

Title 7
AGRICULTURE AND ANIMALS
Part XXXV. Agro-Consumer Services
Chapter 1. Weights and Measures

§101. Specifications, Tolerances and Regulation for Commercial Weighing and Measuring Devices

A. The commissioner of Agriculture and Forestry, under authority conferred by the Louisiana Revised Statutes of 1950, Title 3, Section 4608, and for the enforcement of requirements applicable to the equipment therein referred to, hereby adopts by reference all rules, regulations, standards, specifications and tolerances as contained in the National Institute of Standards and Technology Handbook H-44, and amendments thereto, entitled *Specifications, Tolerances, and Regulations for Commercial Weighing and Measuring Devices*, and as contained in the National Conference on Weights and Measures Publication 19 entitled *Examination Procedure for Price Verification*, but only insofar as the Louisiana Revised Statutes of 1950, as amended, may provide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4606 and R.S. 3:4608 (formerly R.S. 55:4 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended and promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1530 (December 1993), amended LR 23:857 (July 1997), amended by the Weights and Measures Commission, LR 24:1495 (August 1998).

§103. Definitions

A. Wherever in these regulations the masculine is used, it includes the feminine and vice versa; wherever the singular is used, it includes the plural and vice versa.

Accurate - a device that when its performance or value (that is, its indications, its deliveries, its recorded representations or its capacity or actual value, etc., as determined by test made with suitable standards) conforms to the standard within the applicable tolerances and other performance requirements. Equipment that fails to conform is inaccurate.

Commercial -

a. in proving the size, quantity, extent, area or measurement of things for distribution or consumption, purchased or offered, or submitted for sale, hire or award;

b. in computing any charge for services rendered on the basis of weight or measure; or

c. in determining weight or measure when a charge is made for the determination.

Commission - the Commission of Weights and Measures established in R.S. 3:4603.

Compound Weighing Device - a weighing device that in its operation utilizes either more than one load receiving element and/or more than one primary indicating element.

Correct - conformance to all applicable requirements for weighing and measuring devices. Any other device is incorrect.

Hand-Held Scanning Device - a portable device that scans UPC codes that allows for the comparison of the price displayed on a shelf, item, or otherwise advertised, to the price for the item in the point-of-sale database.

Indicating Element - an element incorporated in a weighing or measuring device by means or which its performance relative to quantity or money value is read from the device itself (i.e. an index-and-graduated-scale combinations, a weighbeam-and-pose combination, a digital indicator, etc.).

Load-Receiving Element - that component of a scale that is designed to receive the load to be weighed (i.e. platforms, decks, rails, hoppers, platters, plates, scoops, etc.).

Point-of-Sale - an assembly of elements including a weighing element, indicating element, and receiving element (which may be equipped with a scanner) used to complete a direct sale transaction.

Price Look-Up Code or *PLU* - a pricing system where numbers are assigned to items or commodities and the price is stored in a database for recall when the numbers are manually entered. PLU codes are used with scales, cash registers, and point-of-sale items.

Primary Indicating Element - those principal indicating elements (visual) and recording elements that are designed to, or may, be used by the operator in the normal commercial use of a device. The term "primary" is applied to any element or elements that may be the determining factor in arriving at the sale representation when the device is used commercially. (Examples of primary elements are the visual indicators for meters or scales not equipped with ticket printers or other recording elements for meters or scales so equipped.) The term "primary" is not applied to such auxiliary elements (i.e. the totalizing register of predetermined-stop mechanism on a meter or the means for producing a running record of successive weighing operations) as these elements being supplementary to those that are the determining factors in sales representations of individual deliveries or weights.

Scanner or *Scanning Device* - an electronic system that employs a laser bar code reader to retrieve product identity, price and other information stored in computer memory.

Universal Product Code or *UPC* - a unique symbol that consists of a machine-readable code and human-readable numbers.

Weights, Measures, or Weighing and Measuring Devices - all weights, scales, scanners, taxi meters, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments. However, it does not include or refer to devices used to meter or measure, other than by weight, water, natural or manufactured gas, electricity, or motor fuel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:157

(March 1987), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1531 (December 1993), amended LR 23:857 (July 1997).

§105. Commodities

A. Method of Sales, Quantity Statements

1. The offer to sell and/or the sale of all commodities shall be on the basis of net weight, net measure, or numerical count, in accordance with the following provisions; however, such provisions shall not apply to fresh vegetables which by common custom are offered for sale, and/or sold by the bunch.

2. The quantity of solids shall be stated in terms of weights and the quantity of liquids in terms of measure, except that in the case of a commodity in respect to where there exists a definite trade custom otherwise, the statement may be in terms of weight or measure in accordance with such custom.

3. The quantity of viscous or semi-solid commodities, or of mixtures of solids and liquids may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is stated in terms of weight or measure.

4. Where it is practical to state the quantity of a commodity in terms of numerical count, the employment of such statement is contingent upon the commodity being in definite units.

5. Statement of weight shall be in terms of the avoirdupois pound and ounce.

6. Statement of liquid measure shall be in the terms of the United States gallon of 231 cubic inches, and quart, pint, and fluid ounce subdivisions thereof.

7. Statement of dry measure shall be in terms of the United States standard bushel of 2150.42 cubic inches, and peck, dry quart, and dry pint subdivisions thereof.

8. Statement of linear measure shall be in terms of the standard yard, foot and inch subdivisions thereof.

9. Statements may be in terms of the metric system, anything in these regulations notwithstanding, where the commodity is customarily bought and sold by metric weight or measure.

B. General Requirements

1. When any term common to more than one system of weights or measures is employed in the quantity statement, said statement shall include the proper qualification of the term, as, for example; either *avoirdupois ounces* or *fluid ounces*; *liquid pints* or *dry pints*; *liquid quarts* or *dry quarts*.

2. In connection with the weight, measure, or numerical count, no qualifying word, phrase or clause shall be used; a statement such as *not less than*, *average*, *when packed*, or a statement that the contents are *between* certain limits, is not permissible.

3. All commodities in package form shall be in full compliance with the law; otherwise, there shall be applied thereto an appropriate violation notice or tag. Such

notice or tag shall not be obliterated or removed from the package until the commodity in question shall be in compliance with the law, and approved by the commission.

C. Labeling; Container Construction; Drainage

1. All commodities in package form shall bear a printed or stenciled label containing:

a. the true name of the commodity in the package; and

b. the name and place of business of the manufacturer, packer, distributor, or seller. Such label must be legible and in the English language and must not be covered or obscured in any way.

2. No container wherein commodities are packed shall have a false bottom, false side walls, false lid or covering, or otherwise so constructed or filled, wholly or partially as to facilitate the perpetration of deception or fraud.

3. A load receiving element intended for the purpose of weighing wet commodities shall be constructed as to drain effectively.

D. Package Markings; Exemptions. The following shall be exempt from the provisions of the law, requiring the net quantity marking of commodities in package form:

1. all packages of food and/or dry commodities weighing one avoirdupois ounce or less.

2. all packages of food weighing one fluid ounce or less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4612, R.S. 3:4613, R.S. 3:4614, R.S. 3:4602, R.S. 3:4616 and R.S. 3:4608 (formerly R.S. 55:10, R.S. 55:11, R.S.55:12, R.S. 55:14 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1531 (December 1993).

§107. Crawfish; Live; Boiled; Peeled

A. *Crawfish* - freshwater crustaceans of the genera *Cambarus* or *Astacus* common to Louisiana.

1. Live or Boiled Crawfish

a. *Live Crawfish* - any crawfish which are live at the time of purchase.

b. *Boiled Crawfish* - any crawfish, still in the shell, which have been processed by boiling or steaming.

c. Live or boiled crawfish may be sold in bags or sacks.

d. The net weight of crawfish in bags or sacks must be clearly labeled in indelible ink or otherwise waterproof lettering and in accordance with all other provisions of the Louisiana Weights and Measures Law and of these regulations.

e. The labels described in §107.A.4 must remain on all bags or sacks of live or boiled crawfish once they leave the possession of farmer or fisherman.

- f. The net weight of boiled crawfish shall be the net weight after boiling.
- g. Boiled crawfish when sold for immediate consumption on the premises are exempt from this section.

B. *Peeled Crawfish* - any crawfish which have been processed to remove the shells.

1. Peeled crawfish sold washed or cleaned.

a. Peeled crawfish which have been washed or cleaned of naturally adhering fat shall be labeled "cleaned" or "washed."

b. The net weight of the washed crawfish shall be the drained weight.

