchange exhibits 15 days before the hearing and send copies of the exhibits, exhibit list and memorandum to the presiding workers' compensation judge.

2. - 4. ...

5. The court shall issue notice of the judge's written preliminary determination. The notice shall advise the parties of their options to accept or reject the finding and that if the court does not receive written notification within 15 days of further action by the parties, the court will close the file or proceed to trial on the merits on all remaining issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C).

HISTORICAL NOTE: Promulgated by the Louisiana Works, Office of Workers' Compensation Administration LR 51:1618 (October 2025); amended LR 52:

Subchapter D. Power and Authority

§5537. Procedure to report contempt finding

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007), amended, LR 48:2995 (December 2022), amended by the Louisiana Works, Office of Workers' Compensation Administration LR 51:1620 (October 2025), repealed LR 52:

Subchapter G. Attorneys and Other Persons before the Court

§5547. Withdrawal of Counsel

A. - A.3. ...

4. Any motion to withdraw shall include the following information:

a. - c. ...

d. The motion shall include a certificate that the withdrawing attorney has complied with paragraph (A)(1) of this section and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the written communications required by paragraph (A)(1) shall be attached to the motion.

A.4.e. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:267

(February 1999), amended LR 25:1862 (October 1999), LR 33:653 (April 2007), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 51:1621 (October 2025), LR 52:

Chapter 58. Pleadings

Subchapter B. Forms

§5811. Format of Documents

A. ...

B. Copies of all correspondence and any other instruments sent to the Office of Workers' Compensation Administration shall be sent on the same business day and in the same manner by the party originating the filing to all other parties of record in the case. Copies of all correspondence and any other instruments delivered to the Office of Workers' Compensation Administration by hand shall be sent on the same business day to all other parties of record in a manner insuring the parties receive the document on the same day it is delivered to the court. The originating party shall attach a certificate to any document sent or delivered to the Office of Workers' Compensation Administration certifying it has complied with this rule.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 51:1623 (October 2025), LR 52:

Subchapter D. Exceptions

§5824. Rule to Show Cause; Time for Filing

Memoranda

A. - B.2. ...

3. Parties who fail to comply with paragraphs B and B.1 of this Section shall forfeit the privilege of oral argument and may forfeit the presentation of additional evidence or testimony. If a party fails to timely serve a memorandum, thus necessitating a post-hearing supplemental memorandum or continuance to allow the opposing party to respond, the court may order the late-filing party to pay court costs and reasonable attorney's fees.

C. - D.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:656 (April 2007), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 51:1624 (October 2025), LR 52:

Chapter 59. Production of Evidence

Subchapter B. Subpoena

§5909. Issuance; Service

A. Subpoenas issued in connection with any workers' compensation matter shall be served by the party requesting issuance of the subpoena, and may be served by certified mail return receipt requested or any other manner provided in law or by ex parte motion to appoint a process server. Proof of service shall be the responsibility of the party requesting the subpoena. Once issued and served, a subpoena may be canceled by the requesting party only after written notice to the opposing side. It shall be the responsibility of the requesting party to provide written notification of cancellation to all opposing parties as well as the person under subpoena. It shall be the responsibility of the parties to copy each other on the subpoenas they issue.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), LR 33:656 (April 2007), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 51:1626 (October 2025), LR 52:

Chapter 63. Judgments

Subchapter A. General

§6301. Submission of Evidence; Submission for Judgement/Decision; Post Hearing Briefs

A. The parties shall file into the record all evidence, with each exhibit numbered sequentially, at the time of trial or hearing unless the court, for good cause shown, grants an extension.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007), amended by the Louisiana Works, Office of Workers' Compensation Administration, LR 51:1629 (October 2025), LR 52:

Chapter 67. Forms

§6735. Employee's Quarterly Report of Earnings; Form LW-WC-1026

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291 & R.S. 23:1221

HISTORICAL NOTE: Promulgated by the Louisiana Works, Office of Workers' Compensation Administration LR 51:1654 (October 2025); repealed LR 52:

