
SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Reengrossed House Bill No. 491 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 3:1461 through" delete the remainder of the line and insert
3 "1471, Part VI of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, to be
4 comprised of R.S. 3:1481 through 1484, and R.S. 40:4.9(F)"

5 AMENDMENT NO. 2

6 On page 1, line 12, after "R.S. 3:1449(B)(3)" delete "and" and insert a comma ","

7 AMENDMENT NO. 3

8 On page 1, line 13, after "R.S. 3:1461 through" delete the remainder of the line and insert
9 "1471, Part VI of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 3:1481 through 1484, are hereby enacted to read"

11 AMENDMENT NO. 4

12 On page 2, line 15, change "Chapter" to "Part"

13 AMENDMENT NO. 5

14 On page 2, delete line 17 in its entirety

15 AMENDMENT NO. 6

16 On page 2, line 18, change "(2)" to "(1)"

17 AMENDMENT NO. 7

18 On page 2, line 19, change "(3)" to "(2)"

19 AMENDMENT NO. 8

20 On page 2, line 21, change "(4)" to "(3)"

21 AMENDMENT NO. 9

22 On page 2, line 23, change "(5)" to "(4)"

23 AMENDMENT NO. 10

24 On page 2, line 25, change "(6)" to "(5)"

25 AMENDMENT NO. 11

26 On page 2, delete lines 27 through 29 and insert the following:

27 "(6) "Designated responsible party" means a natural person designated by the
28 processor or contract carrier licensed pursuant to this Part."

29 AMENDMENT NO. 12

30 On page 3, line 1, change "(8)" to "(7)"

1 AMENDMENT NO. 13

2 On page 3, line 4, change "(9)" to "(8)"

3 AMENDMENT NO. 14

4 On page 3, line 8, change "(10)" to "(9)"

5 AMENDMENT NO. 15

6 On page 3, line 13, change "(11)" to "(10)"

7 AMENDMENT NO. 16

8 On page 3, between lines 18 and 19, insert the following:

9 "(11) "Industrial hemp seed producer" means a producer of Cannabis sativa
10 L. seed or other propagating stock which have been inspected and sampled during
11 their period of growth and preparation for market by the commissioner, or by the
12 inspection official of the state in which the seeds or propagating stock were grown,
13 and which have been found to conform to the regulations issued by the commission
14 pursuant to this Part."

15 AMENDMENT NO. 17

16 On page 3, line 21, after "hemp for" and before "processing" insert "storage or"

17 AMENDMENT NO. 18

18 On page 3, line 26, after "another licensee" and before "by means" insert "or from the
19 premises of a licensee to the premises of a permit holder pursuant to R.S. 3:1483"

20 AMENDMENT NO. 19

21 On page 4, line 3, after "criteria" and before "for industrial" insert "and standards"

22 AMENDMENT NO. 20

23 On page 4, line 11, change "(1)(a)" to "(1)"

24 AMENDMENT NO. 21

25 On page 4, line 12, after "Part" and before the period ":" insert "in accordance with the
26 Administrative Procedure Act"

27 AMENDMENT NO. 22

28 On page 4, delete lines 13 through 18 in their entirety

29 AMENDMENT NO. 23

30 On page 5, line 12, after "(a)" and before "the state" change "Present" to "Submit" and after
31 "agriculture" insert "for approval"

32 AMENDMENT NO. 24

33 On page 5, line 13, change "October 1, 2019" to "October 15, 2019"

34 AMENDMENT NO. 25

35 On page 5, at the beginning of line 27, delete "CBD,"

1 AMENDMENT NO. 26

2 On page 6, line 2, after "A.(1)" change "An" to "Each"

3 AMENDMENT NO. 27

4 On page 6, line 5, after "licensed" and before "shall" change "producer of industrial hemp
5 seed" to "industrial hemp seed producer"

6 AMENDMENT NO. 28

7 On page 6, line 7, after "shall" and before "information" change "make" to "provide"

8 AMENDMENT NO. 29

9 On page 6, line 8, after "seed" and before "to growers" delete "available"

10 AMENDMENT NO. 30

11 On page 6, line 21, after "application for" delete the remainder of the line and insert "a
12 processor or contract carrier"

13 AMENDMENT NO. 31

14 On page 6, at the beginning of line 22, delete "producer"

15 AMENDMENT NO. 32

16 On page 6, delete lines 25 and 26 in their entirety and insert "(c) For a processor application,
17 the address of the facility used to process industrial hemp."

18 AMENDMENT NO. 33

19 On page 6, line 27, after "made to the" delete the remainder of the line and insert
20 "information required by Paragraph (1) of"

21 AMENDMENT NO. 34

22 On page 7, line 1, change "D.(1)" to "(3)"

23 AMENDMENT NO. 35

24 On page 7, line 7, change "(2)" to "(4)" and delete "The applicant shall be ineligible" and
25 insert "No person shall be eligible"

26 AMENDMENT NO. 36

27 On page 7, between lines 13 and 14, insert the following:

28 "D.(1) The application for a grower or industrial hemp seed producer license
29 shall include the following information:

30 (a) The name and address of the applicant.

31 (b) The legal description and global positioning coordinates of the land to
32 be used to produce industrial hemp.

33 (2) If any changes are made to the information required by Paragraph (1) of
34 this Subsection, the applicant shall resubmit the application to the department within
35 fifteen days.

36 (3) Upon application for initial licensure or annual license renewal, the
37 applicant shall be required to submit to a criminal background check. The applicant
38 shall submit fingerprints and other identifying information to the Louisiana Bureau
39 of Criminal Identification and Information. The costs of providing the criminal

1 background check shall be assessed by the bureau, as specified in R.S. 15:587(B),
2 and paid by the applicant.

