

2024 Regular Session

SENATE BILL NO. 228

BY SENATOR MCMATH

PHARMACEUTICALS. Provides relative to marijuana for therapeutic use. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1046(H)(1)(a), (2)(a) and (b), and (8)(a)(iii) and (L), relative  
3 to marijuana for therapeutic use; to provide for regulatory administration and  
4 licensing; to extend the sunset; to provide for an effective date; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046(H)(1)(a), (2)(a) and (b), and (8)(a)(iii) and (L) are hereby  
8 amended and reenacted to read as follows:

9 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
10 regulations of the Louisiana Board of Pharmacy; production facility  
11 licensing; permitting by the Louisiana Department of Health

12 \* \* \*

13 H.(1)(a) The legislature hereby recognizes and declares that both the  
14 Louisiana State University Agricultural Center and the Southern University  
15 Agricultural Center timely exercised and asserted the intent of each university to be  
16 ~~licensed~~ **authorized** to produce recommended marijuana for therapeutic use in this  
17 state in accordance with the provisions of Act No. 261 of the 2015 Regular Session

1 of the Legislature of Louisiana.

2 \* \* \*

3 (2) The Louisiana Department of Health shall issue all of the following  
4 annually:

5 (a) A nontransferable specialty license for **permit authorizing** the production  
6 of recommended marijuana for therapeutic use, which the department shall issue  
7 only to the Louisiana State University Agricultural Center and the Southern  
8 University Agricultural Center.

9 (b) A **permit license** to cultivate, extract, process, produce, and transport  
10 therapeutic marijuana, which the department shall issue only to the sole contractor  
11 selected by each university in accordance with Paragraph (1) of this Subsection.

12 \* \* \*

13 (8)(a) The Louisiana Department of Health shall perform the following:

14 \* \* \*

15 (iii) Assess a fee of seven percent of the gross sales of therapeutic marijuana.  
16 The fee shall be reported and paid by the licensed ~~production facility or permitted~~  
17 contractor that sells therapeutic marijuana to marijuana pharmacies. The fee shall be  
18 collected by the Department of Revenue and shall be subject to the provisions of  
19 Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 as  
20 amended. Notwithstanding the provisions of Subparagraph (b) of this Paragraph, the  
21 Department of Revenue shall transfer monthly to the state treasury for deposit into  
22 the Disability Services Fund, as established in R.S. 28:826, the amount of revenues  
23 collected in accordance with this Item. An amount shall be allocated to the  
24 department, pursuant to legislative appropriation, for regulatory, administrative,  
25 investigative, enforcement, legal, and other such expenses as may be necessary to  
26 carry out the provisions of this Chapter and for activities associated with the  
27 enforcement of law and regulations governing the therapeutic marijuana program.

28 \* \* \*

29 L. The provisions of this Section shall terminate on ~~January 1, 2025~~ **July 1,**

1           **2030.**

2           Section 2. This Act shall become effective upon signature by the governor or, if not  
3 signed by the governor, upon expiration of the time for bills to become law without signature  
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
6 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Amanda Trapp.

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DIGEST

SB 228 Original                                  2024 Regular Session                                  McMath

Present law identifies the Louisiana State University Agricultural Center and the Southern University Agricultural Center as the licensed producers of marijuana for therapeutic use in the state.

Present law authorizes each university to contract with one contractor to produce therapeutic marijuana.

Proposed law provides for changes to terminology regarding licensure.

Present law establishes a sunset provision for the therapeutic marijuana program to terminate on January 1, 2025.

Proposed law extends the termination date to July 1, 2030.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046(H)(1)(a), (2)(a) and (b), and (8)(a)(iii) and (L))