§6749. Form for Judges to Report Contempt Findings

WORKERS' COMPENSATION CONTEMPT FINDINGS FORM

Note: Form due to Assistant Secretary within 30 days of ruling per La. R.S. 23:1310.7

SECTION I: DOCKET CASE INFORMATION (print please)

1. Plaintiff Party Name	1a. Attorney (if any)
2. Defendant Party Name	2a. Attorney (if any)
3. Judge's Name	4. Date of Event/Hearing
5. District #	6. City

SECTION II: FACTS

1. Name of Party in Contempt

2. Parties to the claim and their relationship (ex: John Brown, claimant) :

3. Code of Civil Procedure Violation (check all that apply):

☐ Article 222- Direct Contempt # of violations _____ Total amount of civil fines assessed \$ _____

Summarize actions used to discourage behavior: _____

☐ Article 224- Constructive Contempt # of violations _____ Total amount of civil fines assessed \$ _____

Summarize actions used to discourage behavior: _____

4. Attach written reasons issued with ruling

Signature of Judge _____

Date _____

Signature of Chief Judge _____

Date _____

Signature of Assistant Secretary _____

Date _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Works, Office of Workers' Compensation Administration, LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to update the hearing rules has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

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;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments or request for hearing to Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by December 9, 2025, at 5 p.m.

Susana Schowen
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hearing Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The proposed rule change clarifies procedural requirements, such as filing standards, evidentiary expectations, and deadlines, to reduce confusion and promote fairness for all parties. The proposed rule change additionally moves one form to a new section and repeals an obsolete form that is no longer necessary.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on state or local revenues as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs or economic benefits to persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Brian Blackwood
Assistant Secretary
2511#066

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Application Process and Fees for Private Driving Schools and Instructors (LAC 55:III.Chapter 1)

The Department of Public Safety and Corrections, Office of Motor Vehicles, in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend Part III, Chapter 1 (Driver's License), Subchapter A (General Requirements) Section 146 (Application Process and Fees for Private Driving Schools and Instructors) of the *Louisiana Administrative Code*. Specifically, this proposed Rule updates the rule to allow a driving school owner to apply to open an additional location if they have not received a fine or suspension for at least one year.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§146. Application Process and Fees for Private Driving Schools and Instructors

A. - J.4. ...

K. Additional Location of Driving School

1. A school owner may apply to open an additional location if they have operated their most recent location for at least one year without receiving a fine or suspension of their license.

K.2 - L.14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462. HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1976 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015), LR 43:1762 (September 2017), LR 50:1006 (July 2024), LR 52:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972 the proposed Rule has no known impact on the following:

1. the effect on stability of the family.
2. the 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.
4. the effect on family earnings and family budget.
5. the 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.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the proposed Rule has no known impact on the following:

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

Pursuant to the provisions of R.S. 49:965.2-965.8, the Regulatory Flexibility Act, the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the proposed Rule has no known impact on impact on the following:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the costs to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Heather Hood, Liaison Officer & Legal and Policy Strategist - Louisiana Department of Public Safety and Corrections, Office of State Police, 7919 Independence Blvd., Baton Rouge, LA 70806. All comments must be submitted no later than the end of business day, central time zone, December 9, 2025.

Keith Neal
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Application Process and Fees for Private Driving Schools and Instructors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any costs or savings for the Office of Motor Vehicles (OMV) as the proposed rule updates language to align with its current practice.

OMV proposes to amend Section 146 (Application Process and Fees for Private Driving Schools and Instructors) of Part III, Chapter 1 (Driver's License), Subchapter A (General Requirements) of Title 55 (Public Safety) of the Louisiana Administrative Code. The proposed rule change allows a school owner to apply for an additional location after operating their most recent location for at least one year without receiving a fine or license suspension, which aligns with current practice.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Keith E. Neal
Commissioner
2511#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Partial Sales and Use Tax Exemption on Boats (LAC 61:I.4428)

Under the authority of R.S. 47:1511, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, gives notice that rulemaking procedures have been initiated to adopt LAC 61:I.4428 relative to the sales tax cap on boats registered in Louisiana when the tax is paid within 90 days of purchase or importation.

