



**LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY**  
**MIKE STRAIN DVM**  
**COMMISSIONER**



December 21, 2021

The Honorable Thomas J. Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250

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Dear Secretary Vilsack: *Tom*

Pursuant to the provisions of the Agricultural Improvement Act of 2018 ("Farm Bill"), I am submitting a revised Louisiana's industrial hemp regulatory state plan for your review and consideration.

While Louisiana was not a participant in an Industrial Hemp Pilot Program authorized by the 2014 Farm Bill, in 2019 our legislature approved the Louisiana Industrial Hemp Act, codified as La. R.S. 3:1461 – 3:1471, La. R.S. 3:1449(B)(3), La. R.S. 40:4.9(F), and La. R.S. 40:961.1. Pursuant to La. R.S. 3:1461 *et seq.*, the Louisiana Department of Agriculture and Forestry promulgated rules and regulations regarding the regulation, licensure, and enforcement of the cultivation, processing, and transportation of industrial hemp. These rules went into effect in February 2020. In 2021, the Louisiana Legislature amended Louisiana's Industrial Hemp Law with Act 336 of the 2021 Regular Legislative Session. The amendments revised La. R.S. 3:1402, La. R.S. 3:1461-1473, La. R.S. 3:1481 – 1485 and La. R.S. 3:1692 – 1693. Subsequent to the effective date of Act 336, which was August 1, 2021, the Louisiana Department of Agriculture and Forestry updated their Industrial Hemp rules and regulations to reflect the 2021 legislative changes. These revised rules became final when they were published in the Louisiana Register on December 20, 2021.

The requirements of the Industrial Hemp Act, together with the Louisiana Department of Agriculture and Forestry's proposed rules and regulations, met or exceeded the requirements of Section 10113 of the 2018 Farm Bill. Louisiana requires all seed producers, growers, handlers, and processors of industrial hemp to register and obtain proper licenses. Requirements for these licenses will include, at a minimum, all information required by federal law.

Section 297B(a)(3)(B) of the 2018 Act provides that a state plan may include a reference to state law regulating the production of industrial hemp. Included with this letter is a copy of Louisiana's Industrial Hemp Law, Act 336 of the 2021 Louisiana Legislature which amended the law, as well as the Notice of Intent for the industrial hemp rules and regulations amendments which was initially published in the Louisiana Register in September 2021 and became final on December 20, 2021. These documents are incorporated herein as the Louisiana Industrial Hemp Plan.

Also included is an Addendum to address state universities conducting hemp research and development as provided for in state law. The addendum incorporates legal citations and university policies concerning criminal background checks for employees.

Additionally, as set forth below, is how each requirement of Section 297B(a)(A)(i.-vii.) is addressed in the Louisiana Industrial Hemp Plan:

- i. “a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years”

This requirement is specifically addressed in La. R.S. 3:1465 (C)(1)(a-c) and LAC 7:XIII.1307, 1309, 1311, 1313, and 1331 of the Louisiana Department of Agriculture and Forestry’s current and proposed rules and regulations.

- ii. “a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe”

This requirement is specifically addressed in La. R.S. 3:1468(A-C) and LAC 7:XIII.1335(D)(1-5) of the Louisiana Department of Agriculture and Forestry’s current and proposed rules and regulations.

- iii. “a procedure for the effective disposal of plants, whether growing or not, that are produced in violation of this subtitle; and products derived from those plants”

This requirement is specifically addressed in La. R.S. 3:1468(B) and LAC 7:XIII.1337 of the Louisiana Department of Agriculture and Forestry’s current and proposed rules and regulations.

- iv. “a procedure to comply with the enforcement procedures under subsection (e)”

This requirement is specifically addressed in La. R.S. 3:1470(A-D) and 3:1471(A) and LAC 7:XIII.1339 and 1341 of the Louisiana Department of Agriculture and Forestry’s current and proposed rules and regulations.

- v. “a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle”

This requirement is specifically addressed in La. R.S. 3:1468(A-C) and in LAC 7:XIII.1333 and 1335(A-C) of the Louisiana Department of Agriculture and Forestry’s current and proposed rules and regulations.

- vi. “a procedure for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received”

This requirement is specifically addressed in LAC 7:XIII.1307(E), 1309(D), and 1311 of the Louisiana Department of Agriculture and Forestry's rules and regulations.

- vii. "a certification that the State or Indian tribe has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi)".

Enclosed with this letter is my official certification.

Unless otherwise specifically provided therein, the provisions of the current and proposed rules and regulations, incorporated as part of the Louisiana Industrial Hemp Plan, are severable. If any provision or item of the rules and regulations, or the application thereof, is held to be invalid or in contradiction of Federal law, such invalidity shall not affect other provisions, items, or applications of the rules and regulations which can be given effect without the invalid provision, item, or application.

I am confident this letter provides all of the information necessary for approval of Louisiana's Revised State Plan. Louisiana will continue to develop a strong industrial hemp regulatory program.

If you have any questions, or require additional information concerning Louisiana's Revised State Plan, please contact me.

Sincerely,



Mike Strain, DVM  
Commissioner





**LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY**  
**MIKE STRAIN DVM**  
**COMMISSIONER**



**Industrial Hemp Program Certification**  
**by Mike Strain, DVM, Commissioner of Agriculture & Forestry**

Pursuant to Section 297B(a)(2)(A)(vii) of the Agriculture Improvement Act of 2018, I certify that the Louisiana Department of Agriculture & Forestry has the resources and personnel necessary to carry out each of the practices and procedures identified in Section 297B(a)(2) of the Act.

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Signed and attested to this 21 day of December 2021.

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MIKE STRAIN DVM,  
COMMISSIONER OF AGRICULTURE AND FORESTRY





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RE: Louisiana Industrial Hemp State Plan Addendum

Dear Secretary Vilsack: *Tom*

Pursuant to Louisiana State law, specifically La. R.S. 3:1469, the three state universities that are authorized to conduct hemp research in Louisiana are Louisiana State University Agricultural Center, Southern University Agricultural Center, and the University of Louisiana at Monroe (College of Pharmacy and the Agribusiness Program). The Louisiana Department of Agriculture and Forestry can provide the names of the lead industrial hemp researchers, the GPS coordinates of the research facilities and any other information if requested by the USDA for these universities.

Under La. R.S. 3:1465(F), these three universities conducting research and development are exempt from licensing. However, it should be noted the exemptions to licensing are limited only to the universities performing hemp product research and development and not for the commercial production of hemp.

Further, the state university employees and researchers are subject to criminal background checks before they are hired by the university pursuant to La. R.S. 42:1701, the statute that pertains to consideration of criminal histories for public employment. I am including the background check policies for the respective universities as an attachment. The universities would not employ someone that does not pass their criminal background check.

I remain confident this information, along with the Industrial Hemp Law and the Louisiana Department of Agriculture and Forestry's rules and regulations, has met or exceeded all requirements necessary for approval of Louisiana's revised state plan.

Sincerely,

Mike Strain, DVM  
Commissioner



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**BACKGROUND CHECK AND PRE-EMPLOYMENT SCREENING**

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**SCOPE:** All campuses served by Louisiana State University (LSU) Finance and Administration

**EFFECTIVE:** December 1, 2020

**PURPOSE:** The purpose of this Background Check and Pre-Employment Screening Procedure is to establish the background and social media check requirements and guidelines for prospective employees of Louisiana State University in order to promote a safe and secure environment for employees, students and assets. Any questions regarding this procedure should be directed to the campus Human Resource Management (HRM) office.

**I. DEFINITIONS:**

- A. Applicants** are prospective employees who submit information to be considered for positions at Louisiana State University. This procedure shall apply to all Applicants at all locations.
- B. Background Check** means the process of gathering and reviewing criminal history records, financial history records, motor vehicle records, and/or civil suit records.
- C. Certification** means an earned credential verifying a specific skill set or knowledge.
- D. Conviction** means a guilty verdict, a guilty plea or a plea of Nolo Contendere ("No Contest") of felony or misdemeanor, other than minor traffic offenses. (DUI is not considered a minor violation).
- E. Criminal History Check** means the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third party vendor in the business of obtaining and providing criminal history records relating to an individual's criminal convictions. The criminal history check may include sex offender records. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records may include in state, out-of-state, and/or international criminal history, including misdemeanor and felony convictions.
- F. Drug Screen** means the technical analysis of a biological specimen to determine the presence or absence of specified parent drugs or their metabolites.
- G. Final Candidate** means a current, former, or prospective employee recommended for hire, transfer, or promotion and to whom a contingent offer may be made.
- H. Financial History Check** means the process of gathering and reviewing financial history records or information furnished by any court of civil law, credit reporting agency (credit report), or a third party vendor in the business of obtaining and providing credit reports.
- I. Foreign Education Credential Evaluation** refers to the process in which academic and professional degrees earned in one country are compared to those earned in the United States.
- J. Former Employee** refers to an individual who previously held employment with Louisiana State University.
- K. Gratis Employee** means a current employee who does not receive any remuneration from Louisiana State University for work performed for the benefit of Louisiana State University.
- L. Hiring Authority** refers to the individual in a campus department, office unit, or program with the authority to make hiring decisions. For Civil Service/Classified positions, this refers to the delegated appointing authority. The hiring authority for FLSA exempt professional and academic positions is comparable to an appointing authority for classified positions (ex. director or academic department head/associate dean).

The hiring authority is accountable for the personnel actions occurring within a department, college, school, unit, or institute.

- M. *License*** means a verification by a government agency that a professional is able to perform a particular occupation in a particular location.
- N. *Motor Vehicle Check*** means the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any state where the individual has resided.
- O. *Official Transcript*** refers to the certified record of a student throughout a course of study having full enrollment history at an educational school, including all courses attempted, grades earned, and awards conferred.
- P. *Pre-Employment Physical Exam*** means the collection of medical exams to evaluate if a person is fit for duty.
- Q. *Reference Check*** means the process of contacting individuals directly or through a third party vendor, including current and former employers, companies, and educational institutions.
- R. *Safety Sensitive Position*** refers to any job that includes tasks or duties that the university reasonable believes could affect the safety and health of the employee performing the task or others.
- S. *Social Media Check*** means the process of screening social media content within the public domain of the Internet.
- T. *Volunteer*** means a gratis affiliate who may perform services for a governmental entity without compensation, other than reimbursement for actual expenses incurred.

