

RULE

**Department of Health
Office of Public Health**

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

Editor’s Note: Section 501 is being repromulgated to correct manifest typographical errors. The original Rule may be viewed in its entirety on pages 1290-1291 of the May 20, 2022 *Louisiana Register*.

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), has recodified parts of Chapter 5 of Title 49, Public Health—Food, Drugs and Cosmetics, and amended those rules to comply with the requirements of Act 336 of the 2021 Regular Legislature.

This Rule amends §501 and §§517-525 of Chapter 5 of Title 49, Public Health—Food, Drugs and Cosmetics, §§527-529 are recodified with new requirement language and the original §§529-531 are relocated to §§531-533. Changes to §501 amend existing definitions and add new definitions. Changes to §§517-533 reflect changes to the name of hemp-derived products regulated by the department as well as changes to the statutory requirements. This Rule is hereby adopted on the day of promulgation.

Title 49

**PUBLIC HEALTH—FOOD, DRUGS, AND
COSMETICS**

Part I. Regulations

**Chapter 5. Registration of Foods, Drugs, Cosmetics
and Prophylactic Devices**

§501. Definitions

[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

Cannabidiol—Repealed.

CBD—Repealed.

Certificate of Consumable Hemp Product Registration (FD-8a)—certificate issued by the department attesting that consumable hemp products produced or distributed by the holder’s company have been registered as required.

Certificate of IHDCP Registration (FD-8a)—Repealed.

Consumable Hemp Product—any product derived from industrial hemp that contains any naturally-occurring cannabinoid, including cannabidiol, and is intended for consumption or topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, hemp flower, and pet products. No consumable hemp product may contain a total THC concentration in excess of one percent on a dry-weight basis.

Consumable Hemp Products Database—repository of information on products and firms that are registered with

the Food and Drug/Milk and Dairy Unit of LDH/OPH that fall into the category of consumable hemp products.

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 THC concentration of not more than 0.3 percent on a dry weight basis.

THC—a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021), amended by the Department of Health, Office of Public Health, LR 48:1290 (May 2022), repromulgated LR 48:1583 (June 2022).

Dr. Courtney N. Phillips
Secretary

2206#061

RULE

**Department of Insurance
Office of the Commissioner**

**Regulation 121—Term and Universal Life Insurance
Reserve Financing (LAC 37:XIII.Chapter 183)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 121—Term and Universal Life Insurance Reserve Financing. The purpose of Regulation 121 is to implement the National Association of Insurance Commissioners (NAIC) *Term and Universal Life Insurance Reserve Financing Model Regulation (#787)* which sets forth rules and procedural requirements to establish uniform, national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums or guaranteed nonlevel benefits and universal life insurance policies with secondary guarantees and to ensure that, with respect to each such financing arrangement, funds consisting of primary security and other security, are held by or on behalf of ceding insurers in the forms and amounts required. This Rule is hereby adopted upon promulgation.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 183. Regulation Number 121—Term and
Universal Life Insurance Reserve
Financing**

§18301. Purpose

A. The purpose of this regulation is to set forth rules and procedural requirements to establish uniform, national standards governing reserve financing arrangements

pertaining to life insurance policies containing guaranteed nonlevel gross premiums, guaranteed nonlevel benefits and universal life insurance policies with secondary guarantees and to ensure that, with respect to each such financing arrangement, funds consisting of primary security and other security, as defined in §18305, are held by or on behalf of ceding insurers in the forms and amounts required herein. In general, reinsurance ceded for reserve financing purposes has one or more of the following characteristics: some or all of the assets used to secure the reinsurance treaty or to capitalize the reinsurer

1. are issued by the ceding insurer or its affiliates; or
2. are not unconditionally available to satisfy the general account obligations of the ceding insurer; or
3. create a reimbursement, indemnification, or other similar obligation on the part of the ceding insurer or any of its affiliates (other than a payment obligation under a derivative contract acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1583 (June 2022).

§18303. Applicability

A. This regulation shall apply to reinsurance treaties that cede liabilities pertaining to covered policies, as that term is defined in §18305, issued by any life insurance company domiciled in this state. This regulation and Regulation 56 shall both apply to such reinsurance treaties, provided that in the event of a direct conflict between the provisions of this regulation and Regulation 56, the provisions of this regulation shall apply, but only to the extent of the conflict.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1584 (June 2022).

§18305. Definitions

A. Strictly for the purposes of Regulation 121, the following terms are defined as follows.

Actuarial Method—the methodology used to determine the required level of primary security, as described in §18309.A.

Commissioner—the Louisiana Commissioner of Insurance.

