NOTICE OF INTENT
Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Agricultural Chemistry and Seed Commission
Industrial Hemp (LAC 7:XIII.1301-1343)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, and pursuant to the authority set forth in R.S. 3:1461 *et seq.*, notice is hereby given that the Department of Agriculture and Forestry ("Department") intends to adopt LAC 7:XIII.1301-1343 regarding the regulation, licensure, and enforcement of the cultivation, processing, and transportation of industrial hemp. Section 1301 sets forth the Department's authority to adopt regulations. Section 1303 sets forth the definitions used in the industrial hemp regulations. Section 1305 addresses the general requirements for industrial hemp licenses. Section 1307 outlines the requirements for an industrial hemp seed producer license. Section 1309 outlines the requirements for an industrial hemp grower license. Section 1311 outlines the requirements for an industrial hemp processor license. Section 1313 outlines the requirements for an industrial hemp contract carrier license. Section 1315 addresses the background check requirements and procedures for applicants. Section 1317 sets forth the license and testing fees. Section 1319 addresses the requirements for industrial hemp growers and seed producers. Section 1321 addresses the procedures for industrial hemp seed acquisition. Section 1323 establishes land restrictions for production and processing of industrial hemp. Section 1325 provides restrictions for certain industrial hemp sales and transfers. Section 1327 sets forth prohibited activities. Section 1329 outlines the requirements for submission of annual production reports to the Department. Section 1331 addresses maintenance and retention of records. Section 1333 outlines the authority of the commissioner or his authorized agent(s) to access a grower or processor facility for the purpose of inspection. Section 1335 requires that all industrial hemp be sampled for THC concentration levels and outlines testing procedures. Section 1337 addresses destruction methods for industrial grown in violation of this Part. Section 1339 outlines adjudicatory proceedings for violations of the law or regulations. Section 1341 outlines a plan for corrective action for negligent violations of the law or regulations. Section 1343 outlines the issuance of stop orders for alleged violations.

Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds
Chapter 13. Industrial Hemp

Subchapter A. General Provisions

§1301. Authority

The Louisiana Department of Agriculture and Forestry adopts these regulations under the authority of R.S. 3:1461 *et seq.* for the purpose of regulation, licensure, and enforcement of the cultivation, processing, and transportation of industrial hemp.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1303 Definitions

A. The provisions of R.S. 3:1462 relating to definitions, words, and terms are hereby incorporated by reference and made a part hereof and will therefore apply and govern the interpretation of these rules. Any word or term not defined in these rules shall have the same meaning ascribed to it in R.S. 3:1462. Any word not defined in R.S. 3:1462 or this Chapter shall be construed in accordance with its plain and ordinary meaning.

B. The following words and terms shall have the following meanings:

"AOSCA" – Association of Official Seed Certifying Agencies.

"AOSCA certified seed," "AOSCA Registered Seed," and "AOSCA Foundation Seed" – seed that has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an AOSCA seed certifying agency or by the Organization for Economic Co-operation and Development ("OECD") Seed Schemes. AOSCA Certified Seed programs provide standards and procedures approved by the United States Secretary of

Agriculture to maintain and make available to the public high quality seed and propagating materials of superior crop plant varieties grown & distributed to insure genetic identity and purity.

Cannabis–all parts of the *Cannabis* plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts.

CBD–cannabidiol.

Certificate of Analysis ("COA")–an official document issued by an LDAF approved laboratory which includes, along with other sample information, the unique sample number and THC level test results of the submitted sample.

Commission – the Louisiana Agricultural Chemistry and Seed Commission.

Commissioner – the Louisiana Commissioner of Agriculture and Forestry.

DEA – U.S. Drug Enforcement Administration.

Delta-9-THC ("THC")–delta-9-tetrahydrocannabinol concentration.

Denude - to strip or remove the outside layer or covering from industrial hemp stalks.

Designated Responsible Party – the natural person designated by a business applicant or licensee as responsible for daily business operations.

GPS–global positioning system.

Harvesting – the process of cutting or collecting industrial hemp crop or crop parts grown in a plot, field, greenhouse, or indoor growing structure.

