

**DECLARATION OF EMERGENCY**  
**Department of Agriculture and Forestry**  
**Office of the Commissioner**  
**Medical Marijuana**

LAC 7:XLIX.2301 - 2303

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B), and under the authority of R.S. 40:1046, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached regulations for the handling, testing analyzing medical marijuana or product in its laboratory.

To protect the public health and safety, Chapter 23 requires that medical marijuana product undergo rigorous laboratory testing for harmful contaminants before human consumption. Specifically, the laboratory testing required by LAC 7:XLIX.2303 is necessary to ensure medical marijuana product passes the recommendations or restrictions for: potency, pesticides, residual solvents, heavy metals, mycotoxins, microbiological contaminants, homogeneity, and active ingredient. At this time there is no approved laboratory for the testing of marijuana or product. Without a laboratory to test and analyze the therapeutic marijuana, the department is unable to verify that the medical marijuana product is safe for human consumption.

The department has the capability to handle, test and analyze the medical marijuana or product to ensure the medical marijuana or product complies with the standards set forth in by LAC 7:XLIX.2303. This emergency rule amends LAC 7:XLIX.2301-2303 to provide for a procedure for the department to handle, test and analyze medical marijuana or product in its laboratory.

These emergency rules become effective upon the signature of the Commissioner and shall remain in effect for 120 days, unless renewed or until permanent rules and regulations become effective.

**Chapter 23. Laboratory Approval and Testing**

**§2301. Laboratory Approval**

A. The department may handle, test, and analyze medical marijuana or product in its laboratory in accordance with this Chapter. No other laboratory shall handle, test or analyze medical marijuana or product unless approved by the department in accordance with this Chapter.

B. No laboratory, other than the department's laboratory, shall be approved to handle, test or analyze medical marijuana or product unless the laboratory meets the following qualification within 180 days following the notice of intent to award a contract for analytical services:

1. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017).

**§2303. Laboratory Testing**

A. Each batch of medical marijuana concentrate and product shall be made available by the licensee for an employee of the department, an approved laboratory, or otherwise independent sample collector to select a random and representative sample of sufficient volume to conduct required analyses, which shall be tested by the department's laboratory or an approved laboratory.

A. 1. - K. ...

Signed and attested to this 26<sup>th</sup> day of September, 2018.

  
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MIKE STRAIN DVM, COMMISSIONER OF  
AGRICULTURE AND FORESTRY