Revised Statute 47:305.23 establishes that the combined state and local sales or use tax will be capped \$20,000 if the tax is paid within 90 days of purchase or importation, effectively exempting the sales or use tax in excess of that amount. The proposed Rule outlines the eligibility criteria for the exemption and provides additional guidance to dealers and purchasers regarding the proper reporting and payment of the state and local sales and use taxes when the cap is triggered.

Title 61

REVENUE AND TAXATION

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

Chapter 44. Sales and Use Tax Exemptions

§4428. Partial Sales and Use Tax Exemption on Boats

A. General. Revised Statute 47:305.23 authorizes an exemption for sales and use tax in excess of \$20,000 otherwise due on the sale or use of boats registered in Louisiana if the tax is paid within 90 days of the sale or importation.

B. Definitions

Consumer Price Index United States—a program of the Bureau of Labor Statistics which measures the average change over time in prices paid by the urban consumer.

Department—the Louisiana Department of Revenue.

C. Eligibility Requirements. The following requirements shall be met to obtain the exemption:

1. The boat must be purchased or imported and registered in Louisiana on or after July 1, 2025.

2.a. The combined state and local sales or use tax due must exceed \$20,000 prior to the exemption. The exemption applies to only those taxes in excess of \$20,000, after application of the credits authorized in R.S. 47:303(A)(3) and 337.86.

b. The sales price of the following items shall not be included when calculating the sales and use tax due for purposes of the cap:

i. Accessories not attached to and made a part of the boat at the time of sale, including but not limited to ladders, anchors, rod holders, and fish finders.

ii. General accessories that do not attach to the boat, including but not limited to gas cans, fishing poles, life jackets, fire extinguishers, flares, dock line and rope, boat covers, wake boards and other recreational gear.

iii. Trailers.

3. Payment of tax due must be completed within 90 days of the sale or importation.

4. If payment is not made within 90 days, the exemption shall not apply, and the purchaser or importer shall be responsible for the entire amount of state and local sales or use tax due on the boat.

D. Reporting

1. Louisiana boat dealers must calculate the total state and local sales tax due on the boat.

a. If the total tax is equal to or less than \$20,000, the dealer shall charge, collect, and remit the tax to the appropriate state and local tax collectors.

b. If the total tax exceeds \$20,000, the dealer shall indicate on the invoice that the tax is subject to exemption and report the sale as exempt on its general sales tax return. In this case, the dealer shall not collect the tax from the purchaser but must inform him of the responsibility to self-report and remit the taxes directly to the state and local collectors.

i. When the boat is purchased from a Louisiana dealer, the local sales tax shall be paid to the collector for the parish where the dealer is located.

ii. When the boat is imported, the local sales tax shall be paid to the collector for the parish where the purchaser resides.

c. The sales tax due on accessories and other tangible personal property not included in the price of the boat shall be charged, collected, and remitted by the dealer regardless of the application of the cap.

2. The purchaser or importer of a boat eligible for partial exemption shall be responsible for paying the tax directly to the Department and appropriate local tax collector using the form and method specified by the collectors.

E. Threshold Adjustments. Beginning July 1, 2030, and every five years thereafter, the threshold of \$20,000 shall be adjusted based upon the Consumer Price Index United States and redetermined by the methodology established in R.S.

47:305.23. Notice of the adjusted threshold shall be published by the department in a Revenue Information Bulletin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 52:

Family Impact Statement

The proposed Rule has no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically, the implementation of this proposed Rule has no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Impact Analysis

The proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed rule to Brandea Averett, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., January 2, 2026.

