

2025 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVE SCHLEGEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/MISDEMEANOR: Provides relative to the sale of consumable hemp products

1 AN ACT

2 To amend and reenact R.S. 40:961.1 and 966(A)(3) and to enact R.S. 14:93.16 and 93.17
3 and R.S. 40:966(A)(4) and (B)(4), relative to unlawful sales of consumable hemp;
4 to provide for possession of consumable hemp by minors; to prohibit the
5 manufacturing and possession of consumable hemp under certain circumstances; to
6 provide for penalties; to provide exceptions for industrial hemp; to provide for
7 exceptions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:93.16 and 93.17 are hereby enacted to read as follows:

10 §93.16. Unlawful sales of consumable hemp products to persons under twenty-one

11 A. It is unlawful for any person to sell, distribute, dispense, or otherwise
12 deliver any consumable hemp product, as defined in R.S. 3:1481, to any person
13 under twenty-one years of age unless such person is the lawful owner or lawful
14 employee of an establishment to which the sale is being made and is accepting such
15 delivery pursuant to such ownership or employment. Lack of knowledge of the
16 person's age shall not be a defense.

17 B. Whoever violates the provisions of this Section shall be fined not less
18 than five hundred dollars nor more than one thousand dollars, or imprisoned for not
19 less than thirty days nor more than six months, or both.

§93.17. Purchase and possession of consumable hemp products by a minor;
penalties

A. It is unlawful for any person under twenty-one years of age to purchase
or have possession of any consumable hemp product.

B.(1) Whoever violates the provisions of this Section shall be fined not more
than one hundred dollars.

(2) Any person apprehended while violating the provisions of this Section
shall be issued a citation by the apprehending law enforcement officer, which shall
be paid in the same manner as provided for the offenders of local traffic violations.
A citation issued by a law enforcement officer for such violation shall not be
included on the person's criminal history record.

Section 2. R.S. 40:961.1 and 966(A)(3) are hereby amended and reenacted and R.S.
40:966(A)(4) and (B)(4) are hereby enacted to read as follows:

§961.1. Industrial hemp exemption

A. Notwithstanding the definitions provided for in R.S. 40:961(6) and (27),
the provisions of the Uniform Controlled Dangerous Substances Law shall not apply
to industrial hemp or consumable hemp products ~~as provided for in Parts V and VI
of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950~~ that are
possessed, stored, cultivated, trimmed, dried, cured, and transported by a licensee in
accordance with Part V of Chapter 10-A of Title 3 of the Louisiana Revised Statutes
of 1950 or that are processed, distributed, sold, or offered to be sold by a permittee
in accordance with Part VI of Chapter 10-A of Title 3 of the Louisiana Revised
Statutes of 1950.

B. Nothing in this Part shall be construed to prohibit the transportation and
shipment of federally compliant hemp products through the state to the limited extent
currently provided by federal law. For the purposes of this Section, "through the
state" means from one geographic boundary of the state to another geographic
boundary of the state.

* * *

1 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
2 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
3 heroin

4 A. Manufacture; distribution. Except as authorized by this Part, it shall be
5 unlawful for any person knowingly or intentionally:

6 * * *

7 (3)(a) To produce, manufacture, distribute, or dispense or possess with intent
8 to produce, manufacture, distribute, or dispense a consumable hemp product, as
9 defined in R.S. 3:1481, in violation of R.S. 3:1482 et seq.

10 (b) A processor, wholesaler, or retailer who possesses an active permit and
11 is acting in good faith to produce, manufacture, distribute, dispense, or possess a
12 consumable hemp product in accordance with R.S. 3:1481 and 1482 et seq. shall not
13 be subject to the penalties of this Section.

14 ~~(3)~~(4) To cultivate, possess, process, or sell industrial hemp, industrial hemp
15 products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture
16 Improvement Act of 2018 or the plan submitted by the Department of Agriculture
17 and Forestry that is in compliance with U.S. Department of Agriculture rules.

18 * * *

19 B. Violations of Subsection A. Any person who violates Subsection A of
20 this Section with respect to:

21 * * *

22 (4) A consumable hemp product, shall be imprisoned, with or without hard
23 labor, for not less than one year nor more than ten years, or pay a fine of not more
24 than fifty thousand dollars, or both.

25 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 12 Reengrossed

2025 Regular Session

Schlegel

Abstract: Creates the crime of selling consumable hemp products to a person under the age of 21, the crime of purchasing or possessing of consumable hemp products by a person under the age of 21, and the crime of producing consumable hemp products without a permit.

Proposed law creates the crime of selling, distributing, dispensing, or otherwise delivering consumable hemp products to a person under the age of 21. Proposed law sets the penalty for violations at not less than \$500 nor more than \$1,000, or not less than 30 days nor more than six months imprisonment, or both.

Proposed law creates the crime of purchase or public possession of consumable hemp products by a person under 21 years of age. Proposed law provides that the penalty for violations shall be a citation and a \$100 fine. Proposed law provides that the citation shall not be included on the person's criminal history record.

Present law provides that the Uniform Controlled Dangerous Substances Law does not apply to consumable hemp products.

Proposed law specifies which products are not affected by the Uniform Controlled Dangerous Substances Law. Proposed law provides that transporting federally compliant hemp products within the state shall not be prohibited.

Proposed law creates the crime of producing, manufacturing, distributing, dispensing, or possessing with intent to produce, manufacture, distribute, or dispense consumable hemp products to anyone when not in accordance with regulations of present law.

Proposed law sets the penalty for violations at not more than \$50,000, or one year to 10 years imprisonment with or without hard labor, or both.

Proposed law provides that a processor, wholesaler, or retailer acting in good faith to produce, manufacture, distribute, dispense, or possess consumable hemp in accordance with present law shall not be subject to the penalties provided in proposed law.

(Amends R.S. 40:961.1 and 966(A)(3); Adds R.S. 14:93.16 and 93.17 and R.S. 40:966(A)(4) and (B)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Change the fine for selling consumable hemp to a minor from \$1,000-\$2,000 to \$500-\$1,000.

The House Floor Amendments to the engrossed bill:

1. Add that a processor, wholesaler, or retailer acting in good faith in accordance with present law is not subject to the penalties in proposed law.
2. Add technical amendments.