

RÉSUMÉ DIGEST

ACT 498 (HB 758)

2022 Regular Session

Schexnayder

New law creates a definition for "performance-based sampling" and exempts certain licensees approved for performance-based sampling from Dept. of Agriculture THC testing requirements.

New law provides the criteria for a licensee to be eligible for performance-based sampling.

Prior law required a criminal background check upon application for initial licensure or annual license renewal for growers, seed producers, processors, and handlers.

New law changes the criminal background check requirement to upon application for initial licensure and every three years thereafter.

Existing law provides for prohibitions on selling or processing certain consumable hemp products.

New law adds a prohibition on retailers adding consumable hemp products to food or beverages sold at retail to consumers.

Prior law prohibited consumable hemp products from containing any cannabinoid that is not naturally occurring.

New law repeals prior law.

Existing law prohibits a person from selling any part of hemp for inhalation, except for rolling papers. Further prohibits a person from processing or selling any alcoholic beverage containing cannabidiol or any consumable hemp product without a license or permit.

New law further prohibits a person's ability to offer for sale any products restricted by existing law.

New law defines the term "adult-use consumable hemp product" to mean any consumable hemp product that contains more than 0.5 milligrams of total THC per package.

Existing law provides that consumable hemp products cannot contain a total delta-9 THC concentration of more than 0.3% nor a total THC concentration of more than 1% on a dry weight basis.

New law retains existing law for floral hemp material and provides that all other consumable hemp products cannot exceed a delta-9 THC concentration of more than 0.3% or a total THC concentration of more than 1%, not to exceed 8 milligrams of THC per serving.

New law authorizes any consumable hemp product that exceeds the THC limits of new law that was registered with the department prior to June 16, 2022, to be sold in La. until Jan. 1, 2023.

New law requires any adult-use consumable hemp product to be identified as such on the label.

New law authorizes any label that does not meet the criteria provided in new law that was approved by the department prior to June 16, 2022, to be used in La. until July 1, 2023.

Existing law requires each application for product registration with the La. Dept. of Health (LDH) to include a certificate of analysis containing the following information:

- (1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.
- (2) Test results identifying the cannabinoid profile by percentage of weight, solvents, pesticides, microbials, and heavy metals.

New law requires the certificate of analysis to also indicate the serving size, total THC per serving, package size, and total THC per package and requires the units of measurement to be identified as mg/g.

New law requires the application for registration to include verification that the product was produced from hemp. Specifies that acceptable forms of verification will be determined by the department and may include a copy of the hemp grower or processor's license.

New law authorizes any application for registration that does not meet the criteria provided in new law that was approved by the department prior to June 16, 2022, to be used in La. until July 1, 2023.

Prior law required the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

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

New law requires the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

- (1)(a) If the laboratory is located outside of La., it is accredited by the International Organization for Standardization or other accrediting entity approved by the department.
 - (b) If the laboratory is located in La., it shall:
 - (i) Pass an on-site facility inspection conducted by the department.
 - (ii) Provide documentation that the owner has operated a state-approved, active medical marijuana or hemp laboratory in another state for at least the past 12 months.
 - (iii) Be accredited by the International Organization for Standardization or other accrediting entity approved by the department or have an application pending for International Organization for Standardization accreditation.

New law requires the LDH to review any consumable hemp product submitted for approval and notify the submitting party of any deficiencies existing which prevents the approval of the product within 15 business days of the date of submission.

New law further requires that if the LDH fails to notify the submitting party within 15 business days of the date of submission, the product may be sold by a permitted wholesaler or retailer from the day following the 15th business day until the submitting party receives final approval or denial from the department for the product.

New law requires the LDH to provide a mechanism to allow the office of alcohol and tobacco control to scan consumable hemp products to determine if the product is registered with the LDH.

Existing law requires the LDH to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of existing law.

New law requires the LDH to promulgate rules and regulations to implement the provisions of existing and new law on consumable hemp product approval by the LDH and regulation of processors utilizing emergency rulemaking authority.

New law requires the LDH to include the limits for solvents, pesticides, microbials, and heavy metals allowable in consumable hemp products and definitions for consumable hemp product types in their administrative rules.

New law requires the LDH to employ a minimum of two full-time employees to review and approve products.

New law requires the LDH to develop a process to register any consumable hemp product that is grown and processed in the state of La. as a "Louisiana Hemp Product" and authorizes LDH to adopt a logo for the products.

New law further provides that no consumable hemp product may hold itself out as being a "La. Hemp Product" unless the product has been registered with LDH.

New law prohibits licensed retailers from selling adult-use consumable hemp products to any person under the age of 21.

Prior law created the Industrial Hemp Advisory Committee.

New law repeals prior law.

Effective upon signature of the governor (June 16, 2022).

(Amends R.S. 3:1462(13)-(18), 1465(D)(1), 1468(A), 1481, 1482(A), (B), (C), and (D)(intro. para.), 1483(A)(1), (B)(intro. para.), (6), and (7), (C), (E), (F)(1), (G), and (L), and 1484(B)(4) and R.S. 40:961.1; Adds R.S. 3:1462(19) and 1482(E); Repeals R.S. 3:1483(B)(8) and 1485)