ENROLLED

2022 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVE MCKNIGHT

AN ACT

To amend and reenact R.S. 40:1047(A)(introductory paragraph) and (2), (B), and (C), and
to repeal R.S. 40:1047(A)(3) through (6), (D), and (E), relative to suitability
requirements for persons associated with production of therapeutic marijuana; to
provide for definitions; to prohibit government agencies from conducting suitability
investigations as a requirement for licensure to produce therapeutic marijuana; to
require employees of contractors to submit to criminal background checks; to permit
contractors to conduct background checks as a condition of employment; to provide
for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 40:1047(A)(introductory paragraph) and (2) and (B) and (C) are
hereby amended and reenacted to read as follows:

§1047.  Louisiana Department of Agriculture and Forestry Permits relating to
production of therapeutic marijuana; contractors of licensed producers;
permit application requirements; authorization for Department of Agriculture
and Forestry to obtain criminal history record information

A.  As used in this Section, the following terms shall have the following
meaning ascribed in this Subsection:

* * *

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and
Information of the office of state police within the Department of Public Safety and
Corrections.  "Contractor" means any person, partnership, joint venture, limited
liability company, corporation, association, joint stock association, sole
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proprietorship, trust, other business entity, or juridical person whether incorporated
or not selected by either the Louisiana State University Agricultural Center or the
Southern University Agricultural Center through a competitive bid process to
cultivate, extract, process, produce, and transport therapeutic marijuana.

B. (1) In addition to any other requirements established by department rules, the department shall require an applicant, as a condition of eligibility for licensure:
No applicant for a specialty license or permit for the production of recommended
marijuana for therapeutic use issued pursuant to R.S. 40:1046(H) or a contractor
shall be required to undergo a suitability investigation conducted by any government
agency as a prerequisite to obtaining a license or permit.

(1) To submit a full set of fingerprints, in a form and manner prescribed by the department:

(2) To permit the department to request and obtain state and national criminal history record information on the applicant. A contractor shall submit to a
criminal history background check conducted by a government agency or private
entity subject to any applicable terms and conditions of the contract between the
university licensee and contractor. The requirement to undergo a criminal history
background check shall be limited to employees of a contractor for the production
of recommended marijuana for therapeutic use. The government agency designated
to regulate licensees for the production of recommended marijuana for therapeutic
use pursuant to R.S. 40:1046 shall issue a provisional permit to the contractor and
shall be converted to an unconditional permit upon successful completion of the
criminal history background check.

(3) To pay the reasonable costs to be incurred by the department in requesting and obtaining state and national criminal history record information on
the applicant:

C. In accordance with the provisions and procedure prescribed by this Section, the department shall request and obtain state and national criminal history
record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the department has obtained pursuant to this Section for

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
the purpose of determining the applicant's suitability and eligibility for licensure.

Unless otherwise provided by law, nothing in this Section shall be construed to limit
or prohibit a contractor from considering the results of a background check of a
prospective employee in making the final determination of whether to employ the
person.

Section 2. R.S. 40:1047(A)(3) through (6), (D), and (E) are hereby repealed in their
entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.