Covered Policies—subject to the exemptions described in §18307, covered policies, other than grandfathered policies, of the following policy types:

- a. life insurance policies with guaranteed nonlevel gross premiums and/or guaranteed nonlevel benefits, except for flexible premium universal life insurance policies; or
- b. flexible premium universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.

Grandfathered Policies—policies of the types described in the definition of covered policies that were:

- a. issued prior to January 1, 2015; and
- b. ceded, as of December 31, 2014, as part of a reinsurance treaty that would not have met one of the exemptions set forth in §18307 had that section then been in effect.

Noncovered Policies—any policy that does not meet the definition of covered policies, including grandfathered policies.

Other Security—any security acceptable to the commissioner other than security meeting the definition of primary security.

Primary Security—includes the following forms of security:

- a. cash meeting the requirements of R.S. 22:652
- b. securities listed by the Securities Valuation Office meeting the requirements of R.S. 22:652, but excluding any synthetic letter of credit, contingent note, credit-linked note, or other similar security that operates in a manner similar to a letter of credit, and excluding any securities issued by the ceding insurer or any of its affiliates; and
- c. for security held in connection with funds-withheld and modified coinsurance reinsurance treaties:
 - i. commercial loans in good standing of CM3 quality and higher;
 - ii. policy loans; and
 - iii. derivatives acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty.

Required Level of Primary Security—the dollar amount determined by applying the actuarial method to the risks ceded with respect to covered policies, but not more than the total reserve ceded.

Valuation Manual—the valuation manual adopted by the NAIC as described in R.S. 22:753(C)(2)(a), with all amendments adopted by the NAIC that are effective for the financial statement date on which credit for reinsurance is claimed.

VM-20—"Requirements for Principle-Based Reserves for Life Products," including all relevant definitions, from the valuation manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1584 (June 2022).

§18307. Exemptions

A. This regulation does not apply to the situations described in Paragraphs 1-7.

1. Reinsurance of:
 - a. policies that satisfy the criteria for exemption set forth in §10911.F and §10911.G of Regulation 85 and that are issued before the later of:
 - i. September 1, 2022; and
 - ii. the date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than January 1, 2020;
 - b. portions of policies that satisfy the criteria for exemption set forth in §10911.E of Regulation 85 and that are issued before the later of:
 - i. September 1, 2022; and
 - ii. the date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than January 1, 2020;

c. any universal life policy that meets all of the following requirements:

i. secondary guarantee period, if any, is five years or less;

ii. specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the Commissioners Standard Ordinary (CSO) valuation tables and valuation interest rate applicable to the issue year of the policy; and

iii. the initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period;

d. credit life insurance;

e. any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts; or

f. any group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

2. Reinsurance ceded to an assuming insurer that meets the applicable requirements of R.S.22:651(D); or

3. Reinsurance ceded to an assuming insurer that meets the applicable requirements of R.S.22:651(B) or (C), and that, in addition:

a. prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual, without any departures from NAIC statutory accounting practices and procedures pertaining to the admissibility or valuation of assets or liabilities that increase the assuming insurer's reported surplus and are material enough that they need to be disclosed in the financial statement of the assuming insurer pursuant to Statement of Statutory Accounting Principles No. 1 (SSAP 1); and

b. is not in a company action level event, regulatory action level event, authorized control level event, or mandatory control level event as those terms are defined in R.S. 22:613 through 22:616 when its risk-based capital (RBC) is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation; or

4. reinsurance ceded to an assuming insurer that meets the applicable requirements of R.S.22:651(B) or (C), and that, in addition:

a. is not an affiliate, as that term is defined in R.S. 22:691.2(1), of:

i. the insurer ceding the business to the assuming insurer; or

ii. any insurer that directly or indirectly ceded the business to that ceding insurer;

b. prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual;

c. is both:

i. licensed or accredited in at least 10 states (including its state of domicile), and

ii. not licensed in any state as a captive, special purpose vehicle, special purpose financial captive, special

purpose life reinsurance company, limited purpose subsidiary, or any other similar licensing regime; and

d. is not, or would not be, below 500 percent of the *authorized control level RBC* as that term is defined in R.S. 22:611(8)(a) when its RBC is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation, and without recognition of any departures from NAIC statutory accounting practices and procedures pertaining to the admission or valuation of assets or liabilities that increase the assuming insurer's reported surplus; or

5. reinsurance ceded to an assuming insurer that meets the requirements of R.S. 22:661(B)(4); or

6. reinsurance not otherwise exempt under Subsections A through E if the commissioner, after consulting with the NAIC Financial Analysis Working Group (FAWG) or other group of regulators designated by the NAIC, as applicable, determines under all the facts and circumstances that all of the following apply:

a. the risks are clearly outside of the intent and purpose of this regulation, as described in §18301 above;

b. the risks are included within the scope of this regulation only as a technicality; and

c. the application of this regulation to those risks is not necessary to provide appropriate protection to policyholders. The commissioner shall publicly disclose any decision made pursuant to §18307.F to exempt a reinsurance treaty from this regulation, as well as the general basis therefor (including a summary description of the treaty); or

7. meets the conditions set forth in R.S. 22:651(F) in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1584 (June 2022).