2. Peeled crawfish sold with naturally adhering fat.

a. Peeled crawfish may be packaged washed.

b. Naturally adhering fat content of packages of peeled crawfish shall not exceed 10 percent of the net weight of the crawfish in the package.

c. Testing for compliance with the fat content provisions shall be done in accordance with procedures outlined by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).

§109. Oysters - Method of Sale

A. Oysters Unshucked. The standards used for unshucked oysters is a barrel containing three bushels, a sack containing one and one-half bushels or a one and one-half bushel wire hamper containing 3225.63 cubic inches.

B. Oysters Shucked. Oysters shucked shall only be sold by liquid measure, containing not more than 15 percent of fluids, by numerical count or by net drained weight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4631, R.S. 3:4613 and R.S. 3:4608 (formerly R.S. 55:72, R.S. 55:11 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended April 1972, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).

§111. Poultry; Live; Dressed; - Method of Sale

A. The offer to sell and/or the sale of all poultry (except when for immediate consumption on the premises and except when sold by count as provided for in R.S. 3:4615) shall be only on the basis of either *live weight* or *dressed and drawn weight*.

B. *Live Weight* - the net weight of poultry which is alive at time of sale, and as such, shall be classified as *live poultry*.

C. *Dressed and Drawn Weight* - the net weight of poultry after being killed, defeathered and eviscerated, and as such, shall be classified as *dressed and drawn poultry*, with only the edible parts thereof being included in the established weight.

D. *Poultry* - includes chickens, turkeys, ducks, geese, pigeons, guineas, and any other kind of domesticated bird commercially processed and sold for human consumption.

E. Live poultry shall be weighed within 30 minutes of delivery to a poultry processing facility.

F. All poultry, when placed in a container, or in any covering or wrapper, shall have its net weight plainly and conspicuously marked or labeled on the outside of the container, covering or wrapper.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4615, R.S. 3:4613 and R.S. 3:4608 (formerly R.S. 55:13, R.S. 55:11 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).

§113. Scales for use with Purchases of Aluminum Cans

A. Purchases of 20 pounds or less of aluminum cans shall be weighed on scale having at least 500 divisions with a maximum weighing capacity of 60 pounds and an accuracy equivalent to Class III as defined in N.I.S.T. Handbook 44.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1532 (December 1993).

§115. Scales Prohibited from Use

A. The following scales shall not be used, sold or employed for commercial purposes in the weighing of any salable commodity:

1. an *overload* type of spring scale or balance, commonly known as *household* scales;

2. a scale identified as *illegal for use in trade*;

3. a scale whose physical condition facilitates the perpetration of deception and/or fraud.

B. Any type of apparatus, when found in any store, stand, business establishment, or on any vehicle from which commodities are sold or offered for sale, and in violation of the law and/or any regulation, shall be subject to immediate condemnation and confiscation.

C. It is prohibited to remove labels or other information placed on or packaged with scales sold in this state which indicate that such scales are not suitable or not intended for commercial use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4609 and R.S. 3:4608 (formerly R.S. 55:7 and R.S. 55:6).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1533 (December 1993).

§117. Bar Code Scanning Devices and Labels

A. The price of a commodity or item offered for retail sale which is labeled with a computerized bar code label shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. The price displayed on the shelf, commodity or item required by Subsection A of this Section shall be precisely equal to the price actually charged by the seller.

C. In calculating violations of this Section, multiple items contained in the same lot shall constitute one violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1533 (December 1993), amended LR 23:857 (July 1997).

§119. Cotton Beam Scales

A. *Cotton Beam* - a steelyard especially adopted for the weighing of bales of cotton.

B. *Normal Position* - the normal balance position of the weighbeam of a beam scale shall be horizontal. A weighbeam shall not be accelerating or in neutral equilibrium under normal operating conditions but a cotton beam shall be permitted to be slightly accelerating under load.

C. *On Cotton Beams* - the value of the minimum graduation on a cotton beam shall not exceed one pound.

D. *Sealing Cotton Beam Poise* - the plug or screw used in closing the adjusting cavity in a cotton beam poise shall be securely sealed with a lead seal bearing an identification mark of the manufacturer, repairman, or other person affixing the seal, which identification mark shall be approved by and registered with the Director of Weights and Measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4602 and R.S. 3:4614 (formerly R.S. 55:14).

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, April 1953. Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1533 (December 1993).

§121. Farm Bulk Milk Tank Regulations

A. The Division of Weights and Measures shall test the accuracy of any and all bulk milk tanks when it deems it appropriate or necessary. All installations of milk tanks shall be installed within the specifications of the Division of Weights and Measures which are outlined below:

1. All bulk milk tanks shall be installed in a rigid and level position on a reinforced concrete floor or reinforced concrete pier extending upwards from, or through concrete floor. Each foot, or leg, shall be fastened securely to floor or piers by means of a bolt or bolts and grouted around and over foot or leg with concrete to prevent tank from any movements.

2. The floor shall be not less than six inches thick of reinforced concrete. If piers are used, they shall be imbedded in ground not less than 36 inches, or three feet. The dimensions shall not be less than 16 by 16 inches wide. The same pier dimensions apply if the pier is mounted to concrete floor in a secure position to floor that complies with above floor specifications.

3. This applies to all new floor construction after July 1, 1964 and to all new installations of tanks after January 1, 1965.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:882 and R.S. 40:883.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Commission of Weights and Measures, July 1964, amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1533 (December 1993).

§123. Weighmaster

A. A weighmaster license shall be required of each individual in charge of weighing commodities being bought from or sold to the public and each such individual weighing for the public when a charge is made for such weighing or when a certificate of weights is issued. Each corporation, partnership, association, proprietorship or other business entity which engages in activities which require a licensed weighmaster shall employ at least one weighmaster per shift at each place of business. Individuals weighing at retail consumer outlets and individuals weighing prepackaged commodities shall be exempt from this provision.

B. The director of the Division of Weights and Measures may issue a weighmaster license after the applicant has passed the required test of his knowledge of weighing equipment.

C. This weighmaster license would be good for one calendar year, beginning January 1 through the month of December, or any part of the calendar year, but would have to be renewed at least 15 days before the beginning of each calendar year.

D. The director of the Division of Weights and Measures shall have the authority to revoke or cancel any weighmaster license if it is found that the weighmaster is improperly using any type of weighing device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 19:1533 (December 1993).

§125. Metrology Laboratory Fee Structure

A. Fees for the tolerance testing of weights shall be as follows.

	Class F	Class P
1. Weights up to and including 10 pounds or 5 kilograms	\$ 2.00	\$ 4.00
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	5.00	10.00
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	25.00	50.00
4. Weights over 1000 pounds or 500 kilograms	50.00	75.00

B. Fees for mass calibration with Report of Calibration stating corrections and uncertainties shall be as follows.

1. Weights up to and including 3 kilograms or 5 pounds	\$25.00
2. Weights over 3 kilograms or 5 pounds and including 30 kilograms or 50 pounds	50.00

C. All tape certification, volumetric testing and calibration or special tests not listed in the fee schedule shall be performed at a rate of \$30 per hour.

D. Incurred costs for return shipment shall be assessed when applicable.

E. The registration fee for each location utilizing scanning devices shall be as follows.

Category	Number of Point-of-Sale Devices	Fee
A	1 to 10	\$ 50
B	11 to 25	\$100
C	Over 25	\$150

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997).

§127. Registration

A. Each commercial weighing and measuring device in use in Louisiana shall be registered annually with the division insofar as is specified in this regulation.

B. Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place and shall be registered as a commercial device.

C. Scales shall be registered according to the following criteria:

1. make;
2. model;
3. serial number;
4. capacity; and
5. intended use.

D. Scanning devices shall be registered according to the following criteria:

1. make;
2. model;
3. serial number; and
4. number of point-of-sale devices.

E. A late fee of \$25 will be assessed for each device, the maximum penalty of \$100 per outlet, when the application is submitted after December 31.

F. A late fee of \$25 will be assessed for each new device not registered within 30 days from the date it is put into service.

G. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following.

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consists of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

H. Applicants for registration may request application forms, verbally or in writing, from the Division of Weights and Measures of the Department of Agriculture and Forestry.

I. Each application for annual registration shall be accompanied by payment of required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed before January 1. The initial annual registration and fees due for scanning devices for calendar year 1997 shall be payable on or before April 30, 1997. Registration renewals and fees due for scanning devices for calendar years after 1997 shall be due and payable as set forth in this Section.

J. Any registration obtained without complying with all of the requirements of these regulations may be voided by the division.

K. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Division of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

L. In accordance with R.S. 3:4611, no one shall use a weight, measure or weighing or measuring device which has not been sealed by the division, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the division to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

M. Application for registration or renewal of registration shall fulfill the requirement of notification in Subsection L of this Section.