Public Hearing

Interested persons may submit a written request for a public hearing no later than December 10, 2025, at 4:30 p.m. Requests may be submitted via email to Brandea.Averett@la.gov. Pursuant to R.S. 49:961(B)(1), a public hearing to receive oral and written comments will be held only if the statutory requirements are satisfied. If those requirements are met, the hearing will take place on January 2, 2026, at 8 a.m. in the River Room, located on the 7th floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Notice of the hearing will be posted under the respective rule topic on the Department's website at <https://revenue.louisiana.gov/tax-policy/rules-regulations>, under "Types," then "Nonemergency Rulemaking." If no notice appears, a public hearing will not be conducted. In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation to participate, contact Brandea Averett at the address given above in the Public Comments section, by email at LDRadarequests@la.gov or by phone at (225) 219-2780.

Richard Nelson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Partial Sales and Use Tax Exemption on
Boats**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE
OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is expected to result in minimal costs to the state and local governmental units. The Department of Revenue (LDR) is anticipated to incur one-time costs of \$25,680 SGR in FY 26 for programming, testing, and system development costs to add a new exemption code to applicable sales tax returns and update related form instructions. LDR reports the ability to absorb this amount within the agency's existing budget authority. Local tax authorities are anticipated to incur minimal costs associated with implementing the partial sales and use tax cap.

Act 384 of the 2025 Regular Session enacts La. R.S. 47:305.23, which establishes a cap on the combined state and local sales and use tax paid for a boat registered in Louisiana. If the tax is remitted within 90 days of the purchase date, the total tax liability will be limited to \$20,000. Consequently, any sales or use tax that exceeds this cap will be exempt. This legislation is effective July 1, 2025. Beginning July 1, 2030, the \$20,000 sales tax cap will be adjusted for inflation every five years.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule is anticipated to decrease the state general fund (SGF) and self-generated revenue (SGR) and local tax collections by an indeterminable amount beginning in FY 26. The SGF and local revenue loss could be significant depending on activity related to eligible boat transactions, with impacts beginning as early as FY 26. The exact amount of potential revenue loss is currently unknown, as specific empirical tax data related to boat sales is not readily available. However, the Department of Wildlife and Fisheries reports a 3-year average of 960 new or transferred registrations annually for boats over 26 feet in length, which tend to have higher prices.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

Purchasers of boats registered in Louisiana whose total state and local sales and use tax liability exceeds \$20,000 will be directly impacted by the proposed rule. The proposed rule is anticipated to provide cost savings to certain taxpayers by exempting taxes on amounts over \$20,000.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2511#030

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Tax Policy and Planning Division**

Petition for Rulemaking (LAC 61:III.103)

Under the authority of R.S. 47:1511, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, gives notice that rulemaking procedures have been initiated to enact LAC 61:III.103 relative to petitions to adopt, amend, or repeal Department of Revenue rules. The following shall also apply to petitions to adopt, amend, or repeal the Office of Charitable Gaming rules.

Revised Statute 49:964(A) requires each agency to enact rules prescribing the form for requesting the Department of Revenue to adopt a new rule or to amend or repeal existing rules. This Rule outlines the information to be included in the petition submitted to the department, as well as the procedures for submission, consideration, and disposition of these petitions.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 1. Agency Guidelines

§103. Petitions to Adopt, Amend, or Repeal

A. A petition requesting the adoption, amendment, or repeal of a Department of Revenue rule (including Charitable Gaming rules) shall be submitted in writing on a form prescribed by the department. The petition must be submitted electronically and include all of the following:

1. the name, mailing address, and contact information of the petitioner.

2. a statement identifying whether the petition seeks adoption of a new rule, amendment of an existing rule, or repeal of an existing rule.

3. the citation or subject matter of the rule at issue, if applicable.

4. a concise statement of the substance of the rule proposed for adoption, amendment, or repeal.

5. the reasons for the requested action, including supporting facts, legal arguments, or policy considerations.

6. the petitioner's signature and date of submission.

B. The petition may include any supporting materials the petitioner wishes the department to consider.

C. The department shall promptly review each petition to determine whether it is complete and in compliance with the requirements of this Section.