Harvest/Destruction Report–an official document issued by LDAF that must be completed by a licensed grower of industrial hemp and submitted to LDAF prior to harvest or destruction of any industrial hemp field, greenhouse, or indoor growing structure.

Industrial Hemp – the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.

Industrial Hemp Plant Parts–any floral buds, leaves, roots, seeds, stalks, or stems of the plant *Cannabis sativa L.* with a THC concentration of not more than 0.3 percent on a dry weight basis.

Industrial Hemp Products–products derived from, or made by, processing industrial hemp plants or plant parts.

Law Enforcement Agency–the Louisiana State Police, DEA, or other federal, state, or local law enforcement agency or drug suppression unit.

License Application–a document executed by a person and LDAF authorizing the person to grow, handle, store, or transport industrial hemp at one or more specified locations in Louisiana under the terms set forth in the document, R.S. 3:1461 *et seq.*, and this Chapter.

Licensed Grower–a person possessing a license issued by LDAF under the authority of R.S. 3:1461 *et seq.* and this Chapter to grow, cultivate, or handle industrial hemp.

Licensee–any person possessing a contract carrier, grower, processor or seed producer license issued by LDAF under the authority of this Chapter.

Location ID–the unique identifier established by the applicant for each unique set of GPS coordinates where industrial hemp will be grown, stored, or processed, and which may include a field name or building name.

LDAF–the Louisiana Department of Agriculture and Forestry.

Market or Marketing–promoting or selling a product within Louisiana, in another state, or outside of the United States. Marketing includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers.

Nonviable Seed–a seed that has been crushed, dehulled, or otherwise rendered to have a zero percent germination rate.

Person–any individual, partnership, corporation, company, association, or other legal entity.

Planting report–an official document issued by LDAF that must be completed by an industrial hemp licensee and submitted to LDAF after each planting of industrial hemp in any field, greenhouse, or indoor growing structure.

Plot–a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of industrial hemp throughout the area.

Processing–converting industrial hemp into a marketable form.

Seed Source–the origin of any industrial hemp seed.

Site Modification Request - an official document issued by LDAF that a licensee must submit in order to add, change, delete, or modify that licensee's approved fields, greenhouses, indoor growing structures, or any other sites where that licensee stores, processes, or handles industrial hemp plants or plant parts.

Variety–a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Volunteer Industrial Hemp Plant–an industrial hemp plant that was not intentionally planted, but results from a previous crop, growing on its own accord from seeds or roots following an intentionally planted industrial hemp crop.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462 and R.S. 3:1464.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter B. Licenses

§1305. Licensing

A. Each industrial hemp seed producer, grower, processor, or contract carrier shall obtain a license from LDAF prior to engaging in the regulated activity.

B. The effective dates of all industrial hemp licenses shall be January 1 through December 31 of any given year, and licenses must be renewed annually. Applications for industrial hemp licenses may be submitted to LDAF at any time during the year, and are effective upon approval by LDAF through the end of that year. Licenses issued in 2019 shall have an effective date from the date of approval by LDAF and shall expire on December 31, 2020.

C. Applications shall be handled and processed by LDAF and reviewed for approval or denial. Upon completion of the review process, the applicant will be notified of the application status.

D. The licensee shall be responsible for the cost of all licenses and sample testing fees.

E. No unlicensed person who is not employed by a licensee shall grow, cultivate, handle, store, process, or commence transporting industrial hemp at any location within Louisiana. No licensee shall allow any unlicensed person who is not an employee of that licensee to grow, cultivate, handle, store, process, or transport industrial hemp under his or her license.

F. No person under the age of 18 years of age shall be granted a license under this Chapter.

G. No person shall be eligible to obtain a license if the applicant:

1. was convicted of a felony within the ten years immediately preceding the application date.

2. was convicted of a drug-related misdemeanor conviction within the two years immediately preceding the application date; or

3. fails to provide all application requirements and documentation.

H. A person applying for multiple licenses must complete a license application and submit the associated fee for each application.