## **II. BACKGROUND CHECKS**

### **A. Guiding Principles for Background Checks:**

1. The background and social media check processes are intended to help the university evaluate whether a candidate is suitable for the position.
2. The university desires to promote fair and consistent methods to obtain, analyze, apply, and retain background check information.
3. Hiring practices must emphasize campus safety and the prevention of discrimination and harassment.

### **B. Regulations for Background Checks**

1. All offers are contingent upon successful completion of the background check. All oral or written offers of employment must include a statement such as "This offer is contingent upon the university's verification of credentials and other information required by law and/or university policies or practices, including but not limited to a criminal background check."
2. Employment **MUST NOT** begin without a satisfactory background check as deemed by the campus HRM office.
3. Criminal background checks must be conducted on final candidates for the following positions:
  - a. Regular faculty and staff,
  - b. Temporary, term, seasonal and intermittent appointments (excluding graduate assistants and student employee appointments except when covered by an approved unit background check program),
  - c. Adjunct faculty,
  - d. Visiting scholars
4. Other types of background checks may be conducted, such as Financial History Check or Motor Vehicle Check, depending on the responsibilities of the position.



5. Employees who have a break in service and return to the university must have a satisfactory background check on file that has been conducted within the calendar year.
6. Candidates granted a visa with a U.S. Department of State – Bureau of Consular Affairs background checks are not required to have an additional criminal search in their home country. A U.S. search must still be conducted if the final candidate established residency in the United States, Bermuda, or Canada.
7. An additional criminal background check and fingerprinting are required by Federal Law to be conducted on individuals holding positions with certain responsibilities (e.g., childcare professionals, law enforcement officers, faculty, staff, and volunteers who work with minors, positions requiring a federal security clearance, etc.) in compliance with applicable laws, regulations, and university and other standards. Hiring Authorities are responsible for ensuring these background checks are conducted and/or working with the necessary parties (e.g., governmental licensing, LA Department of Education, LA State Police, or regulatory agencies, etc.) to ensure compliance.
8. Hiring Authorities have the option to require background checks on graduate assistants, student employees, volunteers, and employees of non-staffing vendors provided there is a business justification, that checks are made consistently across specific positions, and the documented background check program has been approved by the campus HRM office.

**C. Disclosure and Use of Criminal Convictions during the Hiring Process**

1. Final candidates are required to disclose all criminal convictions after the interview is conducted or upon extending a conditional offer of employment (see Appendix A for LA R.S. 42:1701 *Consideration of Criminal History in Public Employment*).
2. Applicants who fail to disclose all criminal convictions or fail to provide truthful, accurate and complete information regarding criminal convictions upon request may be ineligible for hire for the current position and may be prohibited from future employment consideration. Internal candidates may be subject to corrective action up to and including termination.

**D. Procedure for Background Checks**

1. Final Candidate Authorization and Background Check Coordinator Notification

Final candidates must be provided the background check disclosure, authorization, and release information and indicate their consent prior to a background check being performed by a third-party vendor. Failure to provide consent will preclude a final candidate from consideration for a position.

2. Assessment of Background Check Information

The campus HRM office will assess the information contained within a background check using the following principles:

- a. Convictions will be taken into account when reviewing a final candidate's criminal history. An arrest without a conviction in a closed case will not be considered.
- b. Open criminal cases may preclude a final candidate from eligibility for employment. The university will assess the circumstances surrounding the arrest, as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties.
- c. A criminal conviction is not necessarily an automatic disqualification to initial employment or continued employment with the university. The university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties.

3. Processing Background Checks

- a. HRM is responsible for conducting background checks on all positions.
- b. HRM must approve department background check processes that go beyond this procedure's requirements.

#### **4. Background Check Records**

- a. Candidates not hired due to information revealed on a background check conducted by a third-party vendor must be provided with a copy of the results and a copy of the *Summary of Your Rights under the Fair Credit Reporting Act*. HRM is responsible for offering to provide the results to the candidate.
- b. Candidates who are not eligible for future consideration for employment at the university will be notified in writing from the campus HRM office.
- c. Background check documentation must not be stored in an employee's personnel file.
- d. All information received in connection with the background check process will be treated with discretion and only disclosed as necessary.

### **III. Reference Checks, Official Transcripts, and Licenses/Certifications:**

#### **A. Regulations for Reference Checks, Official Transcripts, and Licenses/Certifications:**

1. Hiring departments must collect reference information from at least three (3) professional contacts prior to extending an offer of employment. If there is no current employment, then every effort should be made to contact the previous supervisor. Former job titles and work experience should be verified when conducting reference checks.
  - a. As a common courtesy, it is strongly encouraged for the hiring department to contact the current supervisor to conduct a reference check of a current LSU employee who is being considered for hire.
  - b. The hiring department must contact HRM to verify the current employee does not have a pending performance issue that would make them ineligible for hire prior to extending an offer of employment.
2. Degree verifications are required prior to employment and will be in the form of the applicant providing an official transcript. The campus HRM office may utilize other verification methods (e.g., National Student Clearinghouse) for certain non-academic positions at their discretion. If the degree was earned in a foreign country outside of the United States, a foreign education credential evaluation must be conducted to verify education prior to employment.
3. Any position requiring a professional license or certification must be verified by the issuing licensing board or official proof of certification produced and verified prior to employment.

### **IV. Pre-Employment Drug Screen & Physical Examination**

#### **A. Regulations for Pre-Employment Drug Screen and Physical Examination:**

1. For a position requiring specific physical requirements, a pre-employment physical examination will be required. Any offer of employment for such a position must be conditioned on a successful physical examination. This requirement applies for new hires as well as current employees transferring or promoting into a new position.
2. For a position determined to be safety-sensitive, a pre-employment drug screen will be required. Any offer of employment for such a position must be conditioned on the successful completion of a drug screen. This requirement applies to new hires as well as current employees transferring or promoting into a new position.

### **V. Hiring Former Employees**

#### **A. Regulations for Hiring Former Employees:**

1. Former employees are eligible for re-employment if they left the university in good standing and have not been subject to corrective action for behavior. If an employee was terminated or resigned in lieu of termination, the former employee is not eligible for re-hire unless stated otherwise by HRM. Good standing is defined as an employee has complied with all job expectations, policy and procedures;

has not been subject to disciplinary action or terminated as a result thereof; has not behaved in a manner that would be grounds for discharge for cause; or tendered a resignation in lieu of termination or without proper notice." A former employee must be approved for re-hire by HRM prior to an offer being extended.

## **VI. SOCIAL MEDIA CHECKS**

### **A. Regulations for Social Media Checks**

1. Social media checks may be conducted on final candidates for the following positions:
  - a. Regular faculty and staff,
  - b. Temporary, term, seasonal and intermittent appointments (excluding graduate associate and student employment appointments except when covered by an approved unit social media check program),
  - c. Adjunct faculty, and
  - d. Visiting scholars.
2. Social media checks should be used to support hiring decisions on applicants.
3. Final candidates in each search should be screened by the same sites to ensure consistent practices are followed.
4. All privacy settings and terms of services must be adhered to for individual sites.
5. All reviews must comply with the university's Equal Employment Opportunity policy statement (**PS-1**) and may include:
  - a. Work history
  - b. Education
  - c. Certifications
  - d. Examples of work to support job competencies
6. When conducting a social media check, the following is a non-exclusive list of what should be considered for further review:
  - a. Evidence of unlawful activity
  - b. Photos, language or discriminatory activity by a candidate which, if revealed during employment, would violate university policy or which demonstrates unprofessional behavior (but not directed to political or policy-related differences of opinion and subject to protections provided by law and academic freedom in appropriate circumstances)
  - c. Sexually explicit activity
  - d. Evidence of violation of a prior employer's privacy or other policies

### **B. Procedure for Social Media Checks**

#### **1. Final Candidate Notification**

Hiring departments must notify final candidates of the social media check policy after the initial interview has been conducted. Failure to comply will preclude a final candidate from consideration for a position. Hiring departments are prohibited from requesting a candidate's access credentials as well as requesting an invitation to view a candidate's social site.

#### **2. Processing Social Media Checks**

- a. HR Analysts within the department/unit are responsible for conducting social media checks after the initial interview has been conducted to ensure candidate confidentiality.
- b. All searches must be documented with specific information outlined in Appendix B.



- c. HR Analysts are responsible for submitting results to the hiring authority for review. The hiring authority is responsible for reviewing results and documenting the legitimate, nondiscriminatory reasons to support the hiring decision. The hiring authority is responsible for submitting results to the campus HRM office only when the results reveal information, which may affect the hiring decision.

**3. Assessment of Social Media Check Information**

- a. The campus HRM office is responsible for assessing results contained within a social media check submitted by the hiring authority.
- b. Findings will be taken into account when reviewing a final candidate's social media history. The university will assess the nature, gravity, and relevancy of the findings and notify the hiring department if the candidate can be considered for employment.

**4. Social Media Check Records**

- a. Social media check documentation must not be stored in an employee's personnel file. Records must be kept in accordance with Louisiana law and LSU procedure.
- b. All information received in connection with the social media check process will be treated with discretion and only disclosed as necessary.

## **APPENDIX A: Revised Statute Link**

LA R.S. 42:1701 Consideration of Criminal History in Public Employment

<http://legis.la.gov/Legis/Law.aspx?d=1017837>



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## Hiring Process Checklist

I agree

**(The documents below MUST be submitted to Human Resources to achieve a successful hire)**

\_\_\_\_\_ Approved **Position Vacancy Authorization** Form  
(applicable for new and replacement positions)

\_\_\_\_\_ **Position Vacancy Announcement** (position to be advertised before processing PAF, if applicable)

\_\_\_\_\_ **SU Application for Employment** Form for Admin/Faculty/Unclass Positions (hiring supervisor completes bottom of page 5) OR Civil Service Application for classified employees

\_\_\_\_\_ **Memo/Criminal/Background Check** Process (Memo/Forms to be provided to applicant by hiring supervisor. To be completed by applicant and submitted to State Police with a \$10.00 money order.)