D. Within 90 days after the receipt of a properly submitted petition, the department shall either:

1. deny the petition in writing, stating the reasons for denial; or

2. initiate rulemaking proceedings.

E. Disposition

1. If the department denies the petition, notice of the denial and the reasons therefore shall be emailed to the petitioner at the address provided.

2. If the department initiates rulemaking, the petitioner shall be notified, and rule-making proceedings shall be initiated in accordance with the department's rule making procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 49:964(A).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 52:

Family Impact Statement

The proposed Rule has no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically, the implementation of this proposed Rule has no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
4. the behavior and personal responsibility of children.
5. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed rule to Dominique Bowers, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., December 29, 2025.

Public Hearing

Interested persons may submit a written request for a public hearing no later than Tuesday, December 9, 2025, at 4:30 p.m. Requests may be submitted either by mail, addressed to Dominique Bowers, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098 or via email to Dominique.Bowers2@la.gov. Pursuant to R.S. 49:961(B)(1), a public hearing will be held only if the statutory requirements

are satisfied. If those requirements are met, the hearing will take place on December 30, 2025, at 10 a.m. in the LaBelle Room, located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, to receive oral and written comments from interested persons. If the requirements have been met and a public hearing will be held, notice of the hearing will be posted under the respective rule topic on the department's website at <https://revenue.louisiana.gov/tax-policy/rules-regulations>, under "Types," then "Nonemergency Rulemaking". A posted notice confirms that the statutory hearing requirements have been met and that the hearing will be held. If no notice appears, a public hearing will not be conducted. In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation to participate, contact Dominique Bowers at the address given above in the Public Comments section, by email at LDRadarequests@la.gov or by phone at (225) 219-2780.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Petition for Rulemaking

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation of this proposed rule is not anticipated to result in any additional costs to the Louisiana Department of Revenue (LDR). Procedures are already implemented within the department for the rulemaking process.

This proposal enacts the rule relative to petitions to adopt a new rule or to amend or repeal existing rules and the information that must be included in the petitions submitted to the Louisiana Department of Revenue (LDR) or to the Office of Charitable Gaming (OCG).

No additional costs are expected to result from this rule and local governments will not be affected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have an impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers are anticipated to benefit from this proposed rule by the additional guidance provided when requesting LDR or OCG to adopt new rules, amend existing rules, or repeal existing rules. There are no anticipated costs to taxpayers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2511#054

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Board of Veterinary Medicine

Board Nominations, Examination Dates, and
Board Meeting Dates

Board Nominations

The Board of Veterinary Medicine announces that the nomination slate for the open board member position for the 2026 appointment will be presented at the Louisiana Veterinary Medical Association (LVMA) 2026 Business Meeting being held in late-March 2026.

In accordance with R.S. 37:1515, a person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five years immediately preceding the time of his appointment. Additionally, no person may serve on the board who is or was during the two years immediately preceding his appointment, a member of the faculty, trustee or advisory board of a veterinary school. It is not necessary to be a member of the LVMA to be nominated.

Interested persons should submit the names of nominees directly to the LVMA for future consideration. For more details, the LVMA may be contacted via telephone at (225) 928-5862 or via email at office@lvma.org.

Jared Granier, MBA
Executive Director

Examination Dates

The Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine in-person in the Board office on the first Tuesday of every month but subject to change due to office closure (i.e. - holiday, weather). The SBE can also be taken online once an application for licensure is submitted and fees are paid. Updated exam dates, deadlines, and sign-up instructions can be found at www.lsbvm.org/sb8.

There are three testing windows to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the International Council for Veterinary Assessment (ICVA). Applicants for NAVLE testing should visit the ICVA's website at www.icva.net/navle. NAVLE candidates need only to apply online with ICVA to sit for the NAVLE.