I. If any of the information submitted in an application changes, the licensee shall notify LDAF, in writing, of those changes within 15 days.

J. The licensee shall submit to LDAF a site modification request form for approval to add, change, remove, or modify any information concerning the licensee's approved fields, greenhouses, indoor growing structures, or any other sites where that licensee stores, processes or handles industrial hemp plants or plant parts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1307. Seed Producer License

A. No person shall produce industrial hemp seed for planting purposes without first applying for and being granted a seed producer license from LDAF.

B. A seed producer license issued by LDAF shall authorize the licensee to obtain, produce, transport, and sell industrial hemp seed pursuant to this Chapter.

C. All producers of industrial hemp seed shall comply with the requirements set forth in R.S. 3:1431 *et seq.*, including but not limited to the testing and labeling requirements of agricultural seeds.

D. The application shall include, at a minimum, the following information for consideration:

1. Type of license being requested as set forth in R.S. 3:1465;

2. Applicant's full name, Louisiana mailing and physical address, telephone number and email address;

3. Physical address, legal description, location ID, and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be grown, handled, or stored;

4. If the applicant is a business entity:

a. the full name of the business;
b. the principal Louisiana business physical address;
c. the full name, title and email address of the individual applying for the license;
d. the full name, title, and email address of the designated responsible party; and
e. the full name and mailing address of the registered agent.

5. Detailed maps depicting each site where industrial hemp seed will be produced, handled, and stored, with appropriate designations for entrances, field boundaries, and the specific locations corresponding to GPS coordinates;

6. Proposed field acreage or square footage for all greenhouse(s) or indoor growing structure(s) to be planted for seed production; and

7. Intended variety name, origin, and seed certifying agency of industrial hemp seed for each planting.

E. LDAF shall maintain all information obtained pursuant to this Section for a period of not less than three years and all information received in accordance with this Section shall be transmitted to the United States Secretary of Agriculture not more than 30 days after the date on which the information is received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1309. Grower License

A. No person shall grow industrial hemp without first applying for and receiving an industrial hemp grower license from LDAF.

B. A grower license issued by LDAF shall authorize the licensee to obtain industrial hemp seed, possess industrial hemp seed for planting, cultivate an industrial hemp crop, harvest industrial hemp plant parts, as well as possess, store, handle, transport, and market plant parts pursuant to this Chapter.

C. The application shall include, at a minimum, the following information for consideration:

1. Type of license being requested as set forth in R.S. 3:1465;

2. Applicant's full name, Louisiana mailing and physical address, telephone number and email address;

3. Physical address, legal description, location ID, and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored;

4. If the applicant is a business entity:
a. the full name of the business;
b. the principal Louisiana business physical address;
c. the full name, title and email address of the individual applying for the license;
d. the full name, title, and email address of the designated responsible party; and
e. the full name and mailing address of the registered agent.

5. Detailed maps depicting each site where industrial hemp will be cultivated, handled, or stored, with appropriate designations for entrances, field boundaries, and the specific locations corresponding to GPS coordinates;

6. Proposed field acreage or square footage for all greenhouse(s) or indoor growing structure(s) to be planted; and

7. Intended variety name and origin of industrial hemp seed for each planting.

D. LDAF shall maintain all information obtained pursuant to this Section for a period of not less than three years and all information received in accordance with this Section shall be transmitted to the United States Secretary of Agriculture not more than 30 days after the date on which the information is received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1311. Processor License

A. No person shall process industrial hemp without first applying for and receiving an industrial hemp processor license from LDAF.

B. The application shall include, at a minimum, the following information for consideration:

1. Applicant's full name, Louisiana mailing and physical address, telephone number, and email address;

2. If the applicant is a business entity:

a. the full name of the business;

b. the principal Louisiana business physical address;

c. the full name, title and email address of the individual applying for the license;

d. the full name, title, and email address of the designated responsible party; and

e. the full name and mailing address of the registered agent.

3. Detailed maps, legal description, physical address, location ID, and GPS coordinates for each building or site where industrial hemp will be processed, handled, or stored.

