

10 New Louisiana Laws of 2022 that May Pique Your Interest

11.14.2022

The Louisiana legislature passes new laws every summer. Every year, the Louisiana legislature staff writes a summary of each new bill, including those later enacted as Acts, and posts them on the website of the Louisiana legislature. Since 2006, Stone Pigman has gathered these summaries of the Acts, edited them slightly, and then assembled them in a logical order, primarily to alert our attorneys of the passage of new laws relevant to their practices.

This year we also prepared a quick list, with very brief descriptions, of the 10 Louisiana laws passed in 2022 that we expect to most significantly impact our legal practice. We believe these new laws are likely to interest many of our clients and friends as well, so we present the list below as a courtesy.

(To see the full sets of summaries for each year in downloadable PDF format, [click here](#).)

1. The Identity Rights Law (Act 425)

This new law provides that every individual has a property right in connection with the use of the individual's identity for commercial purposes. These new identity rights are licensable, heritable, and transferable to the executors, heirs, or legatees of the individual, but terminate 50 years after death or after three years of nonuse after death. The remedies for violations of identity rights include recovery of attorneys' fees, but are very limited against the media.

2. The LLC Single-Member Death Law (Act 156)

This new law provides that upon the death of the member of a single-member limited liability company, the interest of the deceased member is fully heritable, and the succession representative may exercise all of the decedent's rights, including financial and management rights. The new law also provides that if all members of an LLC die, the succession representative of any deceased member may petition the court for dissolution, windup, and liquidation of the LLC.

3. The Louisiana Electric Utility Energy Transition Securitization Act (Act 255)

This new law enables electric utilities, if authorized by the Public Service Commission (PSC), to use securitization financing for certain energy transition costs. Under the new law, an electric utility may petition the PSC for a financing order to create energy transition property and issue energy transition bonds. The new law also provides for the sale or other transfer of energy transition property and provides how security interests in such property are created, perfected, and ranked.

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4. The Betting on Horse-Racing Law (Act 530)

This new law contains detailed provisions regarding off-track wagering facilities located in sports book lounges, their plans of operations, related agreements, and taxation. Among other things, the new law authorizes the Louisiana State Racing Commission to make regulations for pari-mutuel wagering in a sports book lounge of a casino licensed by the Louisiana Gaming Control Board to conduct sports wagering. The new law provides that a licensed racing association may be licensed as an off-track wagering facility to conduct such pari-mutuel wagering, provided the casino is located in one of the 20 parishes that has approved pari-mutuel wagering. The new law also provides for the State Racing Commission to set minimum standards and investments required of each association for racetrack facilities maintenance and improvements.

5. The Consumable Hemp Products Law (Acts 498)

This new law no longer prohibits consumable hemp products from containing artificial cannabinoids. The new law prohibits retailers, however, from adding consumable hemp products to food or beverages sold at retail to customers. The new law requires any adult-use consumable hemp product to be identified as such on the label and prohibits licensed retailers from selling such products to persons under 21. The new law requires the Louisiana Department of Health to develop a process to register any consumable hemp product that is grown and processed in Louisiana as a "La. Hemp Product". The new law also requires more detailed information in consumable hemp product registration applications and certificates of analysis.

6. The Medical Marijuana Law (Acts 491)

This new law revises Louisiana's regulatory system for medical marijuana, changing the primary regulator from the Louisiana Department of Agriculture and Forestry to the Louisiana Department of Health, regulating production contractors and testing laboratories, and replacing the 10-license limit on marijuana pharmacy licenses with an award process emphasizing minority, woman, and veteran ownership.

7. The Insurance Hearings Law (Act 185)

This new law deletes numerous provisions in the insurance code that required notice and an opportunity for a hearing before the taking of a particular governmental action (such as revocation of a registration, or issuance of a cease-and-desist order). The new law instead merely permits an aggrieved party to demand a hearing after the governmental action.

8. The Oil and Gas Exploration and Production Law (Act 5)

This new law requires that various items of information must be provided among drilling owners, nonparticipating owners, lessor royalty owners and overriding royalty owners. The new law also regulates elections to participate; the calculation of recoverable costs, risk charges and royalty payments; and the remedies for failures to provide the required information or make the required payments.

9. The Judicial Recusal Law (Act 38)

In civil cases, a new law allows a judge of a court of appeal, or a parish or city court judge, to deny a motion to recuse if it fails to set forth a ground for recusal. The new law also provides that a district, parish or city court judge who is presented with a motion to recuse must either recuse or request an ad hoc judge to hear the motion within seven days. A new comment states that the fact that a judicial complaint has been filed against a judge by one of the parties does not alone constitute a ground for recusal.

10. The Emergencies and Disasters Prescription and Preemption Law (Act 469)

This new law provides that if the governor declares a state of emergency or disaster, and issues an order that suspends or extends the liberative prescriptive and preemption periods (i.e., time periods within which to file suit), the order shall have the effect of suspending only those liberative prescriptive or preemptive periods that would have otherwise accrued during the time specified in the order or the

duration of the order's effectiveness. The new law also provides (among other things) that when the suspension period terminates, liberative prescription or preemption begins to run again upon the earlier of 30 days after termination of suspension or in accordance with time as calculated in existing law.

Just for fun: The Catfish Noodling Law (Act 214)

This new Louisiana law now legalizes, for the first time, catfish "noodling." Yes, you are now free to go out and "noodle" catfish as often as you want, even in public, without fear of prosecution. For those of you unfamiliar with this practice, catfish "noodling" means catching catfish by hand.