§18309. The Actuarial Method

A. The actuarial method to establish the required level of primary security for each reinsurance treaty subject to this regulation shall be VM-20, applied on a treaty-by-treaty basis, including all relevant definitions, from the valuation manual as then in effect, applied as follows.

1. For covered policies described in covered policies (a) in §18305, the actuarial method is the greater of the deterministic reserve or the net premium reserve (NPR) regardless of whether the criteria for exemption testing can be met. However, if the covered policies do not meet the requirements of the stochastic reserve exclusion test in the valuation manual, then the actuarial method is the greatest of the deterministic reserve, the stochastic reserve, or the NPR. In addition, if such covered policies are reinsured in a reinsurance treaty that also contains covered policies described in covered policies (b) in §18305, the ceding insurer may elect to instead use Paragraph 2 below as the actuarial method for the entire reinsurance agreement. Whether Paragraph 1 or 2 are used, the actuarial method must comply with any requirements or restrictions that the valuation manual imposes when aggregating these policy types for purposes of principle-based reserve calculations.

2. For covered policies described in covered policies (b) in §18305, the actuarial method is the greatest of the

deterministic reserve, the stochastic reserve, or the NPR regardless of whether the criteria for exemption testing can be met.

3. Except as provided in Paragraph 4 below, the actuarial method is to be applied on a gross basis to all risks with respect to the covered policies as originally issued or assumed by the ceding insurer.

4. If the reinsurance treaty cedes less than 100 percent of the risk with respect to the covered policies then the required level of primary security may be reduced as follows.

a. If a reinsurance treaty cedes only a quota share of some or all of the risks pertaining to the covered policies, the required level of primary security, as well as any adjustment under Subparagraph (c) below, may be reduced to a pro rata portion in accordance with the percentage of the risk ceded;

b. If the reinsurance treaty in a nonexempt arrangement cedes only the risks pertaining to a secondary guarantee, the required level of primary security may be reduced by an amount determined by applying the actuarial method on a gross basis to all risks, other than risks related to the secondary guarantee, pertaining to the covered policies, except that for covered policies for which the ceding insurer did not elect to apply the provisions of VM-20 to establish statutory reserves, the required level of primary security may be reduced by the statutory reserve retained by the ceding insurer on those covered policies, where the retained reserve of those covered policies should be reflective of any reduction pursuant to the cession of mortality risk on a yearly renewable term basis in an exempt arrangement;

c. If a portion of the covered policy risk is ceded to another reinsurer on a yearly renewable term basis in an exempt arrangement, the required level of primary security may be reduced by the amount resulting by applying the actuarial method including the reinsurance section of VM-20 to the portion of the covered policy risks ceded in the exempt arrangement, except that for covered policies issued prior to January 1, 2017, this adjustment is not to exceed $[c_x/2 * \text{number of reinsurance premiums per year}]$ where c_x is calculated using the same mortality table used in calculating the net premium reserve; and

d. For any other treaty ceding a portion of risk to a different reinsurer, including but not limited to stop loss, excess of loss, and other nonproportional reinsurance treaties, there will be no reduction in the required level of primary security.

NOTE: It is possible for any combination of Subparagraphs a, b, c, and d above to apply. Such adjustments to the required level of primary security will be done in the sequence that accurately reflects the portion of the risk ceded via the treaty. The ceding insurer should document the rationale and steps taken to accomplish the adjustments to the required level of primary security due to the cession of less than 100 percent of the risk.

The adjustments for other reinsurance will be made only with respect to reinsurance treaties entered into directly by the ceding insurer. The ceding insurer will make no adjustment as a result of a retrocession treaty entered into by the assuming insurers.

5. In no event will the required level of primary security resulting from application of the actuarial method exceed the amount of statutory reserves ceded.

6. If the ceding insurer cedes risks with respect to covered policies, including any riders, in more than one reinsurance treaty subject to this regulation, in no event will the aggregate required level of primary security for those reinsurance treaties be less than the required level of primary security calculated using the actuarial method as if all risks ceded in those treaties were ceded in a single treaty subject to this regulation.

