

§§1113-1119. Reserved.

Chapter 13. Industrial Hemp

Subchapter A. General Provisions

§1301. Authority

A. 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 46:170 (February 2020).

§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.

Acceptable Industrial Hemp THC Level—when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution range that includes 0.3 percent or less.

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 and 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—an official document issued by a laboratory approved by LDAF 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.

Controlled Substances Act (“CSA”)—The Controlled Substances Act as codified in 21 U.S.C. 801 et seq.

DEA—U.S. Drug Enforcement Administration.

Delta-9-THC A (“THC-A”)—delta-9-tetrahydrocannabinolic acid.

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

Employee—any person working under the direct supervision of a licensee who performs services for wages or salary, and whose work the licensee has control over in respect to the work to be done and how it will be done.

Farm Service Agency (“FSA”) Lot ID—a unique number generated by the USDA Farm Service Agency consisting of the farm number, tract number, field number, and subfield number.

Federally Defined THC Level for Hemp—the greater of the following:

a. a delta-9-THC concentration of not more than three-tenths of a percent (0.3%) on a dry weight basis; or

b. the Acceptable Hemp THC Level as defined in 7 U.S.C. 1639o and 7 C.F.R. 990.3(3)

GPS—global positioning system.

Guarantor—an individual, partnership, corporation, company, association, or other legal entity whose name appears on the analysis label of industrial hemp seed.

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.

Independent Contractor—a person or business entity that provides services under a written contract or verbal agreement or is issued a 1099 tax form for the work performed.

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 the federally defined THC level for hemp.

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 the federally defined THC level for hemp.

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

Key Participants—members of a limited liability company, a sole proprietor, partners in a partnership, and incorporators or directors of a corporation. A key participant also includes persons at executive levels including but not limited to chief executive officer, chief operating officer, and chief financial officer. A key participant does not include non-executive managers such as farm, field, or shift managers.

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.

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.

Measurement of Uncertainty—the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

Negligence—failure to exercise the level of care that a reasonably prudent person would exercise in complying with the requirements set forth in this Part.

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 and which is identified by a FSA Lot ID.

Processing—converting industrial hemp into a marketable form.

Seed Source—the origin of any industrial hemp seed.

USDA—United States Department of Agriculture

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 46:170 (February 2020), LR 47:438 (April 2021).

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. Each licensee shall be assigned a license number in the form prescribed by the USDA.

C. The effective dates of all industrial hemp licenses shall be from the date of issuance through December 31 of any given year, and licenses must be renewed annually by November 30.

D. 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.

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

F. No unlicensed person who is not an employee of 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. For purposes of this Chapter, employees of a licensee shall not include independent contractors or persons issued a 1099 tax form by that licensee.

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

H. 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;

3. fails to provide all application requirements and documentation; or

4. materially falsifies any information contained in the application.

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

J. The licensee shall submit to LDAF in writing any requests for license modification if there is any change to the information submitted in the application including but not limited to: sale of a business, a change in the key participants producing under a license, or any modifications to 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. Requests for license modifications shall be submitted to LDAF within 15 days of any change of the information submitted in the application.

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 46:171 (February 2020), LR 47:438 (April 2021).

§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;

e. the full name, title, and email address of all key participants of the business entity;

f. the full name and mailing address of the registered agent; and

g. the employer identification number;

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

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 46:171 (February 2020), LR 47:439 (April 2021).

§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;
- e. the full name, title, and email address of all key participants of the business entity;
- f. the full name and mailing address of the registered agent; and
- g. the employer identification number;

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; and

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

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 46:172 (February 2020), LR 47:439 (April 2021).

§1311. Processor License

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

B. A processor license issued by LDAF shall authorize the licensee to process, handle, or transport industrial hemp plant parts for processing pursuant to this Chapter.

C. 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;
 - e. the full name, title, and email address of the key participants of the business entity;

- f. the full name and mailing address of the registered agent; and
- g. the employer identification number.

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.

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 46:172 (February 2020), LR 47:439 (April 2021).

§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, title, and email address of the key participants of the business entity;
 - f. the full name and mailing address of the registered agent; and
 - g. the employer identification number.

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 46:172 (February 2020).

§1315. Criminal Background Check

NOTE: See §1305.H.1-2 for criminal conviction prohibitions regarding licensure

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, the individual applying for a license, the designated responsible party, and

all key participants 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, Bureau of Criminal Identification and Information as set forth in R.S. 3:1465(D); 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 60 days prior to submission of the application.