\_\_\_\_\_ **Authority to Release** (Signed by applicant and submitted to HR with **Verification of Fingerprints** form signed by State Police)

\_\_\_\_\_ **Proposed Employee Appointment Form**  
(Completed by hiring supervisor)

\_\_\_\_\_ **Proposed Employee Clearance Form**  
(Completed by hiring supervisor)

\_\_\_\_\_ **Citizenship/Visa Status** Verified  
(Certificate of Naturalization, Resident Alien, H-1 Visa, J-1 Visa, F-1 Visa/I-20/I-94, OPT) (Employment eligibility must be verified before offer of employment)

\_\_\_\_\_ **Letter of Justification** for Restricted/Job Appointment/CS Rule 6.5g appointments

\_\_\_\_\_ **Exemptions Survey Form**  
(Completed once employee reports to work, signed by employee and budget head)

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I agree

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Campus Climate Survey ([https://uky.az1.qualtrics.com/jfe/form/SV\\_1FCWORLD2mN9CUh7](https://uky.az1.qualtrics.com/jfe/form/SV_1FCWORLD2mN9CUh7))

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Notice of Nondiscrimination (<http://www.sus.edu/page/southern-university-statement-of-nondiscrimination>)

Campus Climate Survey ([https://uky.az1.qualtrics.com/jfe/form/SV\\_1FCWORLDmN9CUh7](https://uky.az1.qualtrics.com/jfe/form/SV_1FCWORLDmN9CUh7))

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# **Employment Guidelines and Procedures**

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**The sequential steps for the employment and new hire processes are as follows:**

1. The hiring department must get authorization to fill the position before any announcements, interviews, offers, etc... This is done by completing the Position Vacancy Authorization form and acquiring the appropriate signatures (Department Head and Dean/Director/Supervisor of Budget Unit as indicated on the form. The Position Vacancy Authorization form must be

completed for all positions except students and graduate assistants. This form is located on the SUS HR website at <http://www.sus.edu/downloadable-forms> (<http://www.sus.edu/downloadable-forms>). (The Position Vacancy Announcement form may also be completed and submitted along with the Authorization form. The "Application Deadline" and "Date Position to be Filled" will be adjusted as needed based on the date the authorization form is approved.).

2. After these signatures are obtained, the forms are submitted to Human Resources for review and approval. HR reviews the authorization form to ensure: it's completed correctly; if replacement, the position exists and the previous incumbent is indicated; if new, verifies the position is classified correctly; then completes the area for HR. For the announcement form, HR reviews to ensure: it's completed correctly; the minimum qualifications are listed and how to apply information is indicated.
3. Upon approval, the Position Vacancy Authorization/Announcement forms are submitted to the **SUBR campus**: Budget Office, Vice Chancellor for Finance, Chancellor (if below \$50,000.00 whether new or existing position) and System President (if \$50,000.00 or above whether new or existing position); **SULC campus**: Chancellor (if below \$50,000.00 whether new or existing position) and System President (if \$50,000.00 or above whether new or existing position) (Budget Office has already approved); **SUREAC campus**: Chancellor (if below \$50,000.00 whether new or existing position) and System President (if \$50,000.00 or above whether new or existing position) (Budget Office has already approved); **SUS campus**: System President (if \$50,000.00 or above whether new or existing position) (Budget Office has already approved).
4. Approved forms are returned to HR to be posted. Unclassified and faculty positions are posted on the SU Vacancy Announcement Website at <http://vsquask.subr.edu/jobs/default.aspx> (<http://vsquask.subr.edu/jobs/default.aspx>) for a minimum of seven (7) days. If a department desires to advertise externally, a written request must be submitted to Human Resources (see step 6).
5. Should the vacancy not be filled internally, external advertisements may include but not be limited to local newspaper, professional journals, Chronicle of Higher Education, local employment office, other colleges and universities, etc... for unclassified and faculty positions. A request should be submitted to HR indicating where the department wishes to advertise and

the funding source along with an attached copy of the advertisement. The advertisement should be typed on plain paper as it is to appear and include the qualifications, documents needed to apply (such as letter of application, university application, resume', references, etc...) and contact information.

6. All Civil Service positions must be posted in accordance with Civil Service rules. Upon receipt of approved forms, classified positions are posted on LaCareers for a minimum of five (5) calendar days as well as the SU VAS website. To apply for classified positions, the applicant logs onto the Civil Service Job Seekers website at <http://agency.governmentjobs.com/louisiana/default.cfm> (<http://agency.governmentjobs.com/louisiana/default.cfm>) to complete an online application.
7. Interviewing and selection should be in accordance with guidelines outlined in the "Non-Discriminatory Employment Policies and Procedure" Handbook dated June 30, 1990 for unclassified, faculty and non-competitive Civil Service positions as well as procedures found on pages 62-81 of the Employment Guidelines Handbook. Competitive Civil Service positions will be governed by the guidelines found in the Employment Guidelines Handbook and the Civil Service rules. Hiring managers must share with each prospective employee the following: "While it is our intent to recommend your employment, your eligibility for employment must be verified by HR before an offer of employment can be extended and you must submit I-9 Identifying documentation, i.e., D.L., SS card, Visa, etc... (page 53 of the Employment Guidelines Handbook) for us to determine your legal eligibility to hold employment".
8. Once a candidate has been selected, (unclassified and faculty applicants) the hiring supervisor gives him/her the **Application for Employment**. The hiring supervisor to complete the bottom of page 5 of the application.
9. All applicants (including graduate students, undergraduate students, adjuncts, special hire employees, etc...) must complete the **Criminal Background Check** process as outlined in HR Policy 103. The hiring supervisor provides the memo and documents to the applicant. Applicant to follow instructions outlined in the memo.
10. The hiring supervisor verifies references by completing the **Reference Check Form**.
11. The hiring supervisor completes **Proposed Employment Clearance** (obtain appropriate signature) and **Proposed Employee Appointment** forms. All

forms including the application are submitted to HR along with the documents outlined on page 53 of the Employment Guidelines Handbook.

12. Once HR returns the approved Proposed Employment Clearance form to the hiring department, the hiring department generates the **Personnel Action Form**.
13. The hiring supervisor submits the Personnel Action Form to the appropriate Dean/Director/Unit Head for approval. The form follows the hierarchical path for that hiring supervisor/department. ***The prospective employee must not start work until the Personnel Action Form has been approved at all levels (Chancellor-if, below \$50,000.0; System President-if above \$50,000.00; the Board of Supervisors-if above \$100,000.00). The only exception to this policy is at the beginning of the semester when faculty or teaching graduating assistants are employed to cover and then only with the prior approval of the Provost/Vice Chancellor for Academic & Student Affairs. These applicants must also have employment clearance through HR prior to starting work and the Personnel Action Form must be completed and submitted no later than the same day the faculty (faculty for classes without an instructor) member report to work. Any other exception to this policy must have the prior written approval of the respective Chancellor.***
14. Payment to classified, unclassified and faculty employees, other than exception stipulated in number eight (8) above, including regular unclassified and faculty employees working overloads and extra work on grants and special projects should be on the next regularly scheduled payday after the Personnel Action form has cleared all required approval levels. If approval is obtained less than ten (10) work days before the next regularly scheduled pay day, it may be received on the following pay day.
15. ***All new, returning, re-employed, etc. employees whether full time or part time and whether temporary, probationary, adjunct must report to HR to complete employment papers before they start work but no later than the 3rd work day.***

**If assistance is needed at any time at any step in the process, please contact Human Resources.**





## ***Criminal Background and Financial Credit Check Policy***

<b>Policy #:</b>	HR010.1
<b>Policy Type:</b>	University
<b>Responsible Executive:</b>	VP for Business Affairs
<b>Responsible Office:</b>	Human Resources
<b>Originally Issued:</b>	July 8, 2008
<b>Latest Revision:</b>	May 26, 2021
<b>Effective Date:</b>	May 26, 2021

### **I. Policy Statement**

The University of Louisiana at Monroe (ULM) recognizes that hiring a new employee is an important responsibility. ULM understands that employing the best people and providing a safe and secure workplace is a priority for the University community.

### **II. Purpose of Policy**

The purpose of this policy is to provide procedures and guidelines for conducting criminal background and consumer credit reports for faculty and staff at the University, as well as applicants for employment. The process of conducting criminal background and consumer credit reports is intended to create and sustain a safe environment for all members of the University community.

### **III. Applicability**

This policy applies to new employees and current classified and unclassified staff and faculty, student workers, graduate assistants, and temporary employees.

### **IV. Definitions**

**Adverse Employment Action** – for purposes of the Fair Credit Reporting Act (FCRA), constitutes a denial of employment or any other decision for employment purposes that adversely affect any current or prospective employee.

**Financial Personnel** – includes Vice President for Business Affairs, Director of Budget, Controller, Associate Controller, Assistant Controller of Receivables, Assistant Controller of Payroll

**Information Technology Personnel** – includes Director of Information Technology, Web Application Programmer, Enterprise System Specialist, Programmer Analyst, Associate Director of Enterprise Applications, IT Security Officer, Senior Web Developer, Associate Director of IT Projects/Web Services, Enterprise System & Security Manager

### **V. Policy Procedure**

ULM will conduct criminal history checks through an appropriate vendor for newly hired classified and unclassified staff and faculty as part of the hiring process and current employees transferred, promoted or reassigned to a different position if a background check has not been conducted within the last 12 months. Student workers, graduate assistants, and temporary employees may have background checks completed upon request of the Department Head or designee.