C. LDAF shall maintain all information obtained pursuant to this Section for a period of not less than three years and all information received in accordance with this Section shall be transmitted to the United States Secretary of Agriculture not more than 30 days after the date on which the information is received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1313. Contract Carrier License

A. No person shall contract to transport industrial hemp for compensation in Louisiana without first applying for and receiving an industrial hemp contract carrier license from LDAF.

B. A contract carrier license issued by LDAF shall authorize the licensee to transport or deliver industrial hemp plant parts.

C. The application shall require applicants to submit, at a minimum, the following information and documents:

1. Applicant's full name, Louisiana mailing and physical address, telephone number, and email address;

2. If the applicant is a business entity:

a. the full name of the business;

b. the principal Louisiana business physical address;

c. the full name, title and email address of the individual applying for the license;

d. the full name, title, and email address of the designated responsible party; and

e. the full name and mailing address of the registered agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1315. Criminal Background Check

A. The applicant for each seed producer, grower, processor, or contract carrier license shall undergo and pay for an annual criminal background check.

B. If the applicant is a business entity, both the individual applying for a license and the designated responsible party shall undergo and pay for an annual criminal background check.

C. Each individual who is required to undergo and submit an annual criminal background check shall:

1. Submit a criminal background check application to the Louisiana State Police as set forth in R.S. 3:1465(D)(1);

2. Submit payment for the background check fee directly to the Louisiana State Police and Federal Bureau of Investigation as set forth in R.S. 3:1465(D)(1); and

3. Include a certified copy of the background check reports with the industrial hemp license application or the applicant may authorize Louisiana State Police to deliver the completed criminal background check directly to LDAF.

D. LDAF shall not accept a criminal background check report that was issued more than 90 days prior to submission of the application.

E. Failure to submit the criminal background check report with the license application may result in the denial of application.

F. For business entities, substitution of a designated responsible party shall require the submission of a current criminal background check report for the proposed substituted designated responsible party issued within the last 90 days. Licensee must obtain prior written approval from LDAF for the substitution of a designated responsible party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter C. Fees

§1317. Licensing and Testing Fees

A. License Fees

1. The annual fee for a seed producer, grower, processor, and contract carrier license shall be $500.00 each.

2. New license fees are due upon notification of application approval. No license shall be issued until payment of the license fee is received by LDAF.

3. The license renewal fee is due annually on November 30. No license shall be renewed until payment of the license fee is received by LDAF.

B. Sample Testing Fees

1. THC testing of industrial hemp plant parts shall be $250.00 per sample.

2. THC testing fees are due at the time of sample collection.

3. Requests for alternative payment arrangements for fees must be pre-approved by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1467.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter D. Seed Producers and Growers

§1319. Requirements for Seed Producers and Growers

A. Licensed seed producers and growers shall post a sign at each field, greenhouse, or indoor growing structure. The sign shall comply with the following requirements and remain posted during the entire crop cycle:

1. The designation, "Louisiana Industrial Hemp Program";

2. Industrial Hemp license number;

3. LDAF industrial hemp program's telephone number;

4. Minimum sign size shall be 18" x 24" for a field and 8.5" x 11" for a greenhouse or indoor growing structure;

5. The sign shall be posted at the main entrance of each field, greenhouse, or indoor growing structure; and

6. The sign shall be printed and conform to the design template provided to each licensee by LDAF.

B. LDAF may sample and test any industrial hemp material in a licensee's possession at any time if there is reason to believe that a violation of this Part has occurred.

C. A licensee shall submit in writing a completed harvest/destruction report to LDAF at least 15 days prior to the intended harvest date or intended destruction date of a failed crop.

D. A licensee shall submit in writing a completed planting report to LDAF for each field, greenhouse, or indoor growing structure within 15 days commencing after the first day of the planting of industrial hemp.

1. A licensee shall submit in writing a completed planting report to LDAF for each greenhouse or indoor growing structure by March 31, June 30, September 30, and December 31 of each year after the initial planting.

E. Representatives of LDAF shall be provided with complete and unrestricted access to all industrial hemp plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all industrial hemp plants.