N. Applications for annual renewal of registration shall be mailed by the Division of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned before January 1.

O. The record of all registrations shall be maintained by the Division of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

P. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

[NOTE: This regulation shall expire 12 years from the date of adoption. The fee shall only be used to pay for the direct and indirect costs of the weights and measures program and are anticipated to generate \$456,304 annually in

revenues. The kinds and anticipated amounts of costs, which will be offset by this, include, but are not limited to: Personal Services□\$331,489; Operating Expenses□\$110,632. The Department of Agriculture and Forestry shall suspend collection upon finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987) amended LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), LR 23:857 (July 1997).

§129. Standards

A. For the purposes of registration of weighing and measuring devices, the criteria shall be compliance with the applicable requirements of NIST Handbook 44 "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." This publication is published annually by the United States Department of Commerce, National Institute of Standards and Technology.

B. For any device being registered for the first time, it shall be determined that the above criteria has been met and that the device:

1. has been tested and approved in Louisiana prior to January 1, 1987, with no modifications to the device since such test and approval;
2. has been tested by the National Institute of Standards and shown to comply with Handbook 44 criteria by the issuance of a Report of Test (Prior to 1985) or a Certificate of Conformance (1985, Forward); or
3. has been tested by the Division of Weights and Measures of the Department of Agriculture and Forestry or another state which uses Handbook 44 as its criteria and has been issued a certificate stating such test and compliance with said criteria.

C. For the purpose of registration of a weighing and measuring device, the stated intended use shall be a use that the manufacturer intended or a use that is proven suitable for that device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1535 (December 1993), amended by the Weights and Measures Commission, LR 24:1495 (August 1998).

§131. Penalties

A. The commission, or his duly authorized representative, shall mark any device that is incorrect and warn its owner or user that the device is incorrect and should not be used

until it is made correct. If a device that has been so marked as incorrect continues to be used commercially, the commission may seize the device in order to protect the public. The commission shall give a notice of intent to seize the incorrect device five calendar days before the actual seizure. However, a device which is not used at fixed location may be seized immediately upon a determination that said device is incorrect.

B. Upon a showing by the owner or user that adequate steps have been taken to correct the seized device, the commission shall release the seized device.

C. The commission shall give the owner or user of the seized device a hearing within 60 calendar days of a request for such a hearing. If the owner or user of the seized device fails to request a hearing on the seizure within 30 days of seizure, the right to a hearing shall be deemed waived.

D. If the owner or user waives his right to request a hearing and takes no action to retrieve the device within 60 days of seizure, the device shall be deemed abandoned property. The device may then be disposed of by the state with an obligation to the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), repromulgated, LR 19:1535 (December 1993).

§133. Powers of the Director

A. When necessary for the enforcement of the Louisiana Weights and Measures Law or any rule adopted pursuant thereto, the director or an employee at his direction may:

1. stop any commercial vehicle from which commodities are kept for sale, sold or in the process of delivery on the basis of weight measure or count and, after presentment of his credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in his or her possession concerning the contents, and require him to proceed with the vehicle to a specified place for inspection; and

2. access all books, papers and other information necessary for the enforcement of the Louisiana Weights and Measures Law. If after inspection the director finds or has reason to believe that the requirements set forth in the Louisiana Weights and Measures Law are not being met, he shall have access to all books, papers, records, bills of lading, invoices and other pertinent data relating to the use, sale or representation of any commodity including weighing and measuring devices within this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and R.S. 3:4607.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1535 (December 1993).

§135. Meat Labeling

A. As used in this Section the following terms are defined as:

American- shall mean any meat that is produced in the United States or which is processed in the United States at a federal or state approved processing or repacking plant for distribution at wholesale.

Blend- shall mean any combination of American and foreign meat.

Imported- shall mean any meat produced in a foreign country that has not been processed at a federal or state approved processing plant for distribution at wholesale.

B. Unless otherwise provided in this Section, all processed or unprocessed meat sold in Louisiana, whether fresh or frozen, shall indicate the meat's country of origin.

1. The country of origin or designations "American", "imported" or "blend of imported and American meats" shall be indicated in clear and conspicuous letters in English.

2. All meat shall be labeled with one of the following designations, "American", "imported" or "blend of imported and American meats" or shall contain the name of the country of origin preceded by the "product of".

Example: Meat produced in the United States would be labeled "American" or "Product of U.S.A."

3. Meat displayed for sale or sold unwrapped shall contain the proper designation as to the country of origin on the meat, or on the immediate container or wrapping, or on a sign included with the display.

4. If an establishment sells only American meat, then a placard indicating that only American meat is sold will be sufficient to meet the requirements of these regulations.

C. The provisions of this Section shall not apply to prepared meat that is sold at retail for consumption on the premises and fully cooked meat as defined by the United States Department of Agriculture Food Safety Inspection Service rules and regulations.

D. The Commissioner of Agriculture and Forestry, the Weights and Measures Commission and the Department of Agriculture and Forestry shall have the power and authority granted under the Weights and Measures Law to enforce the provisions of this Section.

E. The penalty for any violation of this Section shall be as provided in R.S. 51:614.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4607 and R.S. 51:614.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 27:1672 (October 2001).

Chapter 3. Petroleum Products

Subchapter A. Standards

§301. Definitions

A. As used in this Subchapter, the terms defined in this Section have the meanings herein given to them, except where the context expressly indicates otherwise.

ASTM or ASTM International—the national voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.

Antiknock Index or AKI—the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON): $AKI = (RON+MON)/2$. In addition to anti-knock index, this value is called by a variety of names including: octane rating, posted octane, and (R+M)/2 octane.

Automotive Fuel Rating—the automotive fuel rating required under federal law.¹ The automotive fuel rating for gasoline is the antiknock index. The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel and the disclosure of the amount, expressed as a minimum percentage, by volume of the principal component of the fuel.

Automotive Gasoline or Automotive Gasoline-Oxygenate Blend—a type of fuel suitable for use in automotive spark-ignition internal combustion engines and also commonly used in marine and non-automotive applications.

Aviation Gasoline—a type of gasoline suitable for use as a fuel in an aviation spark-ignition internal combustion engine.

Aviation Turbine Fuel—a refined middle distillate suitable for use as a fuel in an aviation gas turbine internal combustion engine.

Base Gasoline—all components other than ethanol in a blend of gasoline and ethanol.

Biodiesel—a fuel comprised of mono-alkyl esters of long chain fatty acids derived from renewable resources including but not limited to vegetable oils, waste grease, or animal fat, and meeting the requirements of the American Society for Testing and Materials (ASTM) D-6751 or a diesel fuel substitute produced from non-petroleum renewable resources (inclusive of vegetable oils and animal fats) that meet the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency and any blending components derived from renewable fuel.

Biodiesel Blend—a blend of diesel fuel and biodiesel suitable for use as a fuel in compression ignition engines.

Cetane Index—an approximation of the cetane number of distillate diesel fuel, which does not contain a cetane improver additive, calculated from the density and distillation measurements.

Cetane Number—a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test.

Diesel Fuel—a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.

Distillate—any product obtained by condensing the vapors given off by boiling petroleum or its products.

EPA—the United States Environmental Protection Agency.

E85 Fuel Ethanol—a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 75 to 85 volume percent denatured fuel ethanol.

Engine Fuel—any liquid or gaseous matter used for the generation of power in an internal combustion engine.

Engine Fuels Designed for Special Use—engine fuels designated by the commissioner as requiring registration. These fuels normally do not have ASTM or other national consensus standards applying to their quality or usability; common special fuels are racing fuels and those intended for agricultural and other off-road applications.

Ethanol or Denatured Fuel Ethanol—nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine.

Fuel Oil—refined oil middle distillates, heavy distillates, residues of refining, or blends of these suitable for use as a fuel for heating or power generation, the classification of which shall be defined by ASTM D 396.

Gasoline—a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in a spark-ignition internal combustion engine.

Gasoline-Alcohol Blend—a fuel consisting primarily of gasoline and a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more alcohols.

Gasoline-Oxygenate Blend—a fuel consisting primarily of gasoline along with a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more oxygenates.

Kerosene or Kerosine—a refined middle distillate suitable for use as a fuel for heating or illuminating, the classification of which shall be defined by ASTM D 3699.

Lead Substitute—an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel.

Lead Substitute Engine Fuel—for labeling purposes, a gasoline or gasoline-oxygenate blend that contains a "lead substitute."