Financial credit checks will be conducted for key **information technology personnel** and **financial personnel**. Student workers, graduate assistants, and temporary employees who handle large amounts of cash or handle numerous transactions involving cash as part of their job duties as

determined by Department Heads or designees will have credit checks completed upon request of the Department Head or designee.

An offer of employment shall be made contingent on the completion of a criminal background check and/or consumer credit report, if applicable. In case of an immediate hire, an offer of employment may be made prior to completion of the background check and/or consumer credit report with approval of the appropriate Vice President. However, continued employment is always contingent upon a satisfactory background check and/or consumer credit report. Background checks and/or consumer credit reports revealing misrepresentations may be grounds for immediate rejection of the application. If the individual is a current employee, his or her suitability for continued employment will be evaluated.

The Human Resources Department will request new hires to complete and sign the "Consent and Disclosure Form" electronically through our background check provider. Any applicant or employee who refuses to provide a signed consent form will be ineligible for consideration for the vacant position or continuation of employment.

The Human Resources Department will notify the hiring authority of the results. Only designated ULM employees may initiate and receive results of background checks and/or consumer credit reports. Results of all background checks and/or consumer credit reports shall be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy.

#### **Adverse Employment Actions**

**Adverse employment** decisions based on criminal history or consumer credit information must be made based on exclusions that are job related and consistent with business necessity. Consideration must be taken and documented as to (1) the nature, gravity, and number of convictions, (2) the time that has lapsed since the offense, (3) the relevance of a criminal conviction to the job, and (4) the relative threat to the security of ULM or its employees and students. Additionally, any candidate for employment of employee who will be excluded based on information contained in a criminal history or consumer credit report must be provided an opportunity to show why he or she should not be excluded.

In the event that an **adverse employment action** is to occur, including but not limited to a failure to hire, promote, or terminate employment for information contained in a consumer credit report, the individual must also be provided a copy of the relevant report as well as a copy of A Summary of Your Rights Under the Fair Credit Reporting Act.

Pursuant to the Fair Credit Reporting Act, an Adverse Action notice will be provided to the applicant or employee after any adverse action is taken as a result of an unfavorable report for the purpose of allowing the individual an opportunity to review the report. The Adverse Action Notice will include:

- The name, address, and phone number of the consumer reporting company that supplied the report;
- A statement that the consumer reporting company did not make the decision to take the adverse action and cannot give specific reasons for it; and
- A notice of the individual's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and obtain an additional free report from the company within 60 days, if requested by the date of adverse action.

## **Screening Process**

The background screening can include, but is not limited to, the following investigation results:

- **Social Security Number and Address Verification** – verification of the individual's social security number and addresses lived in the last seven (7) years. This search may reveal use of multiple SSNs and/or aliases.
- **Parish/County Criminal History Search** – searches criminal history of counties and/or parishes in which the individual has worked, attended school, and/or resided (if different from the county/parish in which the employee worked) within the last seven (7) years. All felony convictions, misdemeanor convictions, and related activity on record (including open arrest warrants or charges for failure to appear in court) are included.
- **National Criminal History Search** – searches criminal history in a national database within the last seven (7) years.
- **Sex Offender Register** – searches the sex offender database register for any state in which the individual has resided in the last seven (7) years.
- **Consumer Credit Report** – contains information about the individual's current and previous financial history. Reports include information regarding trade accounts with negative action (write-offs, bad debt, collections, foreclosures, repossessions), and public records (civil judgments, tax liens, bankruptcy).

## **VI. Enforcement**

Human Resources will conduct and review all background and credit checks. Human Resources will notify the hiring authority of the results to determine if an **adverse employment** decision based on criminal history or consumer credit information must be made.

## **VII. Policy Management**

The Vice President of Business Affairs is the Responsible Executive accountable for the management of this policy. The Department of Human Resources is responsible for maintaining this policy.

## **VIII. Exclusions**

N/A

## **IX. Effective Date**

The effective date of this policy is the date it is adopted and signed by the President.

## **X. Adoption**

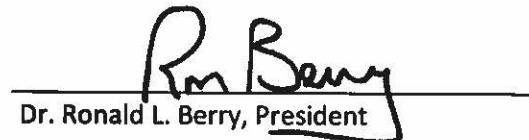
This policy is hereby adopted on this 26<sup>th</sup> day of May, 2021.

Recommended for Approval by:

Approved by:



Dr. Bill Graves, Vice President for Business Affairs



Dr. Ronald L. Berry, President

## **XI. Appendices, References and Related Materials**

**[A Summary of Your Rights Under the Fair Credit Reporting Act \(ftc.gov\)](#)**

## **XII. Revision History**

**Original adoption date: July 8, 2008**

**Revised March 27, 2012**

**Revised August 1, 2013**

**Revised May 26, 2021: Revisions include combining the Criminal Background and Financial Credit Check Policy and Criminal Background and Financial Credit Check Procedures to one document in the new policy format, updating hiring procedures, updating screening process, and including student workers, graduate assistants and part-time employees for background checks.**

## **RS 3:1461**

### **PART V. INDUSTRIAL HEMP**

#### **§1461. Purpose**

It is hereby the intent of the legislature to recognize industrial hemp as an agricultural commodity and authorize the cultivation, processing, and handling of industrial hemp as legal, agricultural activities in the state of Louisiana in accordance with the Agriculture Improvement Act of 2018, P.L. 115-334.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.

## **RS 3:1462**

### **§1462. Definitions**

As used in this Part, the following terms shall have the following meanings:

(1) "Applicant" means a natural person or any individual who applies on behalf of a partnership, corporation, cooperative association, limited liability company, joint stock association, sole proprietorship, joint venture, business association, professional corporation, or any other legal entity or organization through which business is conducted for a grower, processor, handler, or industrial hemp seed producer license.

(2) "Commission" means the Agricultural Chemistry and Seed Commission.

(3) "Commissioner" means the Louisiana commissioner of agriculture and forestry.

(4) "Cultivate" or "cultivating" means planting, growing, or harvesting industrial hemp.

(5) "Department" means the Louisiana Department of Agriculture and Forestry.

(6) "Designated responsible party" means a natural person designated by the applicant or licensee as responsible for facility operations of the applicant or licensee facility.

(7) "Grower" means any individual, partnership, corporation, cooperative association, or other business entity that is licensed by the department to cultivate industrial hemp.

(8) "Handle" or "handling" means any of the following:

(a) Transporting or delivering industrial hemp material in intrastate commerce for compensation.

(b) Commercially harvesting, storing, or grinding industrial hemp material received from a grower.

(c) Cleaning or packaging industrial hemp seed received from a seed producer.

(d) Brokering industrial hemp material.

(e) Receiving industrial hemp material for testing.

(9) "Handler" means any individual, partnership, corporation, cooperative association, or other business entity that handles industrial hemp.

(10) "Industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

(11) "Industrial hemp seed" means *Cannabis sativa* L. seed or other propagating stock which have been inspected and sampled during their period of growth and preparation for market by the commissioner, or by the inspection official of the state in which the seeds or propagating stock were grown, and which have been found to conform to the regulations issued by the commission pursuant to this Part.

(12) "License" means any license that the department is authorized to issue to a grower, seed producer, processor, or handler of industrial hemp.

(13) "Process" means converting industrial hemp into a marketable form.

(14)(a) "Processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for processing into commodities or products.

(b) "Processor" shall not include a consumable hemp processor as defined in R.S. 3:1481.

(15) "Seed producer" means a person licensed by the department to obtain, produce, transport, and sell industrial hemp seed in the state.

(16) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

(17) "THC" means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(18) "Transport" or "transporting" means the movement of industrial hemp from the premises of a licensee to the premises of another licensee or from the premises of a licensee to the premises of a permit holder pursuant to R.S. 3:1483 by means of a vehicle.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.



## **RS 3:1463**

### **§1463. Powers and responsibilities of the commission**

**The commission shall:**

- (1) Establish criteria and standards for industrial hemp seed approval.**
- (2) Hold hearings on alleged violations of the provisions of this Part or of the rules and regulations adopted pursuant to this Part.**
- (3) Advise the commissioner on the civil penalties to be imposed or the injunctive or other civil relief to be sought to punish and restrain violations of the provisions of this Part or of the rules and regulations adopted pursuant to this Part.**

**Acts 2019, No. 164, §1, eff. June 6, 2019.**

## **RS 3:1464**

### **§1464. Powers and duties of the commissioner**

The commissioner shall:

(1) Adopt rules and regulations as are necessary to implement the provisions of this Part in accordance with the Administrative Procedure Act.

(2) Administer and enforce the provisions of this Part and all rules and regulations adopted pursuant to this Part.

(3) Collect, administer, and disburse the proceeds of all fees, interest, penalties, and other monies collected pursuant to this Part.

(4) Appoint and employ all personnel necessary for the efficient and proper administration of this Part.

(5) Enter, either directly or through a duly authorized agent, any land or areas where hemp is grown, stored, or processed for the purposes of conducting inspections, collecting samples, testing, examining, and copying records, and carrying out suppression or eradication activities as provided in this Part.

(6) Seek and obtain injunctive or other civil relief to restrain and prevent violations of this Part, rules and regulations adopted pursuant to this Part, or orders and rulings issued by the commissioner pursuant to this Part.

(7) Institute civil proceedings to enforce his orders or rulings, collect any assessments, late fees, fines, penalties, or costs due under this Part or to otherwise enforce the provisions of this Part or rules and regulations adopted pursuant to this Part.

(8) Create a state plan, in consultation with the governor and attorney general, to monitor and regulate the production of industrial hemp. The state plan shall include all requirements specified in the Agriculture Improvement Act of 2018, P.L. 115-334.

(9) On or before January 31, 2020, and annually for four years thereafter, submit a status report on the state's industrial hemp program to the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development. The report shall include the following information:

(a) The number of applications received.

(b) The number of licenses issued in the state and in each parish.

(c) Total industrial hemp acreage in the state and in each parish.

(d) The number of licenses issued to growers with land under two hundred acres and the total amount of industrial hemp sold from those growers to processors.