F. An industrial hemp crop shall not be harvested more than 15 days following the date of sample collection by LDAF, unless specifically authorized in writing by LDAF.

G. Should a licensee fail to complete harvest within 15 days, LDAF may order a resample and retest of the plot, and the licensee shall be assessed an additional testing fee per plot in an amount not to exceed $250.00 per plot.

H. An industrial hemp crop planted or cultivated in a field, greenhouse, or indoor growing structure shall be planted or cultivated in a manner to allow LDAF to collect a representative sample throughout the entire crop. If a crop is not planted or cultivated in such a manner that allows for the collection of a sample throughout the entire crop, then the grower shall make modifications to the crop to allow collection and sampling throughout the entire crop.

I. A licensee shall destroy any unharvested industrial hemp plants contained in a field, greenhouse, or indoor growing structure or any portion thereof resulting from crop failure or that licensee's failure to harvest for any reason. LDAF shall approve the written destruction method of the unharvested industrial hemp plants.

J. A licensee shall monitor and destroy volunteer industrial hemp plants from the licensee's cultivation for a period of three years after cultivation ends.

K. A licensee who fails to timely submit a Harvest/Destruction Report or who harvests a crop prior to a sample being collected by LDAF may be subject to crop destruction and regulatory action up to and including license revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1321. Seed Acquisition and Approval

A. No person shall acquire seeds from a source outside the U.S. or from a U.S. territory, tribal land or state other than Louisiana without first:

1. Submitting a completed Seed Acquisition Request form and all required attachments to LDAF; and

2. Obtaining written approval of the Seed Acquisition Request form from LDAF.

B. No LDAF pre-approval shall be required for transfer of industrial hemp seed between Louisiana licensees within Louisiana of any variety listed on LDAF's published Industrial Hemp Variety list.

C. Industrial hemp seed offered for sale or distribution for planting purposes into or within Louisiana shall be one of the following:

1. Certified seed produced from industrial hemp plants that meet the criteria for breeder, foundation, registered, or certified classes as defined by the Official Seed Certification Standards in Louisiana or by another AOSCA member agency; or

2. Seed from an industrial hemp grower licensed within the state of production that has official documentation issued by a third party independent laboratory showing that the mature crop from which the seed was harvested had a THC concentration of 0.3 percent or less by dry weight.

D. In addition to this Chapter, all industrial hemp seed sold or distributed for planting purposes within or into Louisiana shall be subject to all requirements of the Louisiana Seed Law (R.S. 3:1431 *et seq.*) and the Louisiana Seed Regulations (LAC 7:XIII.101 *et seq.*)

E. Every person whose name appears on the label of industrial hemp seed, except persons exempt pursuant to the authority of the Louisiana Seed Law (R.S. 3:1445), and who sells, transports, distributes, or offers or handles for sale industrial hemp seed shall have a complete analysis test performed on the seed by a registered seed technologist or an official state seed analyst prior to the seed being sold, distributed, offered, or handled for sale in Louisiana.

F. All industrial hemp seed produced in Louisiana shall be certified true to type under the Louisiana seed certification program guidelines for industrial hemp seed. No other industrial hemp seed may be produced in Louisiana for distribution or sale unless approved by LDAF.

G. No person shall buy, sell, or transfer industrial hemp seed to or from any person in Louisiana without first verifying that the person is licensed by LDAF.

H. Upon request from LDAF, a licensed seed producer shall provide a seed distribution list within 48 hours of the request showing locations where and to whom industrial hemp seed was distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431, R.S. 3:1436, R.S. 3:1445, 3:1463, R.S. 3:1464, R.S. 3:1465, and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter E. Restrictions and Prohibitions

§1323 Land Use Restrictions

A. A licensee shall not grow, handle, process, or store industrial hemp in any structure that is used for residential purposes.

B. A licensed grower or processor shall not grow, handle, process or store industrial hemp in any outdoor field or site that is located within 1,000 feet of a school, daycare or similar public areas frequented by children as determined by LDAF.

