HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1309 (September 2021), amended LR 49:

§9771. Visitation by Immediate Family Members and Other Designated Persons during a Declared Public Health Emergency

A. - D. ...

E. Subject to the requirements of §9771.A-C, each nursing facility shall allow immediate family members and other designated persons to visit a resident of the nursing facility during a declared public health emergency (PHE) when a resident, or his or her designated representative, requests a visit with the identified family members and other designated persons, subject to the following conditions and requirements:

1. - 2. ...

3. A nursing facility's policy and procedure on visitation by immediate family members and other designated persons, at a minimum, requires the following:

a. that the nursing facility shall give special consideration and priority for visitation by immediate family members and other designated persons to residents receiving end-of-life care;

b. that visitation by immediate family members of the residents and other designated persons may be screened for infectious agents or infectious diseases and will pass such screening prior to each visitation, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the nursing facility shall utilize those methods and protocols;

c. that an immediate family member or other designated person may not be allowed to visit a nursing facility resident if such immediate family member or other designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such immediate family member or other designated person tests positive for an infectious agent or infectious disease;

d. that an immediate family member or other designated person may not be allowed to visit a nursing facility resident if the immediate family member or other designated person refuses to comply with the provisions of the nursing facility's policy and procedure or refuses to comply with the nursing facility's reasonable time, place, and manner restrictions;

e. that immediate family members and other designated persons may be required to wear personal protective equipment as determined appropriate by the nursing facility, considering the resident's medical condition or clinical considerations; at the nursing facility's discretion, personal protective equipment may be made available by the nursing facility to immediate family members and other designated persons;

f. ...

g. that a nursing facility's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in nursing facilities issued by any federal government agency during a declared public health emergency;

h. that includes provisions for off-site visitation, allowing an immediate family member or other designated person to visit a nursing facility resident away from the facility campus; and

i. that a resident and an immediate family member or other designated person shall have the right to consensual, nonsexual physical contact such as hand holding or hugging.

4. A nursing facility shall submit a written copy of its visitation policies and procedures to the Health Standards Section of LDH at the initial licensure survey.

5. After licensure, the nursing facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. A nursing facility shall within 24 hours after establishing its visitation policies and procedures, make its policies and procedures easily accessible from the homepage of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1310 (September 2021), amended LR

Family Impact Statement

In compliance with Act 3 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by ensuring that the requirements for visitation by clergy, immediate family members, and other persons designated by nursing facility residents during a declared public health emergency comply with legislative mandates.

Poverty Impact Statement

In compliance with Act 854 of the 2014 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may impede the provider's ability to provide the same level of service as described in HCR 170 if the nursing facility receives a notice of rejection of its emergency preparedness plan and LDH chooses to revoke or deny renewal of its license.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The

deadline for submitting written comments is at 4:30 p.m. on September 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by mail to the Office of the Secretary ATTN: Public Hearing Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 11, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on September 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 11, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities Licensing Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that $1,296 will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections, as this measure has no impact on licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the licensing of nursing facilities to reflect the department's option to revoke or deny renewal of the license of a facility that has received a letter of rejection of its emergency preparedness, in compliance with Act 3 of the 2021 Regular Session of the Louisiana Legislature. The proposed rule also amends the provisions governing visitations by clergy, immediate family and other designated persons during a declared public health emergency (PHE), in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. This will be beneficial to nursing facility residents and providers by ensuring that the requirements for visitation by clergy, immediate family and other designated persons during a declared PHE comply with legislative mandates. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities in FY 23-24, FY 24-25, and FY 25-26, but may adversely impact facilities that receive letters of rejection of their emergency preparedness plans if the department elects to revoke or deny renewal of the facility's license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2308#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Office

~~NOTICE OF INTENT~~ RULE

Department of Health
Office of Public Health

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

The Department of Health, Office of Public Health (LDH/OPH), pursuant to rulemaking authority granted by R.S. 3:1483(L), hereby amends the following Rule for the protection of public health. This Rule is promulgated specifically in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