(e) Type of industrial hemp grown and processed, whether for fiber, seeds, or other uses.

(f) Estimated value of the industrial hemp industry.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.

## RS 3:1465

### §1465. Licensure

A.(1)(a) Each seed producer shall obtain an annual license issued by the department. The license shall authorize the licensee to produce, transport, and sell approved seeds to licensed industrial hemp growers, seed producers, handlers, and processors.

(b) A licensed seed producer shall ensure that the seed complies with the standards set by the commission.

(c) The department shall provide information that identifies sellers of industrial hemp seed to growers.

(2) A grower of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to possess, store, cultivate, trim, dry, cure, and transport industrial hemp in this state.

(3) A processor of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to possess, store, process, and transport industrial hemp in this state.

(4) A handler of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to handle industrial hemp in this state. B. Any person desiring to obtain a license shall apply to the commissioner for a license on a form prescribed by the commissioner. A license must be obtained before a person purchases or obtains any industrial hemp seeds.

C.(1) The application for any grower, processor, handler, or seed producer license shall include the following information:

(a) The name and address of the applicant.

(b) The name and address of the designated responsible party, if the applicant is a business entity.

(c) If applicable, the legal description and global positioning coordinates of the land area to be used to produce or process industrial hemp.

(2) If any changes are made to the required information in Paragraph (1) of this Subsection, the applicant shall resubmit the application to the department within fifteen days.

D.(1) Upon application for initial licensure or annual license renewal, each applicant shall be required to submit to a criminal background check pursuant to the provisions of this Subsection. For purposes of this Subsection, "applicant" shall mean an applicant or designated responsible party as defined in R.S. 3:1462.

(2) The applicant shall submit fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information for the purpose of obtaining state and national criminal history record information and grant permission to the department to obtain the state and national criminal history information on the applicant.

(3) Upon request by the department and upon submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau may charge the applicant a reasonable processing fee for conducting and reporting on any such search.

(4) Any and all state or national criminal history record information obtained by the department from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the department in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the department to any other person or agency.

(5) No person shall be eligible to obtain a license if convicted under state or federal law of any of the following:

(a) A felony within the ten years immediately preceding the date of application.

(b) A drug-related misdemeanor within the two years immediately preceding the date of application.

E. The applicant is responsible for any employee working under the applicant's license.

F. The provisions of this Section shall not apply to the Louisiana State University Agricultural Center, the Southern University Agricultural Center, the University of Louisiana at Monroe Agribusiness Program, and the University of Louisiana at Monroe College of Pharmacy when performing research and development as provided for in R.S. 3:1469.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

## **RS 3:1466**

### **§1466. Records required**

**A. Every grower, processor, handler, and seed producer shall maintain full and accurate records as required by rules and regulations of the department.**

**B. The department's rules and regulations on record keeping shall, at a minimum, require the following:**

**(1) All licensees shall maintain documentation of any sales or distribution, including the party to which the product was sold or distributed.**

**(2) Growers and seed producers shall maintain documentation of traceability from seed acquisition to harvest to crop termination.**

**(3) Processors shall maintain documentation of industrial hemp acquisition from grower to final product.**

**(4) Any person transporting or delivering industrial hemp shall have a dated invoice, bill of lading, or manifest in his possession during the entire time he is transporting or delivering industrial hemp. The invoice, bill of lading, or manifest shall include the following information:**

**(a) The seller's and the purchaser's name and address.**

**(b) The specific origin and destination of the industrial hemp being transported.**

**(c) The quantity of industrial hemp being transported.**

**Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.**

## **RS 3:1467**

### **§1467. Fees; disposition of funds**

A. The commissioner may establish annual application, license, and testing fees to be paid to the department. The amount of the fees shall be based on the cost of the regulatory functions performed and services provided. The combined total of the annual application fee and license fee shall not exceed five hundred dollars, and the testing fee shall not exceed two hundred fifty dollars.

B. All assessments, fees, penalties, and other funds received pursuant to this Part shall be deposited in the Seed Fund provided for in R.S. 3:1449.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1.

## **RS 3:1468**

### **§1468. Testing; inspections**

A.(1) The department shall collect samples to test all industrial hemp crops prior to harvest to ensure the THC concentration does not exceed a total delta-9 THC concentration of 0.3 percent on a dry weight basis. The grower shall harvest his approved industrial hemp plants not more than thirty days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(2) The department may enter into contracts, cooperative endeavor agreements, memoranda of understanding, or other agreements with any public postsecondary education institution for the testing of THC levels in industrial hemp crops or industrial hemp products deemed necessary by the commissioner.

B. In addition to any scheduled testing, the department may randomly inspect any industrial hemp crop or industrial hemp product in the possession of any person or entity with a grower, processor, handler, or seed producer license and take a representative composite sample for THC concentration analysis if the department has reason to believe a violation of this Part has occurred.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.



**RS 3:1469**

**§1469. Industrial hemp research**

A.(1) The Louisiana State University Agricultural Center and the Southern University Agricultural Center are authorized to cultivate, handle, and process industrial hemp and industrial hemp seeds for research and development of new varieties.

(2) The universities in Paragraph (1) of this Subsection may contract with licensed hemp seed producers for development of seed for distribution through a process as determined by the department.

B. The University of Louisiana at Monroe College of Pharmacy is authorized to handle and process industrial hemp for medicinal research and development.

C. The University of Louisiana at Monroe Agribusiness Program is authorized to cultivate, handle, and process industrial hemp for product research and development.

D. Except for those entities exempted pursuant to this Part, all industrial hemp licensees whose intent is to perform industrial hemp research shall submit an annual industrial hemp research plan to the department. The department shall adopt rules establishing the requirements of the industrial hemp research plan. Such rules shall include performance-based sampling requirements.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

## **RS 3:1470**

### **§1470. Civil penalties; procedures for imposition of penalties**

A. Any person who violates any of the provisions of or the regulations adopted pursuant to this Part; or who alters, forges, or counterfeits, or uses without authority any license or other document provided for in this Part or in the regulations adopted pursuant to this Part; or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part, shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to a civil penalty of not more than five hundred dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall constitute a separate offense.

B. Any licensee who violates any of the provisions of or the regulations adopted pursuant to this Part shall be subject to having his license suspended, revoked, or placed on probation, in addition to any other penalties authorized by this Part.

C. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

(1) The commission shall be convened by the commissioner for the purpose of hearing any alleged violation of this Part or any rule and regulation adopted pursuant to this Part.

(2) The commissioner shall appoint a hearing officer to preside over the hearing.

(3) The commission shall make an initial determination on the matter. This determination shall be submitted to the commissioner in writing.

(4) The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the determination of the commission, the commissioner shall issue a written opinion based on the record of the hearing.

D. In addition to civil penalties, the commissioner may assess the cost of the adjudicatory hearing against any person found to be in violation of this Part or the regulations adopted pursuant to this Part. The commissioner shall, by regulation, determine the amount of costs to be assessed in adjudicatory hearings.

Acts 2019, No. 164, §1, eff. June 6, 2019.

## **RS 3:1471**

### **§1471. Criminal penalties**

**A. It shall be unlawful for any person or entity to cultivate, handle, process, or transport industrial hemp in any of the following circumstances:**

**(1) Without a license.**

**(2) Outside the scope of a license.**

**(3) If the industrial hemp originates from a seed that has not been approved by the commissioner.**

**(4) If the Cannabis sativa L. plant or any part of that plant would otherwise be industrial hemp as defined by this Part except that it has a THC concentration that exceeds the THC concentration authorized in this Part. This shall not include handling the plant for destruction as required by the department pursuant to this Part.**

**B. Whoever violates the provisions of this Section shall be imprisoned at hard labor for not less than one year nor more than twenty years and shall be fined not more than fifty thousand dollars.**

**C. The provisions of this Section shall not apply to the Louisiana State University Agricultural Center, the Southern University Agricultural Center, and the University of Louisiana at Monroe College of Pharmacy when performing research and development as provided for in R.S. 3:1469.**

**Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.**

## **RS 3:1472**

### **§1472. Stop order**

A stop order issued by the department shall prohibit further sale, exchange, movement, processing, or distribution of all Cannabis plants or plant parts included in the order until the commissioner is satisfied that this Part and rules and regulations of the commissioner and commission have been complied with and the commissioner has issued a written release to the person with such material. After a stop order is issued, the person receiving the stop order shall have thirty days within which to comply and to obtain a written release of the order or be subject to the penalties provided by this Part. This Section does not prevent the commissioner from otherwise proceeding in accordance with this Part.

Acts 2020, No. 344, §1.

### **RS 3:1473**

#### **§1473. Centralized website**

The Louisiana State University Agricultural Center shall develop a centralized industrial hemp website that provides to the public information, resources, and educational opportunities concerning industrial hemp. The agricultural center shall develop the website in collaboration with the Southern University Agricultural Center, the Louisiana Department of Agriculture and Forestry, the Louisiana Department of Health, the office of alcohol and tobacco control, the Department of Economic Development, and relevant industry associations.

Acts 2021, No. 336, §1.