C. An applicant may not apply for a license to grow, cultivate, handle, or process industrial hemp on property that is not owned or leased by that applicant.

D. An applicant or licensee whose application and/or license has been revoked or denied for failure to obtain a satisfactory criminal background check as defined in R.S. 3:1465(D)(a)(2) or failure to comply with a written order from an LDAF agent shall not be the designated responsible party for another licensee for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1325. Restrictions on Sale or Transfer

A. A licensee shall not sell or transfer, or permit the sale or transfer of living industrial hemp plants, viable plant parts, or seeds to any person in the state who does not hold an industrial hemp license issued by LDAF.

B. Licensees may transfer up to one pound of industrial hemp plants or plant parts per transfer to testing laboratories, both within and outside the state for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels. It is the responsibility of the licensee to ensure compliance with laws in other states.

C. A licensee shall not store live industrial hemp plants or propagating stock at any location that was not previously approved by LDAF on that licensee's application and/or site modification request form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1327. Prohibitions

A. No person shall:

1. Sell, offer for sale, expose, distribute or transport industrial hemp seed not produced in accordance with the provisions of this Chapter;

2. Fail to comply with sample collection, and testing requirements prior to harvesting or destroying any industrial hemp plants or plant parts in accordance with this Chapter;

3. Detach, alter, deface, or destroy any required documentation specified in this Chapter;

4. Alter, substitute, or misrepresent seed in a manner inconsistent with this Chapter;

5. Hinder or obstruct in any way any authorized agent(s) of LDAF in the performance of their duties;

6. Fail to comply with all licensing and reporting requirements set forth in the Industrial Hemp Law (R.S. 3:1461 *et seq.*) or this Chapter;

7. Fail to keep required records as set forth in this Chapter or to provide such records to LDAF for inspection upon request;

8. Fail to monitor and/or destroy volunteer industrial hemp plants for three years following cultivation as set forth in this Chapter;

9. Provide false, misleading, or incorrect information to LDAF pertaining to the licensee's cultivation, processing, or transportation of industrial hemp including, but not limited to, information provided in any

application, report, record, or inspection required or maintained in accordance with the Industrial Hemp Law (R.S. 3:1461 *et seq.*) and this Chapter;

10. Plant, grow, store, transfer, or process industrial hemp on any site not listed in the licensing application as set forth in this Chapter; or

11. Sell or transfer, or permit the sale or transfer of living industrial hemp plants or plant parts to any person in the state who does not hold an industrial hemp license issued by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1465, R.S. 3:1466, R.S. 3:1467, R.S. 3:1468, R.S. 3:1470, and R.S. 3:1471.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter F. Reporting and Record-Keeping

§1329. Production Reports

A. Industrial hemp grower, seed producer, and processor licensees shall be required to maintain and submit annual production reports to LDAF on forms provided by LDAF by December 31.

1. Annual production reports submitted by licensed growers and seed producers shall include the following:

a. Acreage or square footage planted, planting date, harvested date, and varieties grown;

b. Type of industrial hemp plant grown or marketed, including its actual end-use as fiber, seeds, oil, or other uses;

c. Total amount of industrial hemp sold for processing;

d. Total dollar value of industrial hemp sold for processing; and

e. Current industrial hemp plant parts in storage and location of that storage.

2. Annual reports submitted by licensed processors shall include the following:

a. Total amount of industrial hemp processed;

b. Type of processing, including but not limited to fiber, seeds, oil, or other uses; and

c. Total dollar value of industrial hemp processed.