E. Failure to submit the criminal background check report may result in the denial of the license 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 60 days. Licensee must obtain prior written approval from LDAF for the substitution of a designated responsible party.

1. An applicant or licensee whose application and/or license has been revoked or denied for failure to obtain a satisfactory criminal background check as set forth in R.S. 3:1465(D) 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 46:173 (February 2020), LR 47:439 (April 2021).

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 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. No license shall be issued 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 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 46:173 (February 2020), LR 47:439 (April 2021).

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 inches by 24 inches for a field and 8.5 inches by 11 inches 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 within 15 days of the intended harvest date or intended destruction date of a failed crop.

D. A grower 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. The completed planting report shall include, but is not limited to, the licensee's FSA Lot ID.

E. A seed producer licensee shall submit in writing the following completed planting reports to LDAF which shall include, but is not limited to, the licensee's FSA Lot ID:

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

2. For each field, the licensee shall submit in writing a completed planting report within 15 days of the first day of the planting of industrial hemp.

F. 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 and all locations listed in the license application.

G. 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.

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.

L. Licensed seed producers and growers shall report industrial hemp crop acreage or square footage to the USDA Farm Service Agency and shall provide, at a minimum, the following information:

1. Street address and, to the extent practicable, GPS location for each field, greenhouse, or indoor growing structure where industrial hemp will be cultivated;
2. Acreage or square footage for each field, greenhouse, or indoor growing structure dedicated to the cultivation of industrial hemp; and
3. LDAF license number.

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 46:173 (February 2020), LR 47:439 (April 2021).

§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. 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 originating from an industrial hemp grower licensed within the state of production that is accompanied by the following official documentation:

- a. certificate of analysis issued by a third party independent laboratory showing that the industrial hemp from which the seed was harvested had a THC concentration of not more than the federally defined THC level for hemp;

- b. seed purity and germination analysis report as set forth in R.S. 3:1436; and

- c. seed label, in compliance with R.S. 3:1436, for the industrial hemp seed which is being requested for approval.

C. 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.)

D. The guarantor of industrial hemp seed, except persons exempt pursuant to the authority of the Louisiana Seed Law (R.S. 3:1445), 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.

E. 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.

F. 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.

G. 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 46:174 (February 2020), LR 47:440 (April 2021).

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.

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 46:175 (February 2020), LR 47:440 (April 2021).

§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 industrial hemp or industrial hemp plant parts 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 46:175 (February 2020), LR 47:440 (April 2021).

§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 or site modification request form as set forth in this Chapter;

11. commingle different varieties of industrial hemp plants in a single plot.

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 46:175 (February 2020), LR 47:440 (April 2021).

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 November 15.

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

a. total amount of industrial hemp sold for processing;

b. total dollar value of industrial hemp sold for processing; and

c. 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 46:175 (February 2020), LR 47:440 (April 2021).

§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 46:176 (February 2020).

Subchapter G. Inspections

§1332. Reporting to USDA

A. LDAF shall submit to USDA a report providing the contact information and the status of the license issued for each grower and seed producer. The report shall be submitted by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA’s information sharing systems, whenever possible. The report shall contain the following information:

- 1. For each new licensee that is an individual, the report shall include:
 - a. the full name of the individual;
 - b. the license number and status;
 - c. the business address;
 - d. telephone number and email address (if applicable); and
 - e. a legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored .

- 2. For each new licensee that is a business entity, the report shall include:
 - a. the full name of the business entity;
 - b. the principal business location address;
 - c. license number and status;
 - d. the full name, title, and email address (if applicable) of each person for whom the entity is required to submit a criminal background check; and
 - e. a legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored.

- 3. For each licensee that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information, including the following:
 - a. the status of each grower and seed producer’s license;
 - b. the period covered by the report;
 - c. indication that there were no changes during the current reporting cycle, if applicable.

B. LDAF shall submit to USDA a report notifying USDA of any occurrence industrial hemp plants or plant parts that exceed the acceptable industrial hemp THC level by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA’s information sharing systems, whenever possible. The report shall contain the following information:

1. the name and address of the licensee;
2. producer license number;
3. location information, such as lot number, location type, and GPS or other location descriptor for the production area subject disposal;
4. information on the agent handling the disposal;
5. disposal completion date;
6. total acreage; and
7. laboratory test results.