## **RS 3:1481**

### **PART VI. CONSUMABLE HEMP PRODUCTS**

#### **§1481. Definitions**

**As used in this Part:**

- (1) "Commissioner" means the commissioner of alcohol and tobacco control.**
  - (2) "Consumable hemp processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for the manufacturing or processing of a consumable hemp product.**
  - (3)(a) "Consumable hemp product" means any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, and is intended for consumption or topical use.**
  - (b) "Consumable hemp product" shall include commercial feed, pet products, and hemp floral material.**
  - (4) "Department" means the Louisiana Department of Health.**
  - (5) "Industrial hemp" or "hemp" means 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 total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.**
  - (6) "Remote retailer" means a person or entity who offers any consumable hemp product for sale at retail, or for any transaction of products in lieu of a sale, through a digital application, catalog, or the internet, that can be purchased and delivered directly to a consumer in Louisiana.**
  - (7) "Retail sale" or "sale at retail" means the sale or any transaction in lieu of a sale of products to the public for use or consumption but does not include the sale or any transaction in lieu of a sale of products for resale.**
  - (8) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.**
  - (9) "THC" means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.**
  - (10) "Wholesaler" means a wholesale seller, distributor, or packer of consumable hemp products.**
- Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.**



**RS 3:1482**

**§1482. Consumable hemp products; prohibitions**

**A. No person shall sell any part of hemp for inhalation, except for hemp rolling papers.**

**B. No person shall process or sell:**

**(1) Any alcoholic beverage containing cannabidiol.**

**(2) Any consumable hemp product without a license or permit required pursuant to this Part.**

**C. It shall be unlawful for any person to knowingly, willfully, or intentionally violate the provisions of this Section. Whoever knowingly, willfully, or intentionally violates the provisions of this Section shall be penalized as follows:**

**(1) On a first conviction, the offender shall be fined not more than three hundred dollars.**

**(2) On a second conviction, the offender shall be fined not more than one thousand dollars.**

**(3) On a third or subsequent conviction, the offender shall be fined not more than five thousand dollars.**

**D. The provisions of this Part shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than the provisions of this Part.**

**Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.**

## RS 3:1483

§1483. Product approval; consumable hemp processors; Louisiana Department of Health

A.(1) Each consumable hemp processor shall obtain an annual consumable hemp processor license issued by the department. The department shall charge and collect an annual consumable hemp processor license fee. The fee shall be for each separate processing facility and shall be based on the annual sales of such facility according to the following schedule:

Annual Sales	Annual Fee
Under \$500,000	\$175.00
\$500,001 - \$1,000,000	\$475.00
\$1,000,001 - \$2,500,000	\$775.00
\$2,500,001 - \$5,000,000	\$1,075.00
Over \$5,000,000	\$1,375.00

(2) A consumable hemp processor shall adhere to any sanitary regulations promulgated by the department.

B. Any consumable hemp product that is manufactured, distributed, imported, or sold for use in Louisiana shall:

(1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an authorized state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79.

(2) Be registered with the department in accordance with the provisions of this Section. The department shall charge and collect a fee of not more than fifty dollars for each separate and distinct product registered. This charge shall be in lieu of the charge collected pursuant to R.S. 40:628.

(3) Receive label approval from the department.

(4) Not be marketed as dietary.

(5) Not contain any active pharmaceutical ingredient (API) recognized by the United States Food and Drug Administration other than cannabidiol. The provisions of this Paragraph shall not apply to products intended for topical application.

(6) Not contain a total delta-9 THC concentration of more than 0.3 percent on a dry weight basis.

(7) Not contain a total THC concentration of more than one percent on a dry weight basis.

(8) Not contain any cannabinoid that is not naturally occurring.

C. All labels shall meet the following criteria in order to receive approval from the department:

(1) Contain no medical claims.

(2) Have a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis as provided in Subsection E of this Section.

D. In addition to the requirements provided in Subsections B and C of this Section, floral hemp material shall:

(1) Be contained in tamper-evident packaging. A package shall be deemed tamper-evident if it clearly indicates prior access to the container.

(2) Not be labeled or marketed for inhalation.

E. The application for registration shall include a certificate of analysis containing the following information:

(1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.

(2) Test results identifying the cannabinoid profile by percentage of weight, solvents, pesticides, microbials, and heavy metals.

F. The certificate of analysis required by Subsection E of this Section shall be completed by an independent laboratory that meets the following criteria:

(1) Is accredited as a testing laboratory approved by the department.

(2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

**G. The department shall provide a list of registered products to the office of alcohol and tobacco control, law enforcement, and other necessary entities as determined by the department.**

**H. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any cannabinoid product derived from any source other than hemp.**

**I. Any facility processing industrial hemp products intended for human consumption that do not meet the definition of consumable hemp product provided in this Part shall be regulated in accordance with the State Food, Drug, and Cosmetic Law.**

**J. Whoever processes consumable hemp products without a license shall be subject to imprisonment at hard labor for not less than one year nor more than twenty years and shall be fined not more than fifty thousand dollars.**

**K. The provisions of this Part shall not apply to any cannabinoid product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.**

**L. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall specify standards for product labels, procedures for label approval, requirements for accreditation for laboratories, any prohibited dosage vehicles as determined by the department, and sanitary requirements specific to consumable hemp processors.**

**Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.**

## **RS 3:1484**

### **§ 1484. Permit to sell; office of alcohol and tobacco control**

A.(1) Each wholesaler of consumable hemp products shall apply for and obtain a permit from the office of alcohol and tobacco control.

(2) The commissioner may establish and collect an annual wholesaler permit fee. The amount of the wholesaler permit fee shall be based on the cost of the regulatory functions performed and shall not exceed five hundred dollars per year.

B.(1)(a) Each person who sells or is about to engage in the business of selling at retail any consumable hemp product shall first apply for and obtain a permit for each place of business from the office of alcohol and tobacco control.

(b) For purposes of this Section, each individually registered domain name owned or leased by or on behalf of a remote retailer shall be considered a place of business. No person or entity shall be required to have a physical place of business in the state of Louisiana in order to sell consumable hemp products at retail.

(2) Prior to selling consumable hemp products at a special event, the retailer shall request and promptly receive an annual special event permit from the commissioner. For purposes of this Section, a special event shall be defined as any event held at any location, other than a permitted place of business, where consumable hemp products are sold. The permittee shall notify the commissioner in writing of any special event the permittee will be attending prior to the event. Failure to notify the commissioner shall be grounds for revocation of the permit.

(3) No permit issued pursuant to this Section shall authorize the permittee to sell or offer for sale any cannabinoid product derived from any source other than hemp.

(4) No consumable hemp product shall be sold to any person under the age of eighteen years.

C. The commissioner may establish and collect an annual retail permit fee and an annual special event permit fee. The amount of each permit fee provided for in this Subsection shall be based on the cost of the regulatory functions performed and shall not exceed one hundred seventy-five dollars per year.

D. Any person who violates any of the provisions of this Part or rules adopted pursuant to this Part; who alters, forges, or counterfeits, or uses without authority any permit or other document provided for in this Part; who operates without a permit; or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.

(1) For a first offense, not more than three hundred dollars.

(2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.

(3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.

E. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part shall be subject to having his permit suspended or revoked. Any fine imposed pursuant to this Part or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation on the imposition of any other penalty provided by law.

F. In addition to the commissioner's authority to revoke or suspend a permit pursuant to this Section, the secretary of the Department of Revenue shall order the commissioner to immediately suspend the retailer's permit if the secretary determines that a consumable hemp product retailer has failed to timely file returns or pay taxes as required by R.S. 47:1693. The secretary shall order the commissioner to suspend the retailer's permit until the returns have been filed and the taxes are paid. No permit shall be suspended for taxes which have been properly protested or appealed by the retailer pursuant to R.S. 47:1565 or 1567.

G. The office of alcohol and tobacco control shall investigate any report of a violation of a provision of this Part and report any criminal violation to the appropriate law enforcement agency.

H. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall not include any fees or penalties for any permit not provided for in this Section, or any requirements for proof of Louisiana residency, criminal background checks, diagrams of retail premises, or proof of lease or ownership of any retail establishment.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

**§1485. Industrial Hemp Advisory Committee**

A. The Industrial Hemp Advisory Committee is hereby created and established and for the purposes of this Section shall be referred to as the committee.

B. The committee is hereby authorized to receive and review information and requests and make recommendations for future legislation relative to the regulation of industrial hemp and industrial hemp products.

C. The committee shall be composed of the following members:

(1) The speaker of the House of Representatives or his designee.

(2) The president of the Senate or his designee.

(3) The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.

(4) The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development or his designee.

(5) The chairman of the House Committee on Health and Welfare or his designee.

(6) The chairman of the Senate Committee on Health and Welfare or his designee.

(7) The chairman of the House Committee on Judiciary or his designee.

(8) The chairman of the Senate Committee on Judiciary B or his designee.

(9) The chairman of the House Committee on Commerce or his designee.

(10) The chairman of the Senate Committee on Commerce, Consumer Protection and Internal Affairs or his designee.

(11) The chairman of the House Committee on Administration of Criminal Justice or his designee.

(12) The chairman of the Senate Committee on Judiciary C or his designee.

D. The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or their designees shall serve as co-chairmen of the committee and shall fix a time and place for its regular meeting.

E. The committee shall receive staff support from the committee staff of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development.

F. The committee may call upon the staff of any department, agency, or official of the state, particularly the Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Louisiana Department of Health for data and assistance, and all such departments, agencies, and officials shall cooperate with the advisory committee.

G. The committee may call upon and utilize the assistance and recommendations of those market participants directly involved with the industrial hemp industry including but not limited to seed distributors, growers, handlers, processors, manufacturers, wholesalers, and retailers of industrial hemp, industrial hemp products, and any other private sources as deemed necessary by the committee.

H. The committee shall have the power to hold hearings, require the production of books and records, and do all other things necessary to discharge its duties.

I. The committee shall regularly conduct meetings to fulfill its functions and duties and, no later than January thirty-first of every year, shall report all of its activities and recommendations to the presiding officer of each house, the governor, the standing committees of each house represented on the committee, the commissioner of the Department of Agriculture and Forestry, the commissioner of the office of alcohol and tobacco control, and the secretary of the Louisiana Department of Health.

J. The Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Louisiana Department of Health are hereby directed to make reports and to provide assistance as requested by the committee.

Acts 2020, No. 344, §1; Acts 2021, No 336, §1.

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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 handling 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:

*Acceptable Industrial Hemp THC Level* – when the application of the measurement of uncertainty to the reported total 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 & 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.

*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.*

*Corrective Action Plan* – a plan proposed by LDAF for correcting a negligent violation or non-compliance for any licensed industrial hemp grower, seed producer, handler or other person(s) found to be in violation of these rules.

*DEA* – U.S. Drug Enforcement Administration.

*Delta-9-THC (“THC”)* – delta-9-tetrahydrocannabinol concentration.

*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.