3. Failure to submit a complete and accurate annual production report may constitute a violation of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1331. Records

A. All licensees shall maintain, at a minimum, the following records, where applicable:

1. All records for crop production and crop destruction;

2. Documentation of any sales or distribution, including the party to which all product was sold or distributed;

3. For growers, documentation of traceability from seed acquisition to harvest or crop termination; and

4. For processors, documentation of industrial hemp acquisition from grower to their final product.

B. Any person transporting or delivering industrial hemp including, but not limited to, contract carriers, shall have a dated invoice, bill of lading, or manifest in his or her possession during the entire time of transport or delivery, which shall include:

1. The seller's and purchaser's name and address;

2. The specific origin and destination of the industrial hemp being transported; and

3. The quantity of industrial hemp being transported.

C. All records required under R.S. 3:1466 and this Chapter shall be maintained by the licensee while the license is valid and for a minimum of 3 years after the expiration of the license

D. Required records shall be provided for inspection within 48 hours upon request by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1466.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter G. Inspections

§1333. Site Access

A. When there is reason to believe that a violation of any provision of R.S. 3:1461 *et seq.* or this Part has occurred, the commissioner or his authorized agent(s) shall have access, during normal working hours, to any premises where there is reason to believe that industrial hemp plants or plant parts are transported, produced, cultivated, and/or stored for the purpose of inspection, investigation, and/or collection of samples for testing. The commissioner or his authorized agent(s) may inspect any industrial hemp seed, plant, or plant parts located on the premises. LDAF shall not charge a testing fee for samples collected pursuant to an investigation initiated by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1468.
HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter H. Sampling, Testing, and Destruction

§1335. THC Sampling and Testing

A. All industrial hemp plants or plant parts, whether harvested or unharvested, shall be subject to sampling for THC levels by LDAF.

B. The licensee shall be responsible for the cost of all sample testing fees, as set forth in this Chapter.

C. Sample Collection

1. Licensees shall submit a Harvest/Destruction Report for each field, greenhouse or indoor growing structure to LDAF a minimum of 15 days prior to harvesting or destroying any industrial hemp plants.

2. LDAF will notify the licensee of the date and approximate time when samples will be collected.

3. LDAF will collect samples from each field, greenhouse, or indoor growing structure.

4. LDAF may retain and transport samples of industrial hemp plants and plant parts collected from an industrial hemp licensee as required by the Industrial Hemp Law (R.S. 3:1461 *et seq.*) and this Chapter.

5. All samples collected by LDAF become the property of the Department and are non-returnable. No compensation shall be owed by LDAF for samples collected under this Chapter.

D. Laboratory Testing

1. Quantitative determination of THC levels will be measured using liquid chromatography with ultraviolet detection (LC-UV) or mass spectral detection if required by matrix interference (LC/MS/MS).

2. The results of the THC analysis shall be reported to the licensee and, if tested by an approved third party laboratory, to LDAF.

3. Samples with a THC concentration equal to or below 0.3 percent on a dry weight basis shall be issued a certificate of analysis and require no further action. The plot or harvested plant material from which the sample was obtained shall be released for marketing or further processing.

4. Samples with a THC concentration greater than 0.3 percent on a dry weight basis shall be reported by LDAF to the licensee and the licensee may request a resample and retest of the plot or harvested plant material. If no request is made within 10 days of the sample results being reported to the licensee, or the retested sample results are greater than 0.3 percent THC by dry weight, then the plot or harvested plant material from which the sample was taken shall be subject to destruction as set forth in Section1337.

5. No industrial hemp plants or plant parts for which a THC analysis is pending shall be transferred, transported, sold, marketed, or otherwise disposed of until approved by LDAF.

§1337. Destruction

A. All industrial hemp plant parts resulting from a plot or harvested plant material represented by a sample with a THC concentration greater than 0.3 percent on a dry weight basis shall either be:

1. destroyed by a method approved by LDAF. Destruction may include, but is not limited to, plowing, shredding, herbicide application, and plant incineration or a combination thereof; or

2. subjected to an alternative destruction method, which shall include:

i. Industrial hemp stalks (denuded) may be harvested, processed and used for fiber and/or any other lawful purpose; or

ii. Industrial hemp seed may be harvested, processed, and rendered non-viable, provided the source of the seed was produced from seed or the living plant part which meets the criteria for breeder, foundation, registered, or certified categories as defined by LDAF Seed Certification Program, including certification by other seed agencies recognized by AOSCA, and include a certifying tag of varietal purity issued by LDAF or another official certifying agency as defined in this Chapter.