Leaded—for labeling purposes, any gasoline or gasoline-oxygenate blend that contains more than 0.013 g of lead per liter (0.05 g lead per U.S. gal).²

Low Sulfur—low sulfur diesel fuel that meets ASTM D 975 standards, e.g., Grade Low Sulfur No. 1-D or Grade Low Sulfur No. 2-D.

Low Temperature Operability—a condition that allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures. Fuels with adequate low temperature operability characteristics have the ability to avoid wax precipitation and clogging in fuel filters.

Lubricity—a qualitative term describing the ability of a fluid to affect friction between surfaces and wear to surfaces in relative motion under load.

M100 Fuel Methanol—nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition internal combustion engine.

M85 Fuel Methanol—a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent.

Motor Octane Number or MON—a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2700 Motor Method engine test.

Oxygen Content of Gasoline—the percentage of oxygen by mass contained in a gasoline.

Oxygenate—an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which can be used as a fuel or fuel supplement.

Reformulated Gasoline—a volatile mixture of liquid hydrocarbons and oxygenates meeting the reformulated gasoline requirements of the Clean Air Act Amendments of 1990 and suitable for use as a fuel in a spark-ignition internal combustion engine.

Research Octane Number or RON—a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2699 Research Method engine test.

SAE—the Society of Automotive Engineers, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles.

Substantially Similar—the EPA's "Substantially Similar" rule, Section 211(f) of the Clean Air Act [42 U.S.C. 7545(f)].

Thermal Stability—the ability of a fuel to resist the thermal stress that is experienced by the fuel when exposed to high temperatures in a fuel delivery system.

Total Alcohol—the aggregate total in volume percent of all alcohol contained in any fuel defined in this Subchapter.

Total Oxygenate—the aggregate total in volume percent of all oxygenates contained in any fuel defined in this Subchapter.

Unleaded (when used in conjunction with *engine fuel* or *gasoline*)—any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013 gram of lead per liter (0.05 g lead per U.S. gal) and not more than 0.0013 gram of phosphorus per liter (0.005 g phosphorus per U.S. gal).

Wholesale Purchaser Consumer—any person who is an ultimate consumer of gasoline, fuel methanol, fuel ethanol, diesel fuel, biodiesel, fuel oil, kerosene, aviation turbine fuel, or aviation gasoline and who purchases or obtains the product from a supplier and receives delivery of that product into a storage tank.

¹16 CFR Part 306, adopted pursuant to 15 U.S.C. 2801, et seq.

²NOTE: EPA defines leaded fuel as one which contains more than 0.0013 g of phosphorus per liter (0.005 g per U.S. gal), or any fuel to which lead or phosphorus is intentionally added.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:28 (January 2005), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2548 (December 2008).

§303. Standard Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends

A. Gasoline and gasoline-oxygenate blends sold, offered for sale, or distributed in Louisiana shall meet the following requirements.

1. The latest revision of ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," as approved and published by ASTM International, except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency.¹ Gasoline blended with ethanol shall be blended under any of the following three options:

a. the base gasoline used in such blends shall meet the requirements of the latest revision of ASTM D 4814; or

b. the blend shall meet the requirements of the latest revision of ASTM D 4814; or

c. the base gasoline used in such blends shall meet all the requirements of the latest revision of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM specification.

2. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 pounds per square inch (psi).

3. The Antiknock Index (AKI) shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

4. The minimum motor octane number shall not be less than 82 for gasoline with an AKI of 87 or greater.

5. Gasoline and gasoline-oxygenate blends sold as "leaded" shall contain a minimum of 0.013 gram of lead per liter (0.05 g per U.S. gal).

6. Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026 gram of lead per liter (0.10 g per U.S. gal).

a. Upon the request of the commissioner, the lead substitute additive manufacturer shall provide documentation to the commissioner that demonstrates that the treatment level recommended by the additive manufacturer provides protection against exhaust valve seat recession equivalent to or better than 0.026 gram per liter (0.1 g per U.S. gal) lead. The commissioner may review the documentation and approve the lead substitute

additive before such additive is blended into gasoline. This documentation shall consist of:

i. test results as published in the Federal Register by the EPA Administrator as required in Section 211(f)(2) of the Clean Air Act; or

ii. until such time as the EPA Administrator develops and publishes a test procedure to determine the additive's effectiveness in reducing valve seat wear, test results and description of the test procedures used in comparing the effectiveness of 0.026 gram per liter lead and the recommended treatment level of the lead substitute additive shall be provided.

7. Blending. Leaded, lead substitute, and unleaded gasoline-oxygenate blends shall be blended according to the EPA "substantially similar" rule or an EPA waiver for unleaded fuel.

8. Gasoline or gasoline-oxygenate blends sold or delivered to consumers in Louisiana shall meet all the foregoing specifications and, in addition, shall have on all retail pumps a posted Antiknock Index. The Antiknock Index of the gasoline or gasoline-oxygenate blend shall not be less than the Antiknock Index posted on the pump.

¹For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. Copies of referenced ASTM standards may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pa 19428-2959, Tel: (610) 832-9500, Fax: (610) 832-9555 or may be inspected at the Division of Weights and Measures, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:29 (January 2005), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§305. Standard Fuel Specifications for Diesel Fuel

A. Diesel fuel sold, offered for sale, or distributed in Louisiana shall meet the following requirements.

1. The latest revision of ASTM D 975, "Standard Specification for Diesel Fuel Oils," as approved and published by ASTM International except that the requirements of the lubricity standard incorporated in ASTM D 975 shall not be mandatory until January 1, 2006.¹

2. All diesel fuels identified on retail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier must conform to at least two of the requirements in Subparagraphs a-e.

a. Cetane Number. A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613.

b. Low Temperature Operability. A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard

Test Method D 4539 (Low Temperature Flow Test or LTFT). Low temperature operability is only applicable October 1-March 31 of each year.

c. Thermal Stability. A minimum reflectance measurement of 80 percent as determined by ASTM Standard Test Method D 6468 (180 minutes, 150°C).

d. Energy Content. A minimum energy content of 38.65 MJ/L, gross (138,700 BTU/gallon, gross) as measured by ASTM Standard Test Method D 240.

e. Fuel Injector Cleanliness. A Coordinating Research Council (CRC) rating of 10.0 or less and a flow loss of 6.0 percent or less as determined by the Cummins L-10 Injector Depositing Test.

¹For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website. Copies of referenced ASTM standards may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, Tel: (610) 832-9500, Fax: (610) 832-9555 or may be inspected at the Division of Weights and Measures, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§307. Standard Fuel Specifications for Aviation Turbine Fuels

A. Aviation Turbine Fuels sold, offered for sale, or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 1655, "Standard Specification for Aviation Turbine Fuels," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§309. Standard Fuel Specifications for Aviation Gasoline

A. Aviation Gasoline sold, offered for sale, or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 910, "Standard Specification for Aviation Gasoline," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§311. Standard Fuel Specifications for Fuel Oils

A. Fuel Oils sold, offered for sale or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 396, "Standard Specification for Fuel Oils," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§313. Standard Fuel Specifications for Kerosene

A. Kerosene (Kerosine) sold, offered for sale, or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 3699, "Standard Specification for Kerosine," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§315. Standard Specifications for Ethanol

A. Ethanol intended for blending with gasoline sold, offered for sale, or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:30 (January 2005).

§317. Standard Fuel Specifications for Fuel Ethanol

A. E85 Fuel Ethanol sold, offered for sale, or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 5798, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines" as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:31 (January 2005).

§319. Standard Fuel Specifications for Fuel Methanol

A. M85 Fuel Methanol sold, offered for sale or distributed in Louisiana shall meet the specifications of the latest revision of ASTM D 5797, "Standard Specification for Fuel Methanol M70-M85 for Automotive Spark Ignition Engines," as approved and published by ASTM International.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:31 (January 2005).

§321. Classification and Method of Sale of Petroleum Products

A. When gasoline, gasoline-oxygenate blends, reformulated gasoline, M85 and M100 fuel methanol, E85 and E100 fuel ethanol, biodiesel, diesel fuel, kerosene, aviation gasoline, aviation turbine fuels, or fuel oils are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This documentation must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. This documentation must be retained at the retail establishment for a period not less than one year. The sale of any product under any grade name that indicates to the purchaser that it is of a certain Antiknock Index or ASTM grade shall not be permitted unless the Antiknock Index or ASTM grade indicated in the grade name is consistent with the value and meets the requirements of this Subchapter.

