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**HOUSE FLOOR AMENDMENTS**

2019 Regular Session

Amendments proposed by Representative Schexnayder to Engrossed House Bill No. 560 by Representative Abramson

1 AMENDMENT NO. 1

2 On page 1, line 3, after "of" delete the remainder of the line in its entirety and insert "R.S.  
3 47:1692 through 1697; relative to state excise tax on industrial hemp-"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "on" and before "hemp" insert "industrial"

6 AMENDMENT NO. 3

7 On page 1, at the end of line 5, after "tax," and before "to authorize" insert "to exempt  
8 certain products from the excise tax;"

9 AMENDMENT NO. 4

10 On page 1, at the beginning of line 7, after "tax;" and before "to provide for an" insert "to  
11 provide for certain permits;"

12 AMENDMENT NO. 5

13 On page 1, line 10, after "through" and before "is" delete "1696" and insert "1697"

14 AMENDMENT NO. 6

15 On page 1, line 11, after the open quotation mark "CHAPTER 19." and before "DERIVED"  
16 delete "HEMP-"insert "INDUSTRIAL HEMP-"

17 AMENDMENT NO. 7

18 On page 1, delete lines 16 through 20 in their entirety and on page 2, delete lines 1 through  
19 12 in their entirety and insert the following:

20 "(2) "Commissioner" means the commissioner of alcohol and tobacco  
21 control.

22 (3) Solely for purposes of the imposition of the industrial hemp-derived CBD  
23 tax, "consumer" means either a business entity or a person who purchases industrial  
24 hemp-derived CBD products.

25 (4) Solely for purposes of the imposition of the industrial hemp-derived CBD  
26 tax, "industrial hemp" means the plant Cannabis sativa and any part of that plant,  
27 including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids,  
28 salts, and salts of isomers, whether growing or not, with a delta-9  
29 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight  
30 basis, and cultivated and processed in accordance with the United States Agriculture  
31 Improvement Act of 2018, P.L. 115-334, or the plan submitted by the Louisiana

1 Department of Agriculture and Forestry that is in compliance with the U.S.  
2 Department of Agriculture rules. Industrial hemp shall not include plants of the  
3 Genus Cannabis that meet the definition of "marijuana" as defined in R.S. 40:961.

4 (5) "Industrial hemp-derived CBD product" means any industrial hemp-  
5 derived product that contains CBD intended for consumption or topical use.

6 (6) Solely for purposes of the imposition of the industrial hemp-derived CBD  
7 tax,"retail sale" means the sale or transfer of industrial hemp-derived CBD products  
8 to a consumer for any purpose other than for resale and shall include all transactions  
9 as the secretary, upon investigation, finds to be in lieu of sales. Resale shall include,  
10 but not be limited to, the sale of industrial hemp-derived CBD products for further  
11 processing into a product produced in accordance with R.S. 40:1046.

12 (7) Solely for purposes of the imposition of the industrial hemp-derived CBD  
13 tax,"retailer" means a person or entity that sells or offers for sale industrial hemp-  
14 derived CBD products to a consumer. Retailer shall also include any person or entity  
15 that imports or causes to be imported from any other state industrial hemp-derived  
16 CBD products for use or consumption.

17 (8) "Secretary" means the secretary of the Department of Revenue or his  
18 duly appointed representatives."

19 AMENDMENT NO. 8

20 On page 2, line 14, after "of" and before "hemp-derived" insert "industrial"

21 AMENDMENT NO. 9

22 On page 2, line 16, after "price of" and before "hemp-derived" insert "industrial"

23 AMENDMENT NO. 10

24 On page 2, delete line 18 in its entirety and insert the following:

25 "other tax, and shall be reported monthly by the retailer on forms prescribed  
26 by the secretary and paid by the retailer on or before the twentieth day of the month  
27 following the month to which the tax is applicable.

28 B. The provisions of this Section shall not apply to any CBD product that has  
29 been approved for marketing as a prescription medication by the United States Food  
30 and Drug Administration or that is recommended for therapeutic use pursuant to R.S.  
31 40:1046."

32 AMENDMENT NO. 11

33 On page 2, delete line 29 in its entirety and on page 3 delete lines 1 through 4 in their  
34 entirety and insert "Chapter."

35 AMENDMENT NO. 12

36 On page 3, between lines 9 and 10, insert the following:

37 "§1697. Permits

38 A.(1) Every person who sells or is about to engage in the business of selling  
39 at retail, any industrial hemp-derived CBD product shall first apply for and obtain  
40 a permit for each place of business from the office of alcohol and tobacco control.

1                   (2) The commissioner shall issue an industrial hemp-derived CBD retailer  
2 permit to any place of business where industrial hemp-derived CBD products are  
3 sold.

4                   (3) The permit shall not authorize the permittee to sell or offer for sale any  
5 CBD product derived from any source that is not hemp.

6                   B. The commissioner may establish and collect an annual permit fee. The  
7 amount of the permit fee shall be based on the cost of the regulatory functions  
8 performed and shall not exceed one hundred seventy-five dollars per year.

9                   C. The commissioner may adopt rules and regulations in accordance with the  
10 Administration Procedure Act as are necessary to implement the provisions of this  
11 Chapter."