

2021 Regular Session

HOUSE BILL NO. 440

BY REPRESENTATIVE NELSON

FEES/LICENSES/PERMITS: Levies fees for licenses relative to cannabis

1 AN ACT

2 To enact Chapter 20 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 47:1699.1 and 1699.2, relative to cannabis; to levy certain fees
4 for certain permits and licenses; to provide for penalties; to provide for the
5 disposition of fees; to provide for effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 20 of Subtitle II of Title 47 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 47:1699.1 and 1699.2, is hereby enacted to read as follows:

9 CHAPTER 20. CANNABIS LICENSE FEES AND PENALTIES

10 §1699.1. Fees

11 A. There shall be an annual fee for a cannabis business license issued
12 pursuant to R.S. 26:954. The amount of the fee shall be two thousand five hundred
13 dollars.

14 B. There shall be an annual fee for a personal cultivation license issued
15 pursuant to R.S. 26:958. The amount of the fee shall be one hundred dollars.

16 C. The fees imposed pursuant to this Section are nonrefundable.

17 D. If the amount of fees collected pursuant to this Section in a fiscal year
18 exceeds the costs of enforcement and regulation pursuant to the provisions of
19 Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950, the excess fees shall
20 be distributed to each municipality, sheriff, and parish and to the state in the same

1 proportion as the distributions of taxes collected for sales regulated by Chapter 9 of
2 Title 26 of the Louisiana Revised Statutes of 1950 for that fiscal year.

3 §1699.2. Civil penalties

4 A. Each person who violates any provision of this Chapter or Chapter 9 of
5 Title 26 of the Louisiana Revised Statutes of 1950, or any rule adopted pursuant to
6 this Chapter or Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950, shall
7 be subject to a civil penalty of not more than fifty thousand dollars for each act of
8 violation and for each day of violation.

9 B. Civil penalties may be assessed only by a ruling of the commissioner of
10 alcohol and tobacco control based upon an adjudicatory hearing held in accordance
11 with the provisions of the Administrative Procedure Act, this Chapter, and Chapter
12 9 of Title 26 of the Louisiana Revised Statutes of 1950.

13 Section 2. This Act shall take effect and become operative if and when the Act
14 which originated as House Bill No. 699 of this 2021 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 440 Engrossed

2021 Regular Session

Nelson

Abstract: Levies fees for certain licenses relative to cannabis.

Proposed law levies an annual fee of \$100 for a personal cultivation license.

Proposed law levies an annual fee of \$2,500 for a cannabis business license.

Proposed law provides that if the amount of fees collected pursuant to proposed law in a fiscal year exceeds the costs of enforcement and regulation, the excess fees shall be distributed proportionally to certain municipalities, sheriffs, parishes, and the state in the same proportion as the distributions of taxes collected for sales regulated by proposed law (Chapter 9 of Title 26 as provided by HB No. 699 of the 2021 R.S.).

Proposed law provides for civil penalties of not more than \$50,000 for each violation of proposed law (Chapter 9 of Title 26 as provided by HB No. 699 of the 2021 R.S.).

Proposed law provides that civil penalties may be assessed only by a ruling of the commissioner of alcohol and tobacco control upon an adjudicatory hearing.

Proposed law is contingent upon the passage of HB No. 699 of the 2021 R.S.

(Adds R.S. 47:1699.1 and 1699.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove provisions establishing an annual fee for a retailer permit.
2. Add civil penalties of not more than \$50,000 for violations of proposed law.
3. Specify that proposed law is contingent on the passage of HB No. 699 of the 2021 R.S.
4. Add technical amendments.