B. All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable Antiknock Index (AKI). The device shall automatically show on its face the initial zero condition and the quantity delivered (up to the nominal capacity). However, the first 0.03 L (or 0.009 gal.) of a delivery and its associated total sales price need not be indicated. In the event of a power loss, the information needed to complete any transaction in progress at the time of the power loss (such as the quantity and unit price, or sales price) shall be determinable for at least 15 minutes at the dispenser or at the console if the console is accessible to the customer. The device memory shall retain information on the quantity of fuel dispensed and the sales price totals during power loss. The primary indicating elements, and primary recording elements if the device is equipped to record, shall be readily returnable to a definite zero indication. However, a key-lock operated or other self-operated device may be equipped with cumulative indicating or recording elements, provided that it is also equipped with a zero-return indicating element. It shall not be possible to return primary indicating elements or primary recording elements beyond the correct zero position.

C. A computing or money-operated device shall be able to display on each face the unit price at which the device is set to compute or to dispense. Whenever a grade, brand, blend, or mixture is offered for sale from a device at more than one unit price, then all of the unit prices at which that product is offered for sale shall be displayed or shall be capable of being displayed on the dispenser using controls available to the customer prior to the delivery of the product. It is not necessary that all of the unit prices for all grades, brands, blends, or mixtures be simultaneously displayed prior to the delivery of the product. This Subsection shall not apply to fleet sales, other contract sales, or truck refueling sales (e.g., sales from dispensers used to refuel trucks).

D. A device shall be able to display conspicuously on each side the identity of the product being dispensed. A device designed to dispense more than one grade, brand, blend, or mixture of product also shall be able to display on each side the identity of the grade, brand, blend, or mixture being dispensed.

E. A computing device shall compute the total sales price at any single-purchase unit price (i.e., excluding fleet sales, other price contract sales, and truck stop dispensers used only to refuel trucks) for which the product being measured is offered for sale at any delivery possible within either the measurement range of the device or the range of the computing elements, whichever is less. The analog sales price indicated for any delivered quantity shall not differ from a mathematically computed price (quantity x unit price = total sales price) by an amount greater than the value in Paragraph E.1. The values of the graduated intervals representing money values on a computing type device shall be no greater than those in Paragraph E.1. Money-Value Divisions and Maximum Allowable Variations for Money-Value Computations on Mechanical Analog Computers. A computing type device with digital indications shall comply with the requirements of Paragraph E.1 and the total price computation shall be based on quantities not exceeding 0.05 L for devices indicating in metric units and 0.01 gal. intervals for devices indicating in inch-pound units. If a system is equipped with auxiliary indications, all indicated money value divisions of the auxiliary element shall be identical with those of the primary element.

1. Money-Value Divisions and Maximum Allowable Variations for Money-Value Computations on Mechanical Analog Computers

Unit Price		Money Value Division	Maximum Allowable Variation	
From	To and including		Design Test	Field Test
0	\$0.25/liter or \$1.00/gallon	\$0.01	± \$0.01	± \$0.01
\$0.25/liter or \$1.00/gallon	\$0.75/liter or \$3.00/gallon	\$0.01 or 0.02	± \$0.01	± \$0.02
\$0.75/liter or \$3.00/gallon	\$2.50/liter or \$10.00/gallon	\$0.01 or 0.02	± \$0.01	± \$0.02

\$0.75/lite r or \$3.00/gal lon	\$ 2.50/liter or \$10.00/ga llon	\$0.05	± \$0.02 1/2	± \$0.0 5
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F. When a product or grade is offered for sale at more than one unit price through a computing device, the selection of the unit price shall be made prior to delivery using controls on the device or other customer-activated controls except for dispensers used exclusively for fleet sales, other price contract sales, and truck refueling, e.g., truck stop dispensers used only to refuel trucks. A system shall not permit a change to the unit price during delivery of product. When a delivery is completed, the total price and quantity for that transaction shall be displayed on the face of the dispenser for at least five minutes or until the next transaction is initiated by using controls on the device or other customer-activated controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4672, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:31 (January 2005).

§323. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends

A. All dispensing devices for automotive gasoline and automotive gasoline-oxygenate blends shall post the Antiknock Index in accordance with applicable federal regulations (16 CFR Part 306, adopted 44 FR 19169, as amended 58 FR 41372-4, 59 FR 48798, 61 FR 54549, and 61 FR 55840).

B. The term *leaded* shall only be used when the fuel meets specification requirements of §303.A.5.

C. Each dispensing device from which gasoline or gasoline-oxygenate blends containing a lead substitute is dispensed shall display the following legend: "Contains Lead Substitute." The lettering of this legend shall not be less than 12 mm (1/2 in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

D. Each dispensing device from which gasoline or gasoline-oxygenate blends that contain lead in amounts sufficient to be considered "leaded" gasoline or lead substitute engine fuel are sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

E. It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum Antiknock Index requirement shown in Paragraph E.1: Minimum Antiknock Index Requirements.

1. Minimum Antiknock Index Requirements

Term	Minimum Antiknock Index
Premium, Super, Supreme, High	91
Midgrade, Plus	89
Regular Leaded	88
Regular, Unleaded	87

F. The retailer shall be provided at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or, alternatively, use the phrase "contains MTBE or other ethers." In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:32 (January 2005).

§325. Diesel Fuel

A. Diesel fuel sold, offered for sale, or distributed in Louisiana shall be identified by grades No. 1-D, No. 1-D (low sulfur), No. 2-D, No. 2-D (low sulfur), No. 2-D (ultra-low sulfur) or No. 4-D.

B. Each retail dispenser of diesel fuel shall be labeled according to the grade being dispensed. These labels shall be located on the upper 50 percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 12 mm (1/2 in) in height and 1.5 mm (1/16 in) stroke (width of type).

C. Before or at the time of delivery of premium diesel fuel, the retailer or the wholesale purchaser-consumer shall be provided on an invoice, bill of lading, shipping paper, or other documentation a declaration of all performance properties that qualifies the fuel as premium diesel fuel as required in §305.A.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:32 (January 2005), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§327. Biodiesel

A. A biodiesel blend containing more than 5 percent of a biodiesel by volume shall be identified by the term "biodiesel blend." A blend containing 5 percent or less of a biodiesel by volume shall not be required to be identified by the term "biodiesel blend."

B. Each dispenser of biodiesel blends containing more than 5 percent but no more than 20 percent of a biodiesel shall be labeled with either the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "biodiesel blend," (i.e., B10 biodiesel blend; B20 biodiesel blend), or the phrase "biodiesel blend between 5 percent and 20 percent" or similar words.

1. Each label shall be located on the upper 50 percent of the dispenser's front panel in a position clear and conspicuous from the driver's position.

2. The size, color and lettering shall conform to the requirements of 16CFR306.12.

C. The distributor of a biodiesel blended fuel that contains more than 5 percent of a biodiesel by volume shall, at the time of delivery, provide the retailer with a written statement, whether on an invoice, bill of lading, or shipping paper, or other document, of the volume by percent of biodiesel in the fuel. The retailer shall keep this information as part of his records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§329. Aviation Turbine Fuels

A. Aviation turbine fuels sold, offered for sale, or distributed in Louisiana shall be identified by Jet A, Jet A-1, or Jet B.

B. Each dispenser or airport fuel truck dispensing aviation turbine fuels shall be labeled in accordance with the "Standard for Aircraft Fuel Servicing," NFPA Standard 407.¹

C. Each aircraft fuel-servicing vehicle shall have a sign on each side and the rear to indicate the product. The sign shall have letters at least 3 inches (75 mm) high of color sharply contrasting with its background for visibility. It shall show the word "FLAMMABLE" and the name of the product carried, such as "JET A," "JET B," "GASOLINE," or "AVGAS."

¹National Fire Protection Association. A copy of the standard may be obtained from the NFPA web page www.nfpa.org or from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Ma. 02169-7471, Telephone (617) 770-3000, Fax (617) 770-0700.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:32 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§331. Aviation Gasoline

A. Aviation gasoline sold, offered for sale, or distributed in Louisiana shall be identified by Grade 80, Grade 100, or Grade 100LL.

B. Each dispenser or airport fuel truck dispensing aviation gasoline shall be labeled in accordance with the "Standard for Aircraft Fuel Servicing," NFPA Standard 407.¹

C. Each aircraft fuel-servicing vehicle shall have a sign on each side and the rear to indicate the product. The sign shall have letters at least 3 inches (75 mm) high of color sharply contrasting with its background for visibility. It shall show the word "FLAMMABLE" and the name of the product carried, such as "JET A," "JET B," "GASOLINE," or "AVGAS."

¹National Fire Protection Association. A copy of the standard may be obtained from the NFPA web page www.nfpa.org or from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Ma. 02169-7471, Telephone (617) 770-3000, Fax (617) 770-0700.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§333. Fuel Oils

A. Fuel Oil sold, offered for sale, or distributed in Louisiana shall be identified by the grades of No. 1, No. 2, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2549 (December 2008).