Those interested in taking the Veterinary Technician National Examination (VTNE) should apply through the AAVSB by visiting the AAVSB's website at www.aavsb.org. Current students of or graduates from AVMA-accredited institutions need only to apply online with AAVSB to sit for the VTNE. For those from non-AVMA-accredited institutions, approval from the LBVM will also be required

The exam window dates and application deadlines for the NAVLE and the VTNE can be found at www.lsbvm.org/deadlines. No late application will be accepted. Requests for special accommodations must be made directly with the testing vendors as early as possible for review and acceptance. Application for licensure and exam information is available online at www.lbvm.org. Call 225-925-6620 or email admin@lsbvm.org with any questions.

Board Meeting Dates

The members of the Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates through 2026:

Thursday, February 5, 2026
Thursday, April 2, 2026
Thursday, June 4, 2026
Thursday, August 6, 2026
Thursday, October 8, 2026
Thursday, December 3, 2026

Dates and locations are subject to change. All board meetings will be held on these dates and at the board office at 5825 Florida Blvd (Department of Agriculture & Forestry Building), unless noted otherwise. For more information, please visit www.lsbvm.org/meetingdates or contact the board office via telephone at (225) 925-6620 or via email at admin@lsbvm.org.

Jared Granier, MBA
Executive Director

2511#002

POTPOURRI

Department of Conservation and Energy Office of Enforcement

Orphaned Oilfield Sites

Office of Enforcement records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Cox Operating, L.L.C.	Quarantine Bay	L	SL 2220 SWD	3	972663
Midstates Oil Corporation	Sentell	S	Atkins	1	51298
Soldier Operating, LLC	Cote Blanche Island	L	SL 340 Cote Blanche Island	186	225960

Manny Acosta
Executive Director

2511#024

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

2026 First Semiannual Reporting Period
AQ400-Part 70—General Conditions (LAC 33:III.535)

AQ400 Part 70—General Conditions (LAC 33:III.535) requiring all Title V permittees to use the department's forms for Title V Semiannual Monitoring & Deviation and Title V Annual Compliance Certification reporting is final. This Potpourri notice announces the implementation date for use of the mandatory forms. The Title V reporting forms will be required for use beginning with the 2026 first semiannual reporting period; the semiannual report is due on or before September 30, 2026. The revised forms as well as reporting information will be available on LDEQ's website at <https://www.deq.louisiana.gov/page/air-enforcement> by December 31, 2025. Form related questions may be directed to Antoinette Cobb at (225)219-3072 or antoinette.cobb@la.gov. (2511Pot1)

Jill C. Clark
General Counsel

2511#018

POTPOURRI

Office of the Governor Board of Architectural Examiners

Notice of Public Hearing Request for Comments on Rulemaking

In compliance with R.S. 49:964(B), the Board of Architectural Examiners ("Board") gives notice that a public hearing will be held on December 22, 2025 at 10 a.m. at the office of the board, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809-1592, for the purpose of receiving comments from all interested persons regarding any rule of the board that may be contrary to law, outdated, unnecessary, overly complex, or burdensome.

All interested persons are invited to attend and submit oral or written comments. The board will consider all written and oral comments; however, only written comments received by the board will be included in the report submitted to the Louisiana legislative oversight committees. Written comments must be hand-delivered or mailed to the board office. Hand-delivered comments must be date-stamped by board office staff on the date received. Comments sent via U.S. Mail must be dated and must include the original signature of the person submitting the comments. If mailing, please send to: Tyson Ducote, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809-1592. For hand-delivered comments, the board office is located at 9625 Fenway Avenue, Suite B, Baton Rouge, LA. All comments must be received no later than 4:30 p.m. on December 22, 2025.

To request reasonable accommodations for persons with disabilities, please call the board office at (225) 925-4802.

Tyson Ducote
Executive Director

2511#004

POTPOURRI

Department of Insurance Office of the Commissioner

Notice of Public Hearing—Plan of Reorganization Louisiana Farm Bureau Mutual Insurance Company

The Department of Insurance hereby gives notice of a public hearing to be held on December 19, 2025, regarding the conversion of Louisiana Farm Bureau Mutual Insurance Company from a mutual insurance company to a stock insurance company pursuant to R.S. 22:237.6. The public hearing is being held for the purpose of hearing evidence to determine if the Plan of Reorganization submitted by Louisiana Farm Bureau Mutual Insurance Company (1) properly protects the interests of the policyholders as such and as members; (2) serves the best interests of policyholders and members; and (3) is fair and equitable to policyholders and members as required by La. R.S. 22:237.6. The public hearing shall be conducted in accordance with S. 22:237.6, Rule 1 of the Louisiana Department of Insurance, and the Administrative Procedures Act.

