2019 Regular Session

HOUSE BILL NO. 513

BY REPRESENTATIVE JORDAN

TAX/EXCISE: Repeals the marijuana tax levied on certain dealers and repeals provisions related to tax stamps which evidence payment of the tax

1	AN ACT
2	To amend and reenact the heading of Part I of Chapter 3 of Subtitle IV of Title 47 of the
3	Louisiana Revised Statutes of 1950, R.S. 47:2601, 2603(A) and (C), 2604, 2607(A)
4	and (C), and 2610; relative to state tax on marijuana; to repeal the marijuana tax
5	levied on certain dealers; to repeal requirements for the purchase of marijuana tax
6	stamps; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. The heading of Part I of Chapter 3 of Subtitle IV of the Title 47 of the
9	Louisiana Revised Statues of 1950, R.S. 47:2601, 2603(A) and (C), 2604, 2607(A) and (C),
10	and 2610 are hereby amended and reenacted to read as follows:
11	PART I. MARIJUANA AND CONTROLLED DANGEROUS
12	SUBSTANCES TAX
13	§2601. Imposition of tax
14	There is hereby levied a tax upon dealers of marijuana and controlled
15	dangerous substances, as defined herein, within the state of Louisiana, according to
16	the classification and rates hereinafter set forth:
17	(1) Marijuana. Upon each gram of marijuana, or each portion of a gram, a
18	tax of three dollars and fifty cents.
19	(2) Controlled dangerous substances. (a)(1) Upon each gram of controlled
20	dangerous substance, or portion of a gram, a tax of two hundred dollars.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(b)(2) Upon each ten dosage units of a controlled dangerous substance that
2	is not sold by weight, or portion thereof, a tax of four hundred dollars.
3	* * *
4	§2603. Use of stamps required
5	A. Tax stamps. In order to enforce the collection of the tax levied by this
6	Part, the secretary shall design and have printed or manufactured stamps of such size
7	and denomination as may be determined by him and so prepared as to permit them
8	to be easily affixed to or stamped on marijuana or controlled dangerous substances,
9	or containers thereof.
10	* * *
11	C. Affixing stamps. Stamps shall be affixed by the dealer on the smallest
12	container or package of marijuana or controlled dangerous substance that is subject
13	to the tax, to permit the secretary to readily ascertain by an inspection of any dealer's
14	stock on hand whether or not the tax has been paid. The dealer shall cause to be
15	affixed on every gram or unit of marijuana or controlled dangerous substance on
16	which a tax is due stamps of an amount equaling the tax due thereon, before any
17	dealer sells, offers for sale, handles, removes, or otherwise disturbs or distributes the
18	same. Each stamp may be used only once.
19	§2604. Authority to issue rules and regulations
20	The secretary is hereby authorized to issue rules and regulations not in
21	conflict herewith in order to make effective the provisions of this Part. The secretary
22	shall adopt a uniform system of providing, affixing, and displaying official stamps
23	for marijuana and controlled dangerous substances on which a tax is imposed.
24	* * *
25	§2607. Penalties
26	A. No dealer may possess any marijuana or controlled dangerous substance
27	upon which a tax is imposed by this Part. In addition to any other criminal penalties,
28	if a dealer possesses any marijuana or controlled dangerous substance upon which

1	the tax has not been paid as evidenced by a stamp such dealer shall be subject to the
2	additional penalties contained in this Part.
3	* * *
4	C. In addition to the tax penalty imposed, a dealer distributing or possessing
5	marijuana or controlled dangerous substances without affixing the appropriate
6	stamps is guilty of a crime and, upon conviction, may be sentenced to imprisonment
7	for not more than five years or receive a penalty of not more than ten thousand
8	dollars, or both.
9	* * *
10	§2610. Exceptions
11	Nothing in this Part requires persons lawfully in possession of marijuana or
12	a controlled dangerous substance to pay the tax required under this Part.
13	Section 2. This Act shall take effect and become operative if and when the Act
14	which originated as House Bill No. 485 of this 2019 Regular Session of the Legislature is
15	enacted and becomes effective.

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 513 Engrossed 2019 Regular Session Jorda	rdan
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Abstract: Repeals the state tax levied on marijuana and repeals requirements that tax stamps be affixed to the marijuana to evidence the payment of the tax.

<u>Present law</u> provides for the imposition of a tax on marijuana to be paid by marijuana dealers at the rate of \$3.50 per gram. In order to enforce the tax, marijuana dealers must purchase tax stamps from the Dept. of Revenue and affix the stamp to the marijuana container or package to evidence that the tax has been paid.

<u>Proposed law</u> repeals the imposition of the tax on marijuana and all provisions relative to the tax stamp.

Effective if and when House Bill No. 485 of this 2019 R.S. is enacted and becomes effective.

(Amends the heading of Part I of Chapter 3 of Subtitle IV of Title 47, R.S. 47:2601, 2603(A) and (C), 2604, 2607(A) and (C), and 2610)

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Ways and Means</u> to the <u>original</u> bill:
- 1. Add contingent effectiveness of <u>proposed law to</u> enactment of HB No. 485 of the 2019 Regular Session.