§335. Kerosene (Kerosine)

A. Kerosene sold, offered for sale, or distributed in Louisiana shall be identified by the grades
No. 1-K or No. 2-K.

B. Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K Kerosene. In addition, No. 2-K dispensers shall display the following legend: "Warning—Not Suitable For Use In Unvented Heaters Requiring No. 1-K." The lettering of this legend shall not be less than 12 mm (1/2 in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673 and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33

(January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§337. Gasoline-Alcohol Blends

A. A dispenser of motor fuel containing greater than 1 percent but no more than 10 percent ethanol by volume shall have a label on both sides of the dispenser stating "contains ethanol" or "contains up to 10 percent ethanol," or "may contain up to 10 percent ethanol," or similar wording approved by the commissioner.

1. These labels shall be located on the upper 50 percent of the dispenser's front panel in a position clear and conspicuous from the driver's position, in a type at least 12 millimeter (1/2 in) in height, 1.5 millimeter (1/16 in) stroke (width of type).

2. The color of the lettering shall be in definite contrast to the background color to which it is applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§339. Fuel Ethanol

A. Fuel ethanol sold, offered for sale, or distributed in Louisiana shall be identified by the capital letter E followed by the numerical value volume percentage of ethanol.

B. Each retail dispenser of fuel ethanol shall be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol", e.g., "E85 Ethanol."

C. Fuel ethanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§341. Fuel Methanol

A. Fuel methanol sold, offered for sale, or distributed in Louisiana shall be identified by the capital letter M followed by the numerical value volume percentage of methanol.

B. Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value volume percent and ending with the word "methanol", e.g., "M85 Methanol."

C. Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§343. Retail Storage Tanks

A. No water phase greater than 6 mm (1/4 in), as determined by an appropriate detection paste, is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol blend, aviation gasoline, and aviation turbine fuel.

B. Water shall not exceed 50 mm (2 in) in depth when measured with water indicating paste in any tank utilized in the storage of biodiesel, diesel, gasoline, gasoline-ether blends, and kerosene sold at retail except as required in Subsection A.

C. The fill connection for any petroleum product storage tank or vessel supplying engine-fuel devices shall be permanently, plainly, and visibly marked as to the product contained.

D. When the fill connection device is marked by means of a color code, the color code shall be conspicuously displayed at the place of business.

E. Each retail location shall maintain on file a calibration chart or other means of determining the volume of each regulated product in each storage tank and the total capacity of such storage tank(s). This information shall be supplied immediately to the commissioner or his designee on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§345. Sampling

A. The commissioner or his designee may obtain samples of any and all petroleum products provided for in this Subchapter that are sold, offered for sale, distributed, or used in this state. The samples may be taken from any commercial weighing or measuring device used in the sale or distribution of petroleum products, from any tank or other container used in the transporting of such products, or from any tank or other container containing petroleum products intended for distribution or use in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:33 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§347. Nonconforming Product

A. When the analysis of a sample of a petroleum product performed in conformity with the provisions of this Subchapter discloses that the product from which the sample was taken does not conform to the specifications fixed by this Subchapter, it is the duty of the

commissioner to immediately serve notice on the manufacturer, distributor or seller that the product must not be sold in the state. If the petroleum product is in the process of transportation and has not yet been delivered to the consignee or retailer, the commissioner or his designee may immediately notify the consignor of the result of the test and instruct said consignor to withdraw the product from sale in this state. Failure on the part of the consignor to obey these orders shall constitute a violation of this Subchapter.

B. If the petroleum product is not in the process of transportation, but is exposed or offered for sale or distribution, the commissioner or his designee may, by written order, stop the sale or distribution of this product. The retailer or distributor upon whom a stop-sale order is served is prohibited from exposing for sale, selling, or distributing this product until formally released by order of the commissioner. The stop-sale order given by the commissioner must apply only to that product and may not be extended to cover other petroleum products sold or distributed by a retail dealer or distributor which are found to conform to specifications fixed under the provisions of this Subchapter.

C. When the commissioner or his designee issues a written order to stop the offering for sale, sale, or distribution of a particular product which is maintained at a terminal or bulk plant facility, the terminal or bulk storage plant shall immediately notify all customers that received those product(s) and make any arrangements necessary to replace or adjust to specifications those product(s). The terminal or bulk storage plant shall also immediately notify the commissioner of those customers, their business locations, and the quantity of product delivered to each location. A release from a stop-sale order will be issued only after the commissioner or his designee has agreed upon final disposition of the product. Confirmation of disposition of products shall be made available in writing to the commissioner. Specific variations or exemptions may be made for fuels used for blending purposes or designed for special equipment or services and for which it can be demonstrated that the distribution will be restricted to those uses.

D. The commissioner or his designee may placard or seal any pump, dispenser, tank or container which contains a nonconforming product or which would dispense a petroleum product that does not conform to the appropriate specification in this Subchapter. No person shall deface, remove, or obscure any placard or seal posted or placed by the commissioner or his designee or act in any manner so as to interfere with or obstruct the commissioner or his designee in the discharge of his duties under this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:34 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2550 (December 2008).

§349. Product Registration

A. All engine fuels designed for special use that do not meet ASTM specifications or standards set out in this Subchapter shall be registered with the commissioner, on forms prescribed by the commissioner, 30 days prior to when the registrant wishes to engage in sales. The registration form shall include all of the following information.

1. Identity—business name, address(es), and telephone number(s).

2. Address—mailing address if different than business address.
 3. Business Type—type of ownership of the distributor or retail dealer, such as an individual, partnership, association, trust, corporation, or any other legal entity or combination thereof.
 4. Signature—an authorized signature, title, and date for each registration.
 5. Product Description—product brand name and product description.
 6. Product Specification—a product specification sheet shall be attached.
- B. Registration is subject to annual renewal.
- C. Renewal of a registration is required 30 days prior to any changes in the information required by Subsection A.
- D. The commissioner may decline to register any product that actually or by implication would deceive or tend to deceive a purchaser as to the identity or the quality of the engine fuel.
- E. Transferability—the registration is not transferable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:34 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2551 (December 2008).

§351. Test Methods and Reproducibility Limits

A. ASTM Standard Test Methods referenced for use within the applicable Standard Specification shall be used to determine the specification values for enforcement purposes.

B. Reproducibility Limits

1. When determining the Antiknock Index acceptance or rejection of a gasoline sample, the AKI reproducibility limits as outlined in ASTM D 4814 Appendix X1 shall be utilized for enforcement purposes.

2. The reproducibility limits of the ASTM standard test method used for each test performed shall be utilized for enforcement purposes, except as indicated in Paragraph 1 above.

3. Dispute Resolution. In the event of a dispute over a reported test value, the guidelines presented in the specifications of ASTM D 3244, "Standard Practice for Utilization of Test Data to Determine Conformance with Specifications," shall be used to determine the acceptance or rejection of the sample.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4673, and 3:4680.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:34 (January 2005), repromulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 34:2551 (December 2008).

Chapter 5. Consumer Products—Testing and Labeling

Subchapter A. Chloramphenicol

§501. Definitions

A. As used in this Chapter the following terms shall have the meaning given to them except where the context expressly indicates otherwise.

Chloramphenicol Region—a geographic area where Chloramphenicol has been declared by the commissioner to be used on or administered to crabs, crawfish, or shrimp, or found in seafood, honey, or a product made from seafood or honey.

Geographic Area—a country, province, state, or territory or definable geographic region.

Honey—any raw or processed honey or any product that contains honey.

Seafood—any crab, crawfish or shrimp, whether whole, portioned, processed or shelled, or any item or product containing crab, crawfish or shrimp meat.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3 and 3:4608.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:34 (January 2007).

§503. Selling, Testing, Declarations, Records, Penalties

A. No seafood or honey may be held, offered or exposed for sale, or sold in Louisiana if the seafood or honey is contaminated with Chloramphenicol.

B. The department may inspect, take samples for testing, and test for Chloramphenicol in any seafood or honey of whatever origin, being held, offered or exposed for sale, or sold in Louisiana.

C. No seafood or honey harvested from or produced, processed, or packaged in a Chloramphenicol region may be held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection F.

D. The commissioner may make or rescind declarations related to Chloramphenicol in accordance with this Subsection.

1. The commissioner may declare a geographic area to be a Chloramphenicol region, based upon information that would lead a reasonable person to believe that Chloramphenicol is being used on, administered to, or found in seafood or honey in that geographic area.

2. Any declaration made pursuant to this Subsection and any rescission of any prior declaration shall be by rule promulgated in accordance with the provisions of the Administrative Procedure Act.