This ~~proposed~~ Rule is necessary to prevent imminent peril to the public health, safety, or welfare and is also done pursuant to the express statutory authority granted by La. R.S. 3:1483(L). Current LDH/OPH rules in LAC 49 Chapter 5 concerning the registration of consumable hemp products do not explicitly prohibit the registration of products utilizing dosage vehicles designed or intended for other than oral consumption or topical use, or require that applicants submit any documentation concerning same. This ~~proposed~~ Rule will provide LDH/OPH with explicit authority concerning dosage vehicles to: i) require proof that consumable hemp products for which registration is sought are not designed or intended for other than oral consumption or topical use, or to facilitate same, ii) deny requested registration of consumable hemp products that are designed or intended for other than oral consumption or topical use, or to facilitate same, and iii) authorize LDH/OPH to revoke the registration of consumable hemp products that are designed or intended for other than oral consumption or topical use, or to facilitate same.

This ~~proposed~~ Rule also provides that a consumable hemp product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds eight milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration. The ~~proposed~~ Rule also speaks specifically to the topic of "serving", and includes streamlined requirements for registration and registration renewal.

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. …

* * *

E-Cigarette—a battery-operated device that is typically designed to resemble a traditional cigarette and is used to inhale a (usually nicotine-containing) vapor atomized by the device's heating element.

* * *

Vape Cartridge—the part of a vape pen containing the liquid to be inhaled by the user.

Vape Pen—a type of e-cigarette.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), 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 LR 47:479 (April 2021), amended LR 48:1290 (May 2022), amended by the Department of Health, Office of Public Health, LR 49:

§517. Registration of Consumable Hemp Products

A. - B. …

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must provide (both initially and on or before July 1 of each year) the department with a packet that includes:

1. a completed application form;

2. a cashier's check, money order, or electronic payment made payable to the department in the amount of $50 per each separate and distinct product;

3. specimen copies of labeling for each separate and distinct product in electronic format;

4. laboratory accreditation verification documentation;

5. laboratory certificate of analysis (COA) for each separate and distinct product;

6. attestation that the product was produced from hemp. However, the department reserves the right to request a copy of the current grower or processor's license issued by the authority of competent jurisdiction for the firm responsible for the hemp crop from which the products are derived;

7. for each separate and distinct product, photographs or renderings of the product that accurately depict the entirety of the product, including all accessories or physical items included or sold with the product, whether attached or not. The department may require the submission of a specimen of the actual product and all included accessories if it determines in its sole discretion that submitted renderings or photographs do not allow a sufficient determination that the product meets all applicable requirements of this Chapter; and

8. for each separate and distinct product, a detailed written description of how individual servings will be packaged and marketed for sale. A product whose label fails to comply with the requirements of §533 of this Chapter will not be registered. A product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds eight milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration pursuant to §518 of this Chapter.

D. If all required packet contents, as set forth in Subsection C of this Section, are submitted and a product meets the applicable requirements of this Chapter and R.S. 3:1483, the department shall register the product by entering the application information into the consumable hemp products database. In instances of an annual renewal of a product, the department may allow for the applicant to attest/certify that the required information has not changed since the last application in lieu of repeat submission.

E. No person is authorized to distribute any consumable hemp product in the state of Louisiana unless such product is currently registered and entered into the consumable hemp products database by the department, except that if a firm submits product labeling and supporting documentation for review to the department and does not receive a written response within 15 business days of that initial submission, the product may be sold after the fifteenth business day by any permitted wholesaler or retailer until the submitting party receives notice in writing from the department that the product in question is accepted or rejected for registration. Upon the expiration of the 15 business days, the department will send written notice, via electronic mail only, confirming the "pending" status of any application and, if known, a date by which a final determination will be made.

F. Any firm may apply to the department for the designation of its products as "Louisiana Hemp Products," provided that those products are produced from hemp grown in Louisiana and are processed at a Louisiana-based manufacturer. These items shall be designated with a special mark on the department's list of registered products once they have been registered with the department.

G. No consumable hemp product shall be registered if one or more of the following conditions concerning dosage vehicles apply:

1. it is explicitly or clearly intended or characterized as being for inhalation, or to facilitate same; this prohibition shall not apply to hemp rolling papers;

2. it is explicitly or clearly intended or characterized as being for subcutaneous or transdermal use, or to facilitate same; this prohibition shall not apply to transdermal patches that are not designed for or capable of piercing the skin;

3. it is explicitly or clearly intended or characterized as being for intravenous or intramuscular infusion or injection, or to facilitate same;

4. it is explicitly or clearly intended or characterized as being for rectal or vaginal insertion, including, but not limited to, vaginal or anal suppositories; this prohibition shall not apply to products that are topical personal lubricants; or

5. it includes, is contained within, or constitutes a vape cartridge, vape pen, e-cigarette or a substantially similar item designed to facilitate inhalation.