*Destruction Report* – an official document issued by LDAF that must be completed by a licensed producer of industrial hemp and submitted to LDAF prior to destruction of any industrial hemp plot.

*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.

*GPS* – global positioning system.

*Grower* – a licensee authorized to obtain industrial hemp seed, possess industrial hemp seed for planting cultivating, cultivate an industrial hemp crop, harvest industrial hemp plant parts, as well as possess, store, transport, and market unprocessed plant parts grown under their grower’s license, pursuant to this Chapter.

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



*Handle or handling* – includes all of the following:

- a. transporting or delivering industrial hemp material in intrastate commerce for compensation;
- b. commercially harvesting, storing, or grinding industrial hemp material received from a grower;
- c. cleaning or packaging industrial hemp seed received from a seed producer;
- d. brokering industrial hemp material, or
- e. receiving industrial hemp material for testing.

*Handler* – a licensee authorized to engage in handling as defined herein.

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

*Harvest Report* – an official document issued by LDAF that must be completed by a licensed grower or seed producer of industrial hemp and submitted to LDAF prior to harvest of any industrial hemp plot.

*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 total delta-9 tetrahydrocannabinol concentration level 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 total delta-9 tetrahydrocannabinol concentration level 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.

*LDAF* – the Louisiana Department of Agriculture and Forestry.

*License Application* – a document executed by a person and LDAF authorizing the person to grow, handle, process, or store, 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 handler, 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.

*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 or Negligent Violation* – failure to exercise the level of care that a reasonably prudent person would exercise in complying with the requirements set forth in this Chapter.

*Non-consumable hemp* – any product derived from industrial hemp that does not contain any cannabinoid, including cannabidiol, and is not intended for consumption or topical use.

*Notice 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.

*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 non-consumable, marketable form.

*Processor* – any licensed individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for processing into non-consumable hemp commodities or products. Processor shall not include a consumable hemp processor as defined in R.S. 3:1481.

*Prohibited Variety* – an industrial hemp variety or strain that meets one or more of the following:

- a. more than fifty (50) percent of official LDAF sample test results are above the 0.30% total THC concentration level;
- b. an official LDAF sample test result that is equal to or greater than 1.0% total THC;
- c. information in the public domain that supports the fact that the variety or strain is not industrial hemp.

*Remediate or Remediation* – the process of rendering non-compliant cannabis compliant by removing and destroying, in the presence of and by a method approved by LDAF, all flower material, while retaining stalk, stems, leaf material, and seeds, or by shredding the entire plant into a biomass-like material, then re-testing the shredded biomass material for compliance.

*Research Institution* – an accredited institution of higher learning, or a research facility that conducts scientific research on industrial hemp, or any licensee producing industrial hemp for research purposes, and when none of the industrial hemp grown is intended for commerce.

*Seed Producer* – a licensee authorized to obtain, produce, transport, and sell industrial hemp seed pursuant to this Chapter.

*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 45:

## **Subchapter B. Licenses**

### **§1305. Licensing**

A. Each industrial hemp seed producer, grower, processor, or handler 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 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, 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 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, email address, and proof of identification;
  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 and mailing address of the registered agent; and
    - f. 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.
- 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, transport, and market plant parts grown under their grower's license 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, email address, and proof of identification;
  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 and mailing address of the registered agent; and
    - f. 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 45:

### **§1311.Processor License**

A. No person shall process industrial hemp into a non-consumable product 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 possess, process, store, 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, email address, and proof of identification;
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 and mailing address of the registered agent; and
  - f. 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 45:

### **§1313.Handler License**

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

B. A handler license issued by LDAF shall authorize the licensee to :

1. transport or deliver industrial hemp in intrastate commerce for compensation;
2. commercially harvest, store, or grind industrial hemp material received from a grower;
3. clean or package industrial hemp seed received from a seed producer;
4. broker industrial hemp material, and
5. receive industrial hemp for testing.

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, and proof of identification;
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 and mailing address of the registered; and
  - f. 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 cleaned, packaged, 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 45:

### **§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 handler 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, 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, 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 with the license application may result in the denial of the license application.

F. 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 45:

## **Subchapter C. Fees**

### **§1317. Licensing and Testing Fees**

A. License Fees

1. The annual fee for a seed producer, grower, processor, and handler 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. 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 \$250.00 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 Chapter has occurred.

C. A licensee shall submit in writing a completed Harvest or Destruction report to LDAF within 15 days of the intended harvest date or intended destruction date of a failed crop.

D. Planting Reports

1. Grower licensees shall submit a completed first report of planting on a form provided by LDAF for all hemp plantings within 15 days of planting;

2. For all true seed production, seed producer licensees shall submit a completed first report of planting on a form provided by LDAF within 15 days of planting; and

3. For all vegetative stock plantings, seed producer licensees shall submit a completed quarterly planting report on a form provided by LDAF on or before March 31, June 30, September 30, and December 31 of each year.

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 and all locations listed in the license application.

F. An industrial hemp crop shall not be harvested more than 30 days following the date of sample collection by LDAF, unless specifically authorized in writing by LDAF.

G. 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.

H. 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.

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

J. A licensee who fails to timely submit a Harvest or 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.

K. 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 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. 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 a Louisiana licensed seed producer or handler, or an out-of-state person authorized to produce hemp seed by the USDA or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an authorized state pilot program pursuant to the Agriculture Improvement Act of 2014, P.L. 113-79, and 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 acceptable industrial hemp THC level;

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 sell, or transfer industrial hemp seed to any person in Louisiana without first verifying that the person receiving the seed is licensed by LDAF.

G. No person shall buy or otherwise acquire industrial hemp seed from any person in Louisiana without first verifying that the person distributing the seed is a seed producer or handler 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, or appears to be used for residential purposes.

B. A licensee 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 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 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 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 or site modification request form as set forth in this Chapter;
11. sell or transfer, or permit the sale or transfer of living industrial hemp plants or plant parts to a person in the state who does not hold an industrial hemp license issued by LDAF;
12. commingle harvested industrial hemp plant parts from one plot with harvested industrial hemp plant parts from another plot prior to receipt of compliant THC concentration level test results from LDAF;
13. commingle different varieties of industrial hemp plants in a single plot; or
14. adulterate industrial hemp plants or plant parts in any manner that renders it non-compliant with this Chapter.

**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, Research 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 45:

### **§1330. Industrial Hemp Research**

A. Except for those entities exempted pursuant to R.S. 3:1469, all research institutions who intend to perform industrial hemp research shall possess a valid license with LDAF, and submit an annual industrial hemp research plan to LDAF. The research plan shall include, but not be limited to, the following information:



1. a detailed research summary outlining the purpose and objectives that demonstrates to LDAF's satisfaction that research of hemp is being performed;
  2. all locations where industrial hemp research will be conducted;
  3. strain(s) and/or variety(ies) of industrial hemp used in the research;
  4. a timeline of all research activities;
  5. a destruction plan for all cannabis plants involved in the research;
  6. results of hemp-related research information and findings conducted by the licensee during the previous twelve (12) month period. Trade secret or patent information developed from hemp research may be omitted from the annual research plan so long as it is necessary for the research institution to protect such information; and
  7. any other information as may be requested by LDAF.
- B. No industrial hemp research shall be performed without first obtaining written approval of a research plan from LDAF;
- C. No industrial hemp research shall be performed on strains or varieties not pre-approved by LDAF;
- D. Any change(s) to the research plan must be submitted in writing to, and approved by, LDAF prior to implementation of the change(s);
- E. Industrial hemp or industrial hemp plant parts grown for research purposes shall not be offered for sale or enter the stream of commerce, except as otherwise provided in this Chapter;
- F. Industrial hemp grown for research purposes shall be subject to the inspection, record keeping, sampling, and testing requirements as set forth in this Chapter;
- G. Licensees producing industrial hemp for both commercial and research purposes at the same location shall meet the following minimum isolation requirements between commercial and research plants and plant parts:
1. material grown or stored indoors shall be separated at all times by contiguous walls extending from the floor to the structure's ceiling; and
  2. material grown or stored outdoors shall be separated by a minimum distance of twenty (20) feet at all times;
- H. Each industrial hemp lot and harvested plant material produced for research purposes shall be plainly and clearly identified with the following information:
1. "for research purposes," and
  2. the name of the strain or variety.
- I. Research institutions shall be assessed a negligent violation if the THC content of a sample collected by LDAF exceeds 1% total delta-9 tetrahydrocannabinol. Research institutions shall not receive more than one negligent violation in a growing season.
- J. If during the course of cultivation, the research institution decides to convert an industrial hemp research plot into commercial production, then the plot shall comply with the sampling and testing requirements set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, 1469

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 48:

### **§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 seed producers and 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. All licensees transporting or delivering industrial hemp or industrial hemp plant parts shall have a copy of their license(s) in their possession at all times during transport or delivery.
- C. Any person transporting or delivering industrial hemp or industrial hemp plant parts entered into commerce shall also have a dated invoice, bill of lading, or manifest in his or her possession at all times during 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.
- D. 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

E. 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:

### **§ 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.

## **Subchapter G. Inspections**

### **§1333. Site Access and Compliance**

A. When there is reason to believe that a violation of any provision of R.S. 3:1461 *et seq.* or this Chapter has occurred, the commissioner or his authorized agent(s) shall have access, during normal working hours, to any premises where industrial hemp plants or plant parts are transported, produced, cultivated, handled 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 and/or sample 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 Chapter.

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, Remediation, and Destruction**

### **§1335. THC Sampling and Testing**

A. All industrial hemp plants or plant parts, whether harvested or unharvested, shall be subject to sampling and testing for THC levels by LDAF as set forth in this Section.

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 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 or 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 LDAF 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 30 days of the sample collection by LDAF, unless an exception is authorized in writing by LDAF. Should a licensee fail to complete harvest within 30 days and no exception was authorized by LDAF, a second sample and test of the plot shall be performed and the licensee shall be assessed an additional testing fee per sample in an amount not to exceed \$250.00 per sample.