Public Hearing

The public hearing will be held by the Louisiana Department of Insurance on December 19, at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, Louisiana. If you are interested in participating in the public hearing, you have the option to make comments or provide evidence. You can do this by submitting your comments or evidence in writing to David Caldwell, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by close of business, December 12, 2025, by 4:30 p.m. Comments or evidence received by December 12, 2025, will be posted on the Louisiana Department of Insurance website at <https://www.lda.la.gov/public-hearing-and-rulemaking-notices>. The provided link directs to the public hearing notices page of the Louisiana Department of Insurance website. This page contains announcements and information regarding upcoming public hearings conducted by the Louisiana Department of Insurance. Users can access documents, notices, and other relevant information related to these proceedings. It is recommended to visit the website directly for the most up-to-date information from the Louisiana Department of Insurance on this public hearing. Interested persons may appear at the public hearing to provide comments or evidence as well.

Claire Lemoine
Deputy General Counsel

2511#040

POTPOURRI

Louisiana Works Office of the Secretary

Notice of Public Hearing Request for Comments on Rulemaking

Pursuant to Act 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:964(B)(1), and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., Louisiana Works hereby gives notice of a public hearing. The purpose of the hearing is to allow any interested person the opportunity to provide written or oral comment on any rule contained in Title 40, and Title 67, Part VII, which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The hearing will take place at Louisiana Works, 4th Floor Conference Room #494, Administration Bldg., 1001 N. 23rd Street, Baton Rouge, LA 70802 on Monday, December 22, 2025, from 9 a.m. - 11a.m.

Interested persons are invited to submit written comments via the U.S. Postal Service to John Williams, General Counsel, Louisiana Works, P.O. Box 94094, Baton Rouge, LA 70804-9094. Written comments may also be hand-delivered to John Williams, General Counsel, at 1001 N. 23rd St., Baton Rouge, LA 70802. All written comments must be date stamped by Louisiana Works on the date received. All written comments must be dated by commenter, include the original signature of the commenter, and must be received in an envelope labeled "ACT 454 Comments" no later than 4 p.m. on Monday, December 22, 2025. While oral comments will be considered, comments are required to be received in writing for submission to the legislative oversight committees.

Any individual with a disability that requires an accommodation to participate should notify Kaffia Arvie, State Equal Opportunity Officer, at least 10 business days prior to the hearing date, in writing to Louisiana Works, ATTN: Kaffia Arvie, P.O. Box 94094, Baton Rouge, LA 70804-9094, by email to Kaffia.Arvie@la.gov, or by telephone at (225) 342-3471. The hearing site is accessible to people using wheelchairs or other mobility aids.

Susana Schowen
Secretary

2511#010

POTPOURRI

Louisiana Works Office of Unemployment Insurance Administration

Notice of the Maximum Weekly Benefit Amount for Unemployment Insurance

Louisiana Works is required, under R.S. 23:1474(G)(3)(b), to annually publish the formula for computation of benefits. The following table shall be applied by the administrator subsequent to his determination of comparative balance, and applied trust fund balance range:

Procedure	Applied Trust Fund Balance Range	Maximum Dollar Amount of "wages" under R.S. 23:1474	Formula for Computation of Benefits	Maximum Weekly Benefit Amount
1	Less than seven hundred fifty million dollars	Eight thousand five hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) to formula for computation of benefits	Two hundred forty-nine dollars
2	Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars	Seven thousand seven hundred dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Two hundred seventy-five dollars
3	Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Two hundred eighty-two dollars
4	Greater than one billion four hundred million dollars	Seven thousand dollars	Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), to formula for computation of benefits	Three hundred twelve dollars

Susana Schowen
Secretary

2511#012

POTPOURRI

Department of Transportation and Development Office of the Secretary

Notice of Public Hearing Request for Comments on Rulemaking

In compliance with Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development will hold a public hearing for the purpose of receiving comments on any rule of the Department of Transportation and Development which any interested person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The hearing will be held at the Department of Transportation and Development on Monday, December 22, 2025 at 1 p.m. in Room 112, 1201 Capitol Access Rd. Baton Rouge, LA 70802.