H. Notice of final denial of a requested product registration shall state the specific reason(s) for the denial and shall include notice of right to an administrative hearing concerning same, which right shall expire unless the applicant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the notice. Any such request timely received shall be forwarded by the department to the Louisiana Division of Administrative Law. In addition to any method of service authorized by this Title, service of the notice on the applicant may be effected through any means authorized by LAC 51:I.109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the permitting or

registration process, and shall be deemed effective even if returned as undeliverable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 49:

§518. Revocation of a Consumable Hemp Product Registration

A. The department may revoke the registration of a consumable hemp product if:

1. any of the enumerated criteria set forth in §517.G. of this Chapter apply to the product;

2. any materials, including product information, specifications, photographs, or renderings, provided to the department in connection with the registration approval were erroneous or misleading, if non-erroneous or non-misleading materials would have resulted in denial of registration;

3. the product, including any accessories or physical items included therewith, is materially modified in a way that makes the photographs, renderings, or specimen submitted in connection with the registration no longer an accurate depiction thereof; or

4. the product, product label, product packaging, or product marketing violates any provision or requirement of this Chapter or R.S. 3:1483.

B. Revocation shall occur through issuance and service of an order revoking registration. The order shall state with specificity the nature of the violation(s), including citations to the provision(s) of this Chapter that have been violated. In addition to any method of service authorized by this Title, service on the registration holder may be effected through any means authorized by LAC 51:I.109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the registration process, and shall be deemed effective even if returned as undeliverable.

C. An Order Revoking Registration shall include notice of right to an administrative hearing concerning same, which right shall expire unless the registrant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the order. If such a written request is timely filed, then it shall be forwarded by the department to the Louisiana Division of Administrative Law. The order shall be stayed pending the decision of the Division of Administrative Law, subject to the provisions in Subsection D of this Section.

D. If the state health officer determines, in his sole discretion, that the product in question constitutes a nuisance dangerous to the public health or a danger to the public life, health, or safety, and includes that finding in the order revoking registration, the order shall be deemed an emergency order and shall not be stayed pending the decision of the Division of Administrative Law. Further, as of the effective date of this emergency rule, any registration of any product that, based on a determination by the department, in its sole discretion:

1. exceeds the THC limits set forth in R.S. Title 3, Chap. 10-a, Part VI, including, but not limited to, the milligrams per serving limit;

2. meets the criteria of §517.G.1 or §517.G.5 of this Chapter;

3. contains any type of cannabinoid that does not naturally occur in hemp; or

4. violates the criteria of §533 of this Chapter shall be deemed to meet the criteria for revocation under an Emergency Order.

E. This Section shall apply to any consumable hemp product registered with the department, regardless of registration date. This Section is expressly intended to apply to consumable hemp products registered both prior to and after June 26, 2023, the effective date of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§533. Consumable Hemp Products Labeling Requirements: Serving Sizes and THC Content

A. …

B. Serving sizes shall be delineated as follows:

1. for tinctures, extracts, concentrates, and other liquid-type products, there shall be an included measuring device capable of administering a single serving;

2. for beverages, the packaging must clearly enable a consumer to determine when a single serving has been consumed;

3. for all other products (e.g. tablets, capsules, cookies, gummies, etc.), an individual unit shall constitute a single serving and shall be separate and unattached to other units within a package. Thus, multiple servings shall not be combined and subject to scoring or separating in order to produce a single serving.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;

2. the authority and rights of persons regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child care, dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Monday, September 11, 2023 at COB, 4:30 p.m., and should be addressed to Michael Morine, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, September 11, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on Monday, September 25, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, all interested persons should first call Alan Enger at (225) 342-1342 after September 11, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Registration of Foods, Drugs, Cosmetics, and Prophylactic Devices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is anticipated to increase Louisiana Department of Health (LDH), Office of Public Health expenditures by approximately $479 SGF in FY24 associated with publication costs.