E. Declarations

1. The commissioner declares the following geographic areas to be Chloramphenicol regions for the following named seafood or honey because he has information that would lead a reasonable person to believe that Chloramphenicol is being used on, administered to, or found in seafood or honey in or from these geographic area(s):

- a. crab:
 - i. China;
 - ii. Vietnam;
 - iii. Thailand;
 - iv. Mexico;
 - v. Malaysia;
- b. crawfish and shrimp:
 - i. China;
- c. honey:
 - i. China;
 - ii. Thailand.

F. Seafood or honey that comes from a Chloramphenicol region must meet the following requirements for sampling, identification, sample preparation, testing, and analysis before being held, offered or exposed for sale, or sold in Louisiana.

1. Sampling of Seafood

- a. The numbers of samples that shall be taken are as follows:
 - i. two samples are to be taken of any seafood that is in lots of 50 pounds or less;
 - ii. four samples are to be taken of any seafood that is in lots of 51 to 100 pounds;
 - iii. twelve samples are to be taken of any seafood that is in lots of 10 pounds up to 50 tons;
 - iv. twelve samples for each 50 tons are to be taken of any seafood that is in lots of over 50 tons.
- b. Samples of unpackaged seafood must be approximately 1 pound, (454 grams), of seafood per sample from randomly selected areas.
- c. For packaged seafood, each sample shall be at least 6 ounces, (170.1 grams), in size and shall be taken at random throughout each lot of seafood.

2. Sampling of Honey

- a. The numbers of samples that shall be taken are as follows.
 - i. Two samples are to be taken of any honey that is in lots of 50 pounds or less.
 - ii. Four samples are to be taken of honey that is in lots of 51 to 100 pounds.
 - iii. Twelve samples are to be taken of honey that is in lots of 101 pounds up to 50 tons.
- b. For honey in bulk wholesale containers, each sample shall be at least 1 pound or 12 fluid ounces and must be pulled at random throughout each lot.
- c. For packaged honey, each sample shall be at least 8 ounces in size and shall be taken at random throughout each lot.

3. If the seafood or honey to be sampled consists of packages grouped together, but labeled under two or more trade or brand names, then the seafood or honey packaged under each trade or brand name shall be sampled separately. If the seafood or honey to be sampled are not packaged, but are segregated in such a way as to constitute separate groupings, then each separate grouping shall be sampled separately.

4. A composite of the samples shall not be made. Each sample shall maintain a separate identity so that each sample may be tested individually. Each sample shall be clearly identifiable as belonging to a specific group. All seafood samples shall be kept frozen and delivered to the lab unless it adversely affects the sample quality or the ability to accurately test the sample.

5. Sample Identification

- a. Each sample shall be identified as follows:
 - i. any package label;
 - ii. any lot or batch numbers;
 - iii. the country, province, state and city of origin;
 - iv. the name and address of the importing company;
 - v. unique sample number identifying the group or batch sample and sub sample extension number for each sub sample.

6. Sample Preparation

a. Honey

i. For small packages of honey up to and including 8 ounces, use the entire sample. If honey sample includes more than one container, they shall be blended together. Divide the sample in half. Use half of the sample for the original analysis portion and retain the other half of the sample as a reserve.

b. Seafood

i. For small packages of seafood up to and including 1 pound, use the entire sample. Shell the seafood, exercising care to exclude all shells from sample. Grind sample with food processor type blender while semi-frozen or with dry ice. Divide the sample in half. Use half of the sample for the original analysis portion and retain the other half of the sample in a freezer as a reserve.

7. Sample Analysis

a. Immunoassay test kits may be used if the manufacturer's published detection limit is 1 part per billion, (1 ppb) or less. Acceptable test kits are the riopharm Ridascreen Chloramphenicol enzyme immunoassay kit and the Charm II Chloramphenicol kit. The commissioner may authorize other immunoassay kits with appropriate detection limits of 1 ppb or below to be used. Each sample must be run using the manufacturer's test method. The manufacturer's specified calibration curve must be run with each set. All results 1 ppb or above must be assumed to be Chloramphenicol unless further testing by approved GC/LC method indicates the result to be an artifact.

b. HPLC-MS, GC-ECD, GC-MS methods currently approved by FDA, the United States Department of Agriculture or the Canadian Food Inspection Agency with detection limits of 1 ppb or below may also be used.

c. Other methods for sampling, identification, sample preparation, testing and analysis may be used if expressly approved in writing by the commissioner.

8. Any qualified laboratory may perform the testing and analysis of the samples unless the laboratory is located in a Chloramphenicol region. The commissioner shall resolve any questions about whether a laboratory is qualified to perform the testing and analysis.

9. The laboratory that tests and analyzes a sample or samples for Chloramphenicol shall certify the test results in writing.

10. A copy of the certified test results along with the written documentation necessary to show the methodology used for the sampling, identification, sample preparation, testing and analysis of each sample shall be sent to and actually received by the department prior to the seafood or honey being held for sale, offered or exposed for sale, or sold in Louisiana.

a. The test results and accompanying documentation must contain a test reference number.

b. The certified test results and the accompanying documentation must be in English and contain the name and address of the laboratory and the name and address of a person who may be contacted at the laboratory regarding the testing of the seafood or honey.

11. Upon actual receipt by the department of a copy of the certified test results and written documentation required to accompany the certified test results then the seafood or honey may be held, offered or exposed for sale, or sold in Louisiana, unless a written stop-sale, hold or removal order is issued by the commissioner.

12. A copy of the test results, including the test reference number, shall either accompany every shipment and be attached to the documentation submitted with every shipment of such seafood or honey sent to each location in Louisiana or shall be immediately accessible to the department, upon request, from any such location.

G. Any person who attempts to ship into Louisiana or to hold, offer or expose for sale, or sell in Louisiana any seafood or honey required to be sampled and tested under this Section shall be responsible for having such seafood or honey sampled and tested in accordance with Subsection F. Any such person must, at all times, be in full and complete compliance with all the provisions of this Chapter.

H. The commissioner may reject the test results for any seafood or honey if the commissioner determines that the methodology used in sampling, identifying, sample preparation, testing or analyzing any sample is scientifically deficient so as to render the certified test results unreliable, or if such methodology was not utilized in accordance with, or does not otherwise meet the requirements of this Section.

I. If any test results are rejected by the commissioner then all persons attempting to ship into Louisiana or holding, offering or exposing for sale, or selling in Louisiana any seafood or honey that were subject to the testing will be notified immediately of such rejection and shall be issued a stop-sale, hold or removal order as to the seafood or honey. Thereafter, it will be the duty of all such persons to abide by such order until the commissioner lifts the order in writing. Any such person may have the seafood or honey retested, at his expense, in accordance with this Section. If the certified results of the retesting show that the seafood or honey is free of Chloramphenicol then an application may be made to the commissioner to lift the order.

J. A stop-sale, hold or removal order, including a prohibition on disposal, may be placed on any seafood or honey that does not meet the requirements of this Section. Any such order shall remain in place until lifted in writing by the commissioner.

K. The department may take physical possession and control of any seafood or honey that violates the requirements of this Section if the commissioner finds that the seafood or honey presents an imminent peril to the public health, safety and welfare and that issuance of a stop-sale, hold or removal order will not adequately protect the public health, safety and welfare.

L. All records and information regarding the distribution, purchase and sale of seafood or honey shall be maintained for two years and shall be open to inspection by the department.

M. Penalties for any violation of this Section shall be the same as and assessed in accordance with R.S. 3:4624.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:35 (January 2007).

§505. Labeling by Country of Origin

A. All seafood or honey specifically listed in §503.E.1 of this Chapter, which is being shipped into Louisiana or held, offered or exposed for sale, or sold in Louisiana, and which come from a foreign country, shall indicate the country of origin, except as otherwise provided in this Section.

B. Every package or container that contains foreign seafood or honey specifically listed in §503.E.1 of this Chapter shall be marked or labeled in a conspicuous place as legibly, indelibly, and permanently as the nature of the package or container will permit so as to indicate to the ultimate retail purchaser of the seafood or honey the English name of the country of origin.

1. Legibility must be such that the ultimate retail purchaser in the United States is able to find the marking or label easily and read it without strain.

2. Indelibility must be such that the wording will not fade, wash off or otherwise be obliterated by moisture, cold or other adverse factors that such seafood or honey are normally subjected to in storage and transportation.

3. Permanency must be such that, in any reasonably foreseeable circumstance, the marking or label shall remain on the container until it reaches the ultimate retail purchaser unless it is deliberately removed. The marking or label must be capable of surviving normal distribution and storing.

