

2020 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE BRYANT

DRUGS/CONTROLLED: Provides relative to the regulation of cannabis

1 AN ACT

2 To enact Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 26:941 through 943, relative to cannabis; to authorize the commissioner of
4 alcohol and tobacco control to promulgate rules for the regulation of cannabis; to
5 provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 26:941 through 943, is hereby enacted to read as follows:

9 CHAPTER 9. CANNABIS AND CANNABIS PRODUCTS

10 §941. Definitions

11 (1) "Cannabis" means all parts of plants of the genus Cannabis, whether
12 growing or not, the seeds thereof, the resin extracted from any part of such plant, and
13 every compound, manufacture, salt, derivative, mixture, or preparation of such plant,
14 its seeds, or resin, but shall not include the mature stalks of such plant, fiber
15 produced from such stalks, oil or cake made from the seeds of such plant, any other
16 compound, manufacture, salt, derivative, mixture, or preparation of such mature
17 stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed
18 of such plant which is incapable of germination.

19 (2) "Cannabis-infused products" means products that contain cannabis or
20 cannabis extracts, are intended for human use and are derived from cannabis as

1 defined in this Section. The term "cannabis-infused products" shall not include
2 either useable cannabis or cannabis concentrates.

3 (3) "Cannabis products" means usable cannabis and cannabis-infused
4 products as defined in this Section.

5 (4) "Commissioner" means the commissioner of alcohol and tobacco control
6 who shall be the assistant secretary of the office of alcohol and tobacco control in the
7 Department of Revenue.

8 (5) "Edible cannabis" means any cannabis product for which the intended
9 use is oral consumption including but not limited to any type of food or liquid form.

10 §942. Commissioner

11 A. The commissioner shall promulgate rules and regulations in accordance
12 with the Administrative Procedure Act to implement the provisions of this Chapter.

13 B. The rules promulgated by the commissioner shall include but are not
14 limited to the following:

15 (1) Any edible product containing cannabis shall meet all of the following
16 requirements:

17 (a) Be clearly and unambiguously packaged as cannabis with the words,
18 "THIS IS A CANNABIS PRODUCT", in bold type that clearly identifies that the
19 product contains cannabis.

20 (b) Be packaged in a manner which is not modeled after a brand of products
21 primarily consumed by or marketed to children.

22 (c) Be presented in packaging which does not contain an image of a cartoon
23 character, mascot, action figure, balloon, or toy, except that such an item may appear
24 in the logo of the cannabis product manufacturing facility which produced the
25 product.

26 (d) Not be packaged or marketed as candy.

27 (2) When sold at a retail cannabis store, any edible product containing
28 cannabis must be packaged in opaque, child-resistant packaging in accordance with

1 16 CFR Part 1700. The child-resistant packaging shall maintain its effectiveness for
2 multiple openings before leaving the retail cannabis store with the consumer.

3 (3)(a) Except as otherwise provided, cannabis products in solid form shall
4 be packaged in plastic which is four mils or more in thickness.

5 (b) Except as otherwise provided, cannabis products in liquid form shall be
6 packaged in a food-grade bottle.

7 (4) Cannabis products in liquid form and concentrated cannabis shall be
8 packaged using a resealable cap in a container that meets all of the following
9 requirements:

10 (a) Clearly demarks each serving of cannabis in a way that enables a
11 reasonable person to intuitively determine how much of the product constitutes a
12 single serving of tetrahydrocannabinol (THC).

13 (b) Includes a device that allows a reasonable person to intuitively measure
14 and serve a single serving of THC.

15 (c) The portion of such a container that demarks each serving of cannabis
16 may be opaque.

17 (5) Any container or packaging containing usable cannabis, concentrated
18 cannabis, or cannabis products shall protect the contents from contamination and
19 shall be of a food-grade material.

20 (6) An edible cannabis product shall be sealed in a container which is not
21 transparent and sold in packaging which is opaque.

22 (7) Each single serving in a multiple-serving edible cannabis product shall
23 be physically demarked in a way that enables a reasonable person to intuitively
24 determine how much of the edible cannabis product constitutes a single serving.
25 Each demarked serving shall be easily separable in a manner that allows an average
26 person who is twenty-one years of age or over to physically separate, with minimal
27 effort, an individual serving of the edible cannabis product.

1 (8) If an edible cannabis product is of a kind that is impracticable to clearly
2 demark each serving of marijuana or to make each serving easily separable, the
3 edible cannabis product shall meet all of the following:

4 (a) Contain not more than ten milligrams of THC per unit of sale.

5 (b) Be sold in a package that contains more than one individually wrapped
6 single-serving edible cannabis product.

7 §943. Public possession of cannabis

8 A. It is unlawful for any person under twenty-one years of age to purchase
9 or have public possession of cannabis in any form.

10 B. It is unlawful for any person to have public possession of cannabis in any
11 form.

12 C. For purposes of this Section, "public possession" means the possession
13 of any edible or liquid form of cannabis for any reason, including consumption, on
14 any street, highway, or waterway or in any public place or any place open to the
15 public, including a club which is de facto open to the public. "Public possession"
16 does not include the following:

17 (1) The possession or consumption of any edible or liquid form of cannabis:

18 (a) When a person under twenty-one years of age is accompanied by a
19 parent, spouse, or legal guardian twenty-one years of age or older.

20 (b) For medical purposes when purchased as an over-the-counter medication,
21 or when prescribed or administered by a licensed physician, pharmacist, dentist,
22 nurse, hospital, or medical institution.

23 (c) In a private residence, which shall include a residential dwelling and up
24 to twenty contiguous acres, on which the dwelling is located, and owned by the same
25 person who owns the dwelling.

26 (2) The sale, handling, transport, or service in dispensing of any edible or
27 liquid form of cannabis pursuant to lawful ownership of an establishment or to
28 lawful employment of a person under twenty-one years of age by a duly licensed
29 manufacturer, wholesaler, or retailer of cannabis.

1 D. For purposes of this Section, "purchase" means acquisition by the
2 payment of money or other consideration. Purchase does not include such
3 acquisition for medical purposes either when purchased as over-the-counter
4 medication or when prescribed or administered by a licensed physician, pharmacist,
5 dentist, nurse, hospital, or medical institution.

6 Section 2. This Act shall take effect and become operative if and when the Act
7 which originated as House Bill No. 626 of this 2020 Regular Session of the Legislature is
8 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 769 Original

2020 Regular Session

Bryant

Abstract: Provides for the regulation of cannabis products and requires the commissioner of the office of alcohol and tobacco control to promulgate rules in this regard.

Proposed law defines "cannabis", "cannabis-infused products", "cannabis products", "commissioner", "edible cannabis", "public place", "public possession", and "purchase".

Proposed law requires the commissioner of the office of alcohol and tobacco control to promulgate rules in order to implement proposed law restrictions for the packaging of cannabis.

Proposed law provides packaging restrictions that the commissioner shall include when promulgating rules in this regard.

Proposed law provides that it is unlawful for anyone under 21 years of age to purchase or have public possession of cannabis.

Proposed law further provides that it is unlawful for anyone to have public possession of cannabis.

Effective if and when the Act which originated as House Bill No. 626 of this 2020 R.S. of the Legislature is enacted and becomes effective.

(Adds R.S. 26:941-943)