3 (4) No person shall be eligible to obtain a license if he has been convicted
4 under state or federal law of any of the following:

5 (a) A felony within the ten years immediately preceding the date of
6 application.

7 (b) A drug-related misdemeanor within the two years immediately preceding
8 the date of application."

9 AMENDMENT NO. 37

10 On page 7, line 20, after "processor," and before "and industrial hemp" insert "contract
11 carrier,"

12 AMENDMENT NO. 38

13 On page 8, line 27, after "department has" and before "to believe" change "probable cause"
14 to "reason"

15 AMENDMENT NO. 39

16 On page 9, line 2, after "seize," delete the remainder of the line and insert "destroy, or
17 embargo an industrial hemp crop or industrial hemp product."

18 AMENDMENT NO. 40

19 On page 9, line 11, after "licensed" and before "seed" insert "hemp"

20 AMENDMENT NO. 41

21 On page 9, delete lines 14 through 29 in their entirety and delete page 10 in its entirety and
22 on page 11, delete lines 1 through 8 in their entirety

23 AMENDMENT NO. 42

24 On page 11, line 9, change "§1471." to "§1470."

25 AMENDMENT NO. 43

26 On page 11, line 24, after "Act" delete "and this Part"

27 AMENDMENT NO. 44

28 On page 12, line 11, change "§1472." to "§1471."

29 AMENDMENT NO. 45

30 On page 12, delete line 29 and insert the following:

31 "PART VI. INDUSTRIAL HEMP-DERIVED CANNABIDIOL PRODUCTS

32 §1481. Definitions

33 As used in this Part:

34 (1) "CBD" means cannabidiol.

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

36 (3) "Department" means the Louisiana Department of Health.

37 (4) "Industrial hemp" or "hemp" means the plant Cannabis sativa L. and any

38 part of that plant, including the seeds thereof and all derivatives, extracts,

39 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,

40 with a delta-9 tetrahydrocannabinol (THC) concentration of not more 0.3 percent on

41 a dry weight basis.

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

4 (6) "State plan" means a plan required for approval by the United States
 5 Secretary of Agriculture to monitor and regulate the production of hemp.

6 §1482. CBD products; prohibitions; Louisiana Department of Health

7 A. No person shall process, possess, or sell:

8 (1) Any part of hemp for inhalation.

9 (2) Any alcoholic beverage containing CBD.

10 (3) Any food product or beverage containing CBD unless the United States
 11 Food and Drug Administration approves CBD as a food additive.

12 B. Any CBD product that is manufactured, distributed, imported, or sold for
 13 use in Louisiana shall:

14 (1) Be produced from hemp grown in accordance with a state plan approved
 15 by the United States Secretary of Agriculture.

16 (2) Be registered with the department in accordance with the State Food,
 17 Drug, and Cosmetic Law (R.S. 40:601 et seq.).

18 (3) Be labeled in accordance with the State Food, Drug, and Cosmetic Law
 19 (R.S. 40:601 et seq.).

20 C. All labels shall meet the following criteria in order to receive approval
 21 from the department:

22 (1) Have the following words printed clearly on the label: "This product has
 23 not been evaluated by the Food and Drug Administration and is not intended to
 24 diagnose, treat, cure, or prevent any disease."

25 (2) Contain no medical claims.

26 (3) Have a scannable bar code, QR code, or web address linked to a
 27 document or website that contains a certificate of analysis as provided in Subsection
 28 D of this Section.

29 D. In addition to the registration requirements established by the department,
 30 the application for registration shall include a certificate of analysis containing the
 31 following information:

32 (1) The batch identification number, date received, date of completion, and
 33 the method of analysis for each test conducted.

34 (2) Test results identifying the cannabinoid profile by percentage of dry
 35 weight, solvents, pesticides, microbials, and heavy metals.

36 E. The certificate of analysis required by Subsection D of this Section shall
 37 be completed by an independent laboratory that meets the following criteria:

38 (1) Is accredited as a testing laboratory approved by the department.

39 (2) Has no direct or indirect interest in a grower, processor, or distributor of
 40 hemp or hemp products.

41 F. The department shall maintain a tracking system of registered products
 42 that is accessible to the office of alcohol and tobacco control, law enforcement, and
 43 other necessary entities as determined by the department.

44 G. The provisions of this Section do not authorize any person to
 45 manufacture, distribute, import, or sell any CBD product derived from any source
 46 that is not hemp.

47 H. The provisions of this Part shall not apply to any CBD product approved
 48 by the United States Food and Drug Administration or produced in accordance with
 49 R.S. 40:1046.

50 I. The department shall promulgate rules and regulations in accordance with
 51 the Administrative Procedure Act to implement the provisions of this Section.

52 §1483. Permit to sell; office of alcohol and tobacco control

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

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

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

1 C. The commissioner shall adopt rules and regulations in accordance with
2 the Administrative Procedure Act to implement the provisions of this Section.

3 §1484. Criminal penalties

4 A. Whoever violates the provisions of this Part shall be penalized as follows:

5 (1) On a first conviction, the offender shall be fined not more than three
6 hundred dollars.

7 (2) On a second conviction, the offender shall be fined not more than one
8 thousand dollars.

9 (3) On a third or subsequent conviction, the offender shall be sentenced to
10 imprisonment, with or without hard labor, for not more than two years and shall be
11 fined not more than five thousand dollars."

12 AMENDMENT NO. 46

13 On page 13, after line 12, insert the following:

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