B. The licensee shall submit a completed Harvest/Destruction Report to LDAF at least 15 days prior to destruction.

C. Harvested industrial hemp plant parts with a THC concentration of greater than 0.3 on a dry weight basis which have been commingled with industrial hemp plant parts from another plot, field, or indoor growing structure shall be destroyed and all commingled industrial hemp plant parts shall be destroyed as set forth in this Section.

D. Industrial hemp plants or plant parts produced in violation of this Part may be subject to destruction as set forth in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

Subchapter I. Enforcement

§1339. Adjudicatory Proceedings; Violations

A. The commissioner may suspend or revoke any license issued under the provisions of R.S. 3:1465 and this Chapter. The commissioner may also assess a civil penalty for violation of any provision of R.S. 3:1461 *et seq.* or any violation of any regulation enacted under the authority of said statutes.

B. Whenever the commissioner has reason to believe that a licensee has violated any provision of the R.S. 3:1461 *et seq.* or this Chapter, the commissioner shall notify the licensee of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any scheduled hearing date.

C. Each separate day on which any violation occurs shall be considered a separate violation.

D. No penalty may be assessed nor may any license be suspended or revoked by the commissioner prior to the holding of an adjudicatory hearing before the commission. Such adjudicatory hearing shall be conducted in accordance with the requirements of the Administrative Procedure Act; any person alleged to have violated any provision of R.S. 3:1461 *et seq.* or this Chapter shall be accorded all rights and privileges under said Act.

E. The commission shall make an initial determination on alleged violations and recommend findings of fact and conclusions of law together with penalties, if applicable, in writing.

F. The commissioner shall make the final determination on the disposition of alleged violations. If the commissioner does not accept the recommendations of the commission following an adjudicatory proceeding, the commissioner shall notify the commission, in writing, of the reasons for not accepting the commission's recommendations.

G. Reinstatement of a revoked license shall be by hearing before the commission and approval of the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1461, 3:1463, R.S. 3:1464, and R.S. 3:1470.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1341. Corrective Action Plan for Negligent Violations and Mandatory Reporting

A. In addition to being subject to license suspension, license revocation, and civil penalties, a person who is found by LDAF to have negligently committed the following violations may be subject to a corrective action plan:

1. Failing to provide a legal description of the field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored;

2. Failing to obtain a seed producer, grower, contract carrier, or processor license from LDAF; or

3. Producing industrial hemp with a THC concentration of more than 0.3 percent on a dry weight basis.

B. A corrective action plan issued by LDAF shall include the following information:

1. A reasonable date by which the person shall correct the negligent violation; and

2. A requirement that the person shall periodically report to LDAF about the person's compliance with the corrective action plan, R.S. 3:1461 *et seq.*, and this Chapter for a period of at least two years from the date of the corrective action plan.

C. A person who is found by LDAF to have negligently violated R.S. 3:1461 *et seq.* and this Chapter three times in a five year period shall be ineligible to hold an industrial hemp license for a period of five years beginning on the date of the third violation.

D. LDAF shall report a person who is found by LDAF to have violated R.S. 3:1461 *et seq.* and this Chapter with a culpable mental state greater than negligence to the Attorney General and State Police within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

§1343. Stop Orders

A. A person believed to be in violation of the Industrial Hemp Law (R.S. 3:1461 *et seq.*) or this Chapter may be issued a written or verbal stop order by LDAF. Stop orders shall be effective immediately upon notification to the alleged violator.

B. If an alleged violator refuses to accept a written stop order when tendered or refuses or fails to claim such stop order when sent by certified mail, the stop order shall be deemed to have been delivered to the alleged violator.

C. Refusal or failure to abide by the terms of a stop order shall constitute a violation of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1470.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 45:

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 Statement

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, data, opinions and arguments regarding the proposed Rules. Written submissions must be directed to Lester Cannon, Director of the Seed Programs, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4:00 p.m. on the 22nd day of November, 2019.

Public Hearing

A public hearing will be held on December 3, 2019, at 9:00 a.m. in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact (225) 925-4733.

Mike Strain, DVM
Commissioner of Agriculture and Forestry