Public Hearing

At the public hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. The Department of Transportation and Development will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearings, please contact Jamie Smith, at (225) 242-4609 at least five business days prior to the scheduled hearing.

Public Comments

Written comments may be submitted in advance of the hearing to Andrew Barry, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. Comments must be postmarked no later than Monday, December 15, 2025.

Glenn P. Ledet, Jr.
Secretary

2511#046

POTPOURRI

Department of Treasury Board of Trustees of the Teachers' Retirement System of Louisiana

Notice of Public Hearing Request for Comments on Rulemaking

Pursuant to Act No. 663 of the 2022 Regular Session of the Louisiana Legislature, codified as R.S. 49:964(B), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) hereby gives notice that a public hearing will be held on December 22, 2025, at 9 a.m. at the Teachers' Retirement System of Louisiana, 8401 United Plaza Blvd., 4th Floor Boardroom, Baton Rouge, LA 70809, for the purpose of receiving comments from any interested person regarding any TRSL

rule contained in the *Louisiana Administrative Code*, Title 58, Retirement, Part III, that may be contrary to law, outdated, unnecessary, overly complex, or burdensome.

Interested persons are invited to attend and submit oral or written comments. TRSL will consider all written and oral comments; however, only written comments received by TRSL will be included in the report submitted to the Louisiana legislative oversight committee(s). Written comments must be hand-delivered or mailed to the TRSL office. Hand-delivered comments must be date-stamped by TRSL office staff on the date received. Comments sent via U.S. Mail must be dated and must include the original signature of the person submitting the comments. If mailing, please send to: Legal Division, Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123. For hand-delivered comments, the TRSL office is located at: 8401 United Plaza Boulevard, Suite 300, Baton Rouge, LA 70809. All comments must be received no later than 4:30 p.m. on December 18, 2025.

To request reasonable accommodations for persons with disabilities, please call TRSL at (225) 925-1829, no later than 4:30 p.m. on December 18, 2025.

Katherine Whitney
Director

2511#026

POTPOURRI

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Notice of Public Hearing Substantive Change to the Notice of Intent Special Bait Dealer's Permit (LAC 76:VII.329)

The Department of Wildlife and Fisheries (department) and the Wildlife and Fisheries Commission (commission) published a Notice of Intent to amend its rules in the July 20, 2025 edition of the *Louisiana Register*. The commission proposes to amend the original Notice of Intent to require a ¾-mile buffer around existing Special Bait land based facilities where vessels may not sell live bait unless they have permission from that facility.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the Notice of Intent, and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and promulgate the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §329. Special Bait Dealer's Permit

A. - B.8. ...

C. Operations

1. - 3. ...

4. No person shall sell any shrimp or croaker taken under a special bait dealer's permit during the closed shrimp seasons from a vessel unless they possess a wholesale/retail seafood dealer's license or a fresh products dealer license and the fisherman has a signed trip ticket and records the amount of harvested bait for the entirety of the trip. No vessel shall sell live shrimp or croaker under the special bait dealer's permit within $\frac{3}{4}$ of a mile of any permitted onshore facility, unless the vessel operates under the onshore facility's permit, or written permission is obtained from the onshore facility to do so.

C.5. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021), LR 49:2118 (December 2023), LR 52:

Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on the proposed substantive change will be held by the Department of Wildlife and Fisheries on December 22, 2025 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808.

Kevin Sagrera
Chairman

2511#031

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