7. If a reinsurance treaty subject to this regulation cedes risk on both covered and noncovered policies, credit for the ceded reserves shall be determined as follows:

a. The actuarial method shall be used to determine the required level of primary security for the covered policies, and §18311 shall be used to determine the reinsurance credit for the covered policy reserves; and

b. Credit for the noncovered policy reserves shall be granted only to the extent that security, in addition to the security held to satisfy the requirements of Subparagraph a, is held by or on behalf of the ceding insurer in accordance with R.S. 22:651 and R.S. 22:652. Any primary security used to meet the requirements of this Subparagraph may not be used to satisfy the required level of primary security for the covered policies.

B. For the purposes of both calculating the required level of primary security pursuant to the actuarial method and determining the amount of primary security and other security, as applicable, held by or on behalf of the ceding insurer, the following shall apply:

1. for assets, including any such assets held in trust, that would be admitted under the NAIC Accounting Practices and Procedures Manual if they were held by the ceding insurer, the valuations are to be determined according to statutory accounting procedures as if such assets were held in the ceding insurer's general account and without taking into consideration the effect of any prescribed or permitted practices; and

2. for all other assets, the valuations are to be those that were assigned to the assets for the purpose of determining the amount of reserve credit taken. In addition, the asset spread tables and asset default cost tables required by VM-20 shall be included in the actuarial method if adopted by the NAIC Life Actuarial (A) Task Force no later than the December 31st on or immediately preceding the valuation date for which the required level of primary security is being calculated. The tables of asset spreads and asset default costs shall be incorporated into the actuarial method in the manner specified in VM-20.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1585 (June 2022).

§18311. Requirements Applicable to Covered Policies to Obtain Credit for Reinsurance; Opportunity for Remediation

A. Subject to the exemptions described in §18307 and the provisions of Subsection B, credit for reinsurance shall

be allowed with respect to ceded liabilities pertaining to covered policies pursuant to R.S. 22:651 and R.S. 22:652 if, and only if, in addition to all other requirements imposed by law or regulation, the following requirements are met on a treaty-by-treaty basis:

1. the ceding insurer's statutory policy reserves with respect to the covered policies are established in full and in accordance with the applicable requirements of R.S. 22:753 and related regulations and actuarial guidelines, and credit claimed for any reinsurance treaty subject to this regulation does not exceed the proportionate share of those reserves ceded under the contract; and

2. the ceding insurer determines the required level of primary security with respect to each reinsurance treaty subject to this regulation and provides support for its calculation as determined to be acceptable to the commissioner; and

3. funds consisting of primary security, in an amount at least equal to the required level of primary security, are held by or on behalf of the ceding insurer, as security under the reinsurance treaty within the meaning of R.S. 22:652, on a funds withheld, trust, or modified coinsurance basis;

4. funds consisting of other security, in an amount at least equal to any portion of the statutory reserves as to which primary security is not held pursuant to Paragraph 3 above, are held by or on behalf of the ceding insurer as security under the reinsurance treaty within the meaning of R.S. 22:652; and

5. any trust used to satisfy the requirements of §18311 shall comply with all of the conditions and qualifications of §3517 of Regulation 56, except that:

a. funds consisting of primary security or other security held in trust, shall for the purposes identified in §18309.B, be valued according to the valuation rules set forth in §18309.B, as applicable; and

b. there are no affiliate investment limitations with respect to any security held in such trust if such security is not needed to satisfy the requirements of Subsection A.3; and

c. the reinsurance treaty must prohibit withdrawals or substitutions of trust assets that would leave the fair market value of the primary security within the trust (when aggregated with primary security outside the trust that is held by or on behalf of the ceding insurer in the manner required by Subsection A.3) below 102 percent of the level required by Subsection A.3 at the time of the withdrawal or substitution; and

d. the determination of reserve credit under §3517.E of Regulation 56 shall be determined according to the valuation rules set forth in §18309.B, as applicable; and

6. the reinsurance treaty has been approved by the commissioner.

B. Requirements at Inception Date and on an On-Going Basis; Remediation

1. The requirements of Subsection A must be satisfied as of the date that risks under covered policies are ceded if such date is on or after September 1, 2022, and on an

ongoing basis thereafter. Under no circumstances shall a ceding insurer take or consent to any action or series of actions that would result in a deficiency under Subsection A.3 or A.4 with respect to any reinsurance treaty under which covered policies have been ceded, and in the event that a ceding insurer becomes aware at any time that such a deficiency exists, it shall use its best efforts to arrange for the deficiency to be eliminated as expeditiously as possible.