C. LDAF shall report to USDA, using a digital format compatible with USDA's information sharing systems, whenever possible, the following information for each sample of industrial hemp tested:

1. license number of licensee;
2. name of licensee;
3. business address of licensee;
4. lot identification number for the sample;
5. name and DEA registration number of laboratory;
6. date of test and report;
7. identification of retest; and
8. test result.

D. LDAF shall submit an annual Report to USDA, using a digital format compatible with USDA's information sharing systems, whenever possible, by December 15 of each year and the report shall contain the following information:

1. total planted acreage;
2. total harvested acreage; and
3. total acreage disposed.

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 46:176 (February 2020).

§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.

B. LDAF shall conduct inspections, at least annually, of a random sample of licensees to verify that industrial hemp is not being produced in violation of this R.S. 3:1461 et seq., or this Part.

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 46:176 (February 2020).

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 prior to harvesting any industrial hemp plants.

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

3. The licensee or designated responsible party shall be present during the sample collection.

4. LDAF will collect samples from each plot within any field, greenhouse, or indoor growing structure.

5. 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.

6. 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.

7. The licensee shall not harvest industrial hemp plants or plant parts prior to samples being collected by LDAF.

8. The licensee shall harvest industrial hemp plants or plant parts within 15 days of the sample collection by LDAF, unless an exception is authorized in writing by LDAF. Should a licensee fail to complete harvest within 15 days and no exception was authorized by LDAF, a resample and retest of the plot shall be performed and the licensee shall be assessed an additional testing fee per sample in an amount not to exceed \$250 per sample.

D. Laboratory Testing

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

technique to avoid the risk of incomplete decarboxylation, therefore, removing the need for any post-decarboxylation.

2. The testing methodology shall consider the potential conversion of THC-A in industrial hemp into THC and the test result shall measure the total available THC derived from the sum of the THC and THC-A content. Appropriately, the THC-A result will be modified by the molecular weight conversion factor 0.877 prior to summation with THC. The total THC concentration level shall be reported on a dry weight basis.

3. Analytical testing for purposes of detecting the concentration levels of THC shall meet the following standards:

- a. laboratory quality assurance must ensure the validity and reliability of test results;
- b. analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose), and that the laboratory can successfully perform the testing;
- c. the demonstration of testing validity must ensure consistent, accurate analytical performance;
- d. method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of detectability requirements of this Part;
- e. an effective disposal procedure in accordance with DEA regulations for samples of industrial hemp plants and industrial hemp plant parts that do not meet the requirements of R.S. 3:1461 et seq. or this Part.
- f. the measurement of uncertainty shall be estimated and reported with the results.

4. All testing of industrial hemp samples shall be conducted by LDAF or by any public postsecondary education institution in which LDAF has entered into a contract, cooperative endeavor agreement, memorandum of understanding, or other agreement for THC testing.

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

6. Samples with a THC concentration that do not exceed the acceptable industrial hemp THC level 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.

7. Samples that exceed the acceptable industrial hemp THC level 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 exceed the acceptable industrial hemp THC level, then the plot or harvested plant material from which the sample was taken shall be subject to destruction as set forth in §1337.

8. 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.

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 46:177 (February 2020), LR 47:440 (April 2021).

§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 the acceptable industrial hemp THC level shall be:

- 1. prohibited from being further handled, processed, or entering the stream of commerce;
- 2. collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized federal, state or local law enforcement officer; and
- 3. destroyed in accordance with CSA and DEA regulations. The method of destruction shall be approved by LDAF.

B. The licensee shall submit a completed harvest/destruction report to LDAF prior to destruction.

C. 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 46:177 (February 2020).

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 46:178 (February 2020).

§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 exceeding the acceptable hemp THC level. A person that has made reasonable efforts to grow industrial hemp and produces industrial hemp of containing less than 0.5 percent THC on a dry weight basis shall not be deemed to have committed a negligent violation.

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. LDAF shall conduct an inspection to determine if the corrective action plan has been implemented as submitted.

D. 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.

E. A person that has negligently violated R.S. 3:1461 et seq. and this Chapter shall not be reported to local, state, or federal government authorities for criminal enforcement action.

F. 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 USDA, United States Attorney General, and the Louisiana Attorney General 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 46:178 (February 2020).

§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 46:178 (February 2020).