C. When foreign seafood or honey specifically listed in §503.E.1 of this Chapter are combined with domestic seafood or honey, the marking or label on the container or package or the sign included with any display shall clearly show the country of origin of the foreign seafood or honey.

D. In any case in which the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any state, city or location in the United States, appear on any container or package containing foreign seafood or honey specifically listed in §503.E.1 of this Chapter, or any sign advertising such foreign seafood or honey for sale, and those words, letters or names may mislead or deceive the ultimate retail purchaser as to the actual country of origin, then the name of the country

of origin preceded by "made in," "product of," or other words of similar meaning shall appear on the marking, label or sign.

1. The wording indicating that the seafood or honey is from a country other than the United States shall be placed in close proximity to the words, letters or name that indicates the seafood or honey is a product of the United States in a legible, indelible and permanent manner.

2. No provision of this Section is intended to or is to be construed as authorizing the use of the words "United States," "American," or the letters "U.S.A.," or any variation of such words or letters, or the name of any state, city or location in the United States, if such use is deceptive, misleading or prohibited by other federal or state law.

E. Foreign seafood or honey specifically listed in §503.E.1 of this Chapter shall not have to be marked or labeled with the country of origin if such seafood or honey is included as components in a product manufactured in the United States and the seafood or honey is substantially transformed in the manufacturing of the final product. In no event shall thawing, freezing, packing, packaging, re-packing, re-packaging, adding water, portioning, shelling, processing, peeling, partially cooking or combining with domestic seafood or honey shall be considered to be a substantial transformation.

F. The commissioner shall have all the powers granted to him by law, or in accordance with any cooperative endeavor with any other public agency, to enforce this Section, including the issuance of stop-sale, hold or removal orders and the seizing of seafood or honey mislabeled or misbranded as to the country of origin.

G. Penalties for any violation of this Section shall be the same as and assessed in accordance with R.S. 3:4624.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:36 (January 2007).

Subchapter B. Fluoroquinolones

§511. Fluoroquinolones in Seafood Prohibited; Testing and Sale of

A. Definitions

Food Producing Animals—both animals that are produced or used for food and animals that produce material used as food.

Geographic Area—a country, province, state, or territory or definable geographic region.

Seafood—any edible freshwater or saltwater fish or shellfish, whether whole, portioned, processed and any product containing seafood.

B. No seafood may be held, offered or exposed for sale, or sold in Louisiana if such seafood contains Fluoroquinolones.

C. No seafood that is harvested from or produced, processed or packed in a geographic area, that the commissioner declares to be a location where Fluoroquinolones is being used on or found in food producing animals or in products from such animals, may be held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection E. No seafood from any such geographic area may be used, as an ingredient in any food held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection E.

D. The commissioner may declare a geographic area to be a location where Fluoroquinolones is being used on or found in food producing animals or in products from such animals, based upon information that would lead a reasonable person to believe that Fluoroquinolones is being used on or found in food producing animals, or in products from such animals, in that geographic area.

1. Any such declaration shall be subject to promulgation in accordance with the provisions of the Administrative Procedure Act.

2. The commissioner may release any such geographic area from a previous declaration that Fluoroquinolones is being used on food producing animals in that location. Any such release shall be subject to promulgation in accordance with the Administrative Procedure Act.

E. Seafood that comes from a geographic area declared by the commissioner to be a location where Fluoroquinolones is being used on, or is found in food producing animals or in products from such animals, must meet the following requirements for sampling, identification, sample preparation, testing and analysis before being held, offered or exposed for sale, or sold in Louisiana.

1. Each sample shall consist of a case per lot of seafood.

2. Each sample shall be identified as follows:

a. any package label;

b. any lot or batch numbers;

c. the country, province and city of origin;

d. the name and address of the importing company;

e. unique sample number identifying the group or batch sample and subsample extension number for each subsample.

3. Sample Preparation

a. The laboratory shall randomly select 12 filets of fish from the case, remove any skin, and cut each filet in half. Use half of the sample for the original analysis portion and retain the other half of the sample in a freezer as a reserve. Thoroughly blend the halves of the filets to be tested.

b. For all other seafood take samples from 12 randomly selected areas of each case in an amount to equal approximately one pound. Remove any skin or shell and thoroughly blend the meat. After the sample is blended, split the sample in half, setting aside one-half for testing and reserving the other half in a freezer.

4. Sample Analysis

a. Remove for testing, approximately two grams from the portion of the sample being tested.

b. The sample is initially tested using liquid chromatography with florescent detection. Samples that test positive are to be retested for confirmation of the initial test result using liquid chromatography with electrospray mass spectroscopy.

c. The initial test shall conform to the test method authored by Roybal et al., in the Journal of AOAC International, Volume 85, Number 6, 2002, page 1293, or current FDA methods. The confirmation testing shall conform to FDA LIB 4108 or current FDA methods.

d. Other methods for sampling, identification, sample preparation, testing and analysis may be used if expressly approved in writing by the commissioner.

5. Any qualified laboratory may perform the testing and analysis of the samples unless the laboratory is located in any geographic area that the commissioner has declared to be a location where Fluoroquinolones is being used on or found in food producing animals, or in products from such animals. The commissioner shall resolve any questions about whether a laboratory is qualified to perform the testing and analysis.

6. The laboratory that tests and analyzes a sample or samples for Fluoroquinolones shall certify the test results in writing.

7. A copy of the certified test results along with the written documentation necessary to show the methodology used for the sampling, identification, sample preparation, testing and analysis of each sample shall be sent to and actually received by the department prior to the seafood being held for sale, offered or exposed for sale, or sold in Louisiana.

a. The test results and accompanying documentation must contain a test reference number.

b. The certified test results and the accompanying documentation must be in English and contain the name and address of the laboratory and the name and address of a person who may be contacted at the laboratory regarding the testing of the seafood.

8. Upon actual receipt by the department of a copy of the certified test results and written documentation required to accompany the certified test results then the seafood may be held, offered or exposed for sale, or sold in Louisiana, unless a written stop-sale, hold or removal order is issued by the commissioner.

9. A copy of the test results, including the test reference number, shall either accompany every shipment and be attached to the documentation submitted with every shipment of such seafood sent to each location in Louisiana or shall be immediately accessible to the department, upon request, from any such location.

F. Any person who is seeking to bring seafood that is required to be sampled and tested under this Section, into Louisiana, or who holds, offers or exposes for sale, or sells such seafood in Louisiana shall be responsible for having such seafood sampled and tested in accordance with Subsection E. Any such person must, at all times, be in full and complete compliance with all the provisions of this Section.

G. The commissioner may reject the test results for any seafood if the commissioner determines that the methodology used in sampling, identifying, sample preparation, testing or analyzing any sample is scientifically deficient so as to render the certified test results unreliable, or if such methodology was not utilized in accordance with, or does not otherwise meet the requirements of this Section.

H. In the event that any certified test results are rejected by the commissioner then any person shipping or holding the seafood will be notified immediately of such rejection and issued a stop-sale, hold or removal order by the commissioner. Thereafter, it will be the duty of any such person to abide by such order until the commissioner lifts the order in writing. Any such person may have the seafood retested in accordance with this Section and apply for a lifting of the commissioner's order upon a showing that the provisions of this Section have been complied with and that the seafood are certified as being free of Fluoroquinolones.

I. The department may inspect, and take samples for testing, any seafood, of whatever origin, being held, offered or exposed for sale, or sold in Louisiana.

J. A stop-sale, hold or removal order, including a prohibition on disposal, may be placed on any seafood that does not meet the requirements of this Section. Any such order shall remain in place until lifted in writing by the commissioner.

K. The department may take physical possession and control of any seafood that violate the requirements of this Section if the commissioner finds that the seafood presents an imminent peril to the public health, safety and welfare and that issuance of a stop-sale, hold or removal order will not adequately protect the public health, safety and welfare.

L. The commissioner declares that he has information that would lead a reasonable person to believe that Fluoroquinolones is being used on or found in food producing animals or in products from such animals, in the following geographic area(s).

1. The geographic area or areas are:
 - a. the country of Vietnam;
 - b. the country of China.

2. All seafood harvested from or produced, processed or packed in any of the above listed geographic areas is hereby declared to be subject to all the provisions of this Section, including sampling and testing provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:38 (January 2007), amended LR 33:2348 (November 2007).

M. All records and information regarding the distribution, purchase and sale of seafood or any food containing seafood from the listed geographic areas shall be maintained for two years and shall be open to inspection by the department.

N. Penalties for any violation of this Section shall be the same as and assessed in accordance with R. S. 3:4624.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:38 (January 2007), amended LR 33:2348 (November 2007).