2. Prior to the due date of each quarterly or annual statement, each life insurance company that has ceded reinsurance within the scope of §18303 shall perform an analysis, on a treaty-by-treaty basis, to determine, as to each reinsurance treaty under which covered policies have been ceded, whether as of the end of the immediately preceding calendar quarter (the valuation date) the requirements of Subsection A.3 or A.4 were satisfied. The ceding insurer shall establish a liability equal to the excess of the credit for reinsurance taken over the amount of primary security actually held pursuant to Subsection A.3, unless either:

a. the requirements of Subsection A.3 or A.4 were fully satisfied as of the valuation date as to such reinsurance treaty; or

b. any deficiency has been eliminated before the due date of the quarterly or annual statement to which the valuation date relates through the addition of primary security and/or other security, as the case may be, in such amount and in such form as would have caused the requirements of Subsection A.3 or A.4 to be fully satisfied as of the valuation date.

3. Nothing in Subsection B.2 shall be construed to allow a ceding company to maintain any deficiency under subdivision Subsection A.3 or A.4 for any period of time longer than is reasonably necessary to eliminate it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1586 (June 2022).

§18313. Severability

A. If any provision of this regulation is held invalid, the remainder shall not be affected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1587 (June 2022).

§18315. Prohibition against Avoidance

A. No insurer that has covered policies to which this regulation applies, as set forth in §18303, shall take any action or series of actions, or enter into any transaction, arrangement, or series of transactions or arrangements if the purpose of such action, transaction, arrangement, or series thereof is to avoid the requirements of this regulation, or to circumvent its purpose and intent, as set forth in §18301.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1587 (June 2022).

§18317. Effective Date

A. This regulation shall become effective September 1, 2022 and shall pertain to all covered policies in force as of and after that date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:651, 22:652, 22:661, 22:753, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1588 (June 2022).

James J. Donelon
Commissioner

2206#016

RULE

**Department of Natural Resources
Office of Conservation**

**Guidance Manual for Environmental Boreholes
and Monitoring Systems (LAC 56:I.303 and 503)**

The Department of Natural Resources, Office of Conservation has amended LAC 56 I.303.B and LAC 56:I.503.B in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. These amendments include reference to the use of the *Guidance Manual for Environmental Boreholes and Monitoring Systems* in the water well registration and plugging and abandonment regulations of Title 56. This Rule is hereby adopted on the day of promulgation.

Title 56

PUBLIC WORKS

Part I. Water Wells

Chapter 3. Water Well Construction

§303. Purpose

A. ...

B. All work related to environmental boreholes and monitoring systems shall conform to the requirements of this chapter. A resource available to drillers as reference material of common industry practices for installation of environmental boreholes and monitoring systems is the *Guidance Manual for Environmental Boreholes and Monitoring Systems*, dated November 2021, available online at: <http://www.dnr.louisiana.gov/guidance-manual>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 48:1588 (June 2022).

**Chapter 5. Plugging and Sealing of Abandoned
Water Well Holes**

§503. Purpose

A. ...

B. All work related to environmental boreholes and monitoring systems shall conform to the requirements of this chapter. A resource available to drillers as reference material of common industry practices for installation of environmental boreholes and monitoring systems is the

Guidance Manual for Environmental Boreholes and Monitoring Systems, dated November 2021, available online at: <http://www.dnr.louisiana.gov/guidance-manual>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 48:1588 (June 2022).

Richard P. Ieyoub
Commissioner

2206#022

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Menhaden Season
(LAC 76:VII.307)**

The Wildlife and Fisheries Commission does hereby amend a Rule (LAC 76:VII.307) by modifying the allowable distance from the inside-outside line (described in R.S. 56:495) that the commercial menhaden fishery is allowed to operate statewide by restricting the fishery to operate within waters beyond 1/4 statute mile from the inside-outside line as described in this Rule. Further restrictions are proposed with no operations allowed within waters o statute mile seaward of the inside-outside line from the eastern shore of Belle Pass to the eastern shore of Caminada Pass (off of Elmer’s Island), within waters 3 statute miles seaward of the inside-outside line from the eastern shore of Caminada Pass to the eastern shore of Barataria Pass (off of Grand Isle), and within waters 1 statute mile seaward of the inside-outside line from the eastern shore of Barataria Pass to the eastern shore of Pass Abel (off of West Grand Terre Island). This Rule is being amended as a result of user conflicts between private recreational and charter boat anglers and the commercial menhaden fishery in the proposed areas where commercial menhaden fishing is being restricted. Authority for amendment of this rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, and R.S. 56:326.3 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the date of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§307. Menhaden Season

A. - B. ...

C. The menhaden season shall apply to all waters 1/4 statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other inside waters and passes are permanently closed to menhaden fishing.