In compliance with Act 498 of the 2022 RLS, the LDH proposes to amend Chapter 5 of Title 49, Registration of Foods, Drugs, Cosmetics, and Prophylactic Devices by updating the regulatory framework for consumable hemp products. Specifically, the rule provides LDH with the authority to:

Require proof that consumable hemp products for which registration is sought are not designed or intended for other than oral consumption or topical use.

Deny requested registration of consumable hemp products that are designed or intended for other than oral consumption or topical use.

Authorize LDH to revoke the registration of consumable hemp products that are designed or intended for other than oral consumption or topical use.

The rule also clarifies language and makes technical updates related to registering consumable hemp products.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Given that LDH will revoke or deny registration of consumable hemp products that are not designed or intended for oral consumption or topical use, manufacturers or retailers of these products may be negatively impacted as they will not be able to sell these products in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Doris G. Brown
Assistant Secretary
2308#040

Janice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Office of Public Health

Sanitary Code—Food Service Establishment Violations
(LAC 51:I.113 and XXIII.101 and 4311)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to R.S. 40:4, R.S. 40:5, and in cognizance of SR159 (2022 Regular Session), hereby amends the proposed Sections of Title 51 for the protection of public health.

The proposed Rule will ensure that a violation by a food service establishment of R.S. 40:5.5.4, which deprives Louisiana consumers of their right to know whether the establishment serves crawfish or shrimp imported from a foreign country, which may pose a health risk, is classified in the Sanitary Code as both a "Critical Item" and a "Class A" violation.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part I. General Provisions
Chapter 1. General
§113. Suspension/Revocation/Civil Fines or Penalties [formerly paragraph 1:007-21]

A. - A.2. …

3. impose a civil fine:

a. these civil fines shall not exceed $10,000 per violator per calendar year applicable to each specific establishment, facility, or property that the violator owns,

manages, operates or leases. The schedule of civil fines by class of violations shall be as follows.

i. Class A. Violations that create a condition or occurrence, which may result in death or serious harm to the public. These violations include, but are not limited to the following: cooking, holding or storing potentially hazardous food at improper temperatures; failure to follow schedule process in low acid canned foods or acidified food production; poor personal hygienic practices; failure to sanitize or sterilize equipment, utensils or returnable, multi-use containers; no water; unapproved water source; cross contamination of water; inadequate disinfection of water before bottling; sewage back up; sewage discharge on to the ground; sewage contamination of drinking water; failure to comply with human drug current good manufacturing practices (CGMP); inadequate labeling of foods or drugs regarding life threatening ingredients or information; failure to provide consumer advisories; failure to comply with any applicable requirement of R.S. 40:5.5.4; non-compliant UV lamps or termination control switch on tanning equipment; the inadequate handling and disposal of potentially infectious biomedical wastes; or failure to obtain food safety certification in accordance with §305 of Part XXIII. Class A civil fines shall be $100 per day per violation.

3.a.ii. - 5.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1694 (October 2001), repromulgated LR 28:1210 (June 2002), amended LR 28:2529 (December 2002), LR 41:148 (January 2015), LR 49:

Part XXIII. Retail Food Establishments

Chapter 1. Definitions

§101. Definitions [formerly paragraph 23:001]

A. Terms not defined or referenced herein shall have the meanings as defined in LAC 51:I. In any instance where a term defined herein is also defined in one or more Parts of LAC 51:I, the definition contained in this Part shall govern this Part.

* * *

Critical Item—a provision of this code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation, such as, but not limited to a potentially hazardous food stored at improper temperature, poor personal hygienic practices, not sanitizing equipment and utensils, no water, contaminated water sources~~,~~ sewage backup or improper sewage disposal, severe insect or rodent infestation, failure to comply with any applicable requirement of R.S. 40:5.5.4, and chemical contamination.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1405 (June 2002), amended LR 28:2531 (December 2002), LR 49:

Chapter 43. Inspections and Enforcement

§4311. Enforcement, Critical Violations [formerly paragraph 22:43-2]

A. Critical items, (as defined in this Part) noted at the time of inspection shall be corrected immediately or by a time set by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:336 (February 2002), amended LR 28:1430 (June 2002), LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Monday, September 11, 2023 at COB, 4:30 p.m., and