D. Performance-based Sampling

1. Industrial hemp lots produced for research purposes may not be subject to sampling and testing requirements outlined in this Section when all of the following requirements are met:

- a. LDAF has a confidence level that 95 percent of the industrial hemp plants in each lot subject to alternative method will not test above the acceptable industrial hemp THC level;
- b. no industrial hemp will enter the stream of commerce;
- c. the research institution has submitted and received written approval of an industrial hemp research plan from LDAF;
- d. the research institution maintains records documenting the strain or variety's compliance with acceptable industrial hemp THC Level;

2. LDAF may inspect, sample, and test any industrial hemp plants or plant parts, at any time to ensure compliance with this Chapter.

3. LDAF shall conduct random inspections, including records reviews on research institutions, regardless of whether or not they are subject to the sampling and testing requirements.

E. 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 Chapter;

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 Chapter.

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. A notification of analysis shall be issued for samples with a THC concentration that do not exceed the acceptable industrial hemp THC level and no further action shall be required. The plot or harvested plant material from which the sample was obtained shall be released for marketing or further processing.

7. A notification of analysis shall be issued for samples that exceed the acceptable industrial hemp THC level and a licensee may request a resample of any harvested cannabis that has undergone remediation as set forth in Section 1337 of this Chapter. If no request is made within 10 calendar 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 Section 1337.

8. No industrial 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 46:

### **§1337. Remediation and Destruction**

A. All industrial hemp plants or plant parts that are non-compliant with the acceptable industrial hemp THC level shall be remediated or destroyed in compliance with this Chapter.

B. Producers may choose to remediate any non-compliant industrial hemp plants by one of the following methods:

1. removing and destroying all flower material, while retaining stalk, stems, leaf material, and seeds; or

2. shredding the entire plant into a biomass-like material.

C. All remediated industrial hemp plants or plant parts shall be resampled and tested for THC concentration levels, and shall comply with the acceptable industrial hemp THC level.

D. Industrial hemp plants or plant parts that are not in compliance with the acceptable industrial hemp THC level after remediation shall be:

1. prohibited from being further handled, processed, or entered into the stream of commerce; and

2. destroyed in accordance with the USDA AMC published list of Hemp Disposal Activities. The method of destruction shall be approved by LDAF.

E. Licensees shall submit a Destruction Report for each plot to LDAF prior to destruction. LDAF shall approve the method of destruction.

**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, civil penalties, and industrial hemp destruction, a person who is determined 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 1.0 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 determined 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. Licensed growers and seed producers of industrial hemp shall not receive more than one negligent violation per growing season.

G. 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 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:



# LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY SEED PROGRAMS DIVISION

## STANDARD FIELD OPERATING PROCEDURES

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### ***IH-01: PRE-HARVEST INDUSTRIAL HEMP SAMPLING***

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#### **I. Introduction and Purpose**

As part of state and federal regulations, the Louisiana Department of Agriculture & Forestry (LDAF) shall sample all hemp fields and/or varieties prior to harvest; individually known as a "lot" and designated by a unique FSA Lot ID. Samples will be analyzed for total tetrahydrocannabinol (THC) according to state and federal regulations to determine whether the specimens are considered industrial hemp or marijuana. The measurements are intended to be representative of the THC concentration of a hemp crop lot as identified by the producer.

#### **II. Scope**

Samples collected under this procedure are acceptable for submission to an LDAF approved DEA-registered laboratory for determination of total THC concentration in hemp. Because the THC content of hemp generally peaks as the plant ripens, the timing of sampling is important to accurately measure the true total THC concentration of the lot and ensure compliance with the USDA hemp production program.

#### **III. Equipment and Supplies**

1. Garden pruners/shears
2. Rubbing alcohol disposable wipes
3. Paper sample bags
  - i. The size of the bag will depend upon the number of clippings collected per lot.
  - ii. Use bags made from material known to be free from THC.
4. Official LDAF sampling tape (security tape)
5. Permanent markers and ink pens
6. Notice of Inspection
7. *Sample Submission/Chain of Custody* forms
8. Copy of maps showing field(s) to be sampled
9. Copy of licensee planting report
10. LDAF issued cell phone to verify GPS coordinates
11. Nitrile disposable gloves
12. Bucket to carry samples
13. Plastic container with locking lid for transport

#### **IV. Procedure**

##### **A. Grower Responsibilities**

1. The licensee or designated responsible party shall accompany the LDAF inspector throughout the sampling process.



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2. The inspector shall be provided with complete and unrestricted access to all industrial hemp plants, whether harvested or not, all land, buildings or other structures used for the cultivation, handling and storage of industrial hemp plants or plant parts.
3. The grower shall harvest the crop not more than 30 days following the date of sample collection by LDAF.
4. Harvested materials shall not be comingled, removed from the grower's property, or extracted until released by LDAF and upon receipt of satisfactory laboratory certificate of analysis.

#### **B. Verification of Field to be Sampled**

1. The inspector should verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to LDAF.
2. The inspector should estimate average height, appearance, approximate density, condition of the plants and degree of maturity of the flowering material, meaning inflorescences (flowers/buds).
3. The inspector should visually establish the homogeneity of the stand to establish that the growing area is of like variety.

#### **C. Determining the Number of Subsamples to Collect for the Composite Sample**

1. The size of the growing area shall be considered for purposes of determining the number of individual plants to select for sampling. Samples from separate lots (approved location ID) and/or varieties must not be comingled, but must be kept separate.
2. To determine the number of plants to sample for lots less than 10 acres, including greenhouses and indoor growing structures, use Table 1 (included in these procedures).
3. To determine the number of plants to sample for lots greater than 10 acres, including greenhouses and indoor growing structures, use Table 2 (included in these procedures).

**NOTE:** *The number of plants that will be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.*

#### **D. Sample Identification and Collection of the Industrial Hemp Plant Material**

1. Identify all samples with the following minimum information:
  - i. The sample identification shall include the following information to be written on the sample bag: 1) inspector contact information; 2) name and contact information of the licensee; 3) industrial hemp license number; 4) date of sample collection, and 5) Lot ID (approved location ID) as provided by the USDA Farm Service Agency (FSA).





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2. Ensure the cutting shears are free from any potential contaminating material prior to entering area to be sampled by wiping them with disposable alcohol wipes.
3. Walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot.
4. While walking through the growing area, the inspector shall cut at least "n" flowering material, meaning inflorescences (the flower or bud of the plant) at random but convenient distances. Avoid collecting too many specimens from the borders of the field/greenhouse. Avoid collecting specimens from dead, diseased, pest infested or injured plants.
5. Make the cut just underneath the flowering material, meaning inflorescence (the flower or bud of a plant), located at the top one-third (1/3) of the plant. (See Figure 1.) The sample size must be of adequate volume to accommodate laboratory tests. (Approximately 2 ounces (56g) of flowering material).
6. Place the cuttings in the paper sample bag. Ensure that each bag has the minimum number of cuttings, n, as identified in Tables 1 and 2.
7. Seal each bag by folding over the top twice. Apply official LDAF sampling tape across the fold. The tape should be initialed by the inspector and the licensee or designated responsible party and the date of collection written across the tape.

#### **E. Completion of Sample Submission Form and Payment Collection**

1. Complete a *Sample Submission* and *Chain of Custody* form(s).
2. Transport or ship the sample to the LDAF Agricultural Chemistry Laboratory or to an LDAF approved laboratory for analysis. Every effort should be made to transport the sample to the lab the same day. Keep the sample dry and warm to avoid degradation of the plant material. Inspector must maintain custody of the sample at all times until officially relinquished.
3. Collect the \$250 testing fee for each sample collected at the time of sampling. Approved forms of payment include check, certified check, or money order.
4. Forward all fees collected or transmittals from fees, copies of the *Notice of Inspection*, and *Sample Submission* forms to LDAF Industrial Hemp staff at 5825 Florida Blvd, Suite 3004, Baton Rouge, LA 70806. All fees must be deposited or forwarded to the Seed Programs Division staff upon receipt.



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## STANDARD FIELD OPERATING PROCEDURES

**Table 1. (Sample size "n" for lots of 10 acres or less in size)**

Number of Acres	Sample size "n"	Number of Acres	Sample size "n"
Less than 1	5	6	6
1	5	7	7
2	5	8	8
3	5	9	9
4	5	10	10
5	5		

**Table 2. (Sample size "n" for lots of 11 acres to 200 acres)**

Number of Acres	Sample Size 'n'	Number of Acres	Sample Size 'n'	Number of Acres	Sample Size 'n'	Number of Acres	Sample Size 'n'
11	11	44	39	85-86	67	137-138	95
12	12	45-46	40	87	68	139-140	96
13	13	47	41	88-89	69	141-143	97
14	14	48	42	90-91	70	144-145	98
15	15	49-50	43	92	71	146-147	99
16	16	51	44	93-94	72	148-149	100
17	17	52	45	95-96	73	150-152	101
18-19	18	53-54	46	97-98	74	153-154	102
20	19	55	47	99	75	155-156	103
21	20	56	48	100-101	76	157-158	104
22	21	57-58	49	102-103	77	159-161	105
23	22	59	50	104-105	78	162-163	106
24	23	60-61	51	106-107	79	164-166	107
25-26	24	62	52	108	80	167-168	108
27	25	63-64	53	109-110	81	169-170	109
28	26	65	54	111-112	82	171-174	110
29	27	66-67	55	113-114	83	175-177	111
30	28	68	56	115-116	84	178-179	112
31-32	29	69-70	57	117-118	85	180-182	113
33	30	71	58	119-120	86	183-184	114
34	31	72-73	59	121-122	87	185-187	115
35	32	74	60	123-124	88	188-190	116
36	33	75-76	61	125-126	89	191-192	117
37-38	34	77	62	127-128	90	193-195	118
39	35	78-79	63	129-130	91	196-198	119
40	36	80-81	64	131-132	92	199-200	120
41-42	37	82	65	133-134	93		
43	38	83-81	66	135-136	94		

**Figure 1. Illustration showing where cut should be made below flowering material.**

