

2024 Regular Session

HOUSE BILL NO. 952

BY REPRESENTATIVE MILLER

HEALTH: Provides relative to consumable hemp products

1 AN ACT

2 To amend and reenact R.S. 3:1481(4)(a) and (13), 1482(A), (B), and (D)(3), 1483(C),  
3 1484(A), (B), and (H), and 1493(B)(9), to enact R.S. 3:1483(G)(6) and (M) and  
4 1485, and to repeal R.S. 3:1481(1) and (11), 1482(E), and 1483(B)(6) and (7), (D),  
5 and (E)(3), relative to consumable hemp products; to provide for the regulation of  
6 consumable hemp products; to provide for definitions; to provide for product  
7 requirements; to provide for limits on servings; to prohibit the sale of products to  
8 minors; to repeal certain definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:1481(4) and (13), 1482(A), (B), and (D)(3), 1483(C), 1484(A), (B),  
11 and (H), and 1493(B)(9) are hereby amended and reenacted and R.S. 3:1483(G)(6) and (M)  
12 and 1485 are hereby enacted to read as follows:

13 §1481. Definitions

14 As used in this Part:

15 \* \* \*

16 (4)(a) "Consumable hemp product" means any product derived from  
17 industrial hemp that contains any cannabinoid, including cannabidiol, and is intended  
18 for consumption or topical use that contains more than one-half of a milligram of  
19 THC compounds.

20 \* \* \*

1 (13) "THC compound" means ~~a~~ any combination of tetrahydrocannabinol  
2 and tetrahydrocannabinolic acid.

3 \* \* \*

4 §1482. Consumable hemp products; prohibitions

5 A.(1) A consumable hemp product shall not contain more than eight  
6 milligrams of THC compounds per serving. ~~No person shall sell or offer for sale any~~  
7 ~~part of hemp for inhalation, except for hemp rolling papers.~~

8 (2) A serving size shall be determined in the following manner:

9 (a) For tinctures, extracts, and concentrates, there shall be included a  
10 measuring device capable of administering a single serving. A dropper, cap, or  
11 measuring cup included with the packaging shall be considered an acceptable  
12 measuring device. Tinctures, extracts, and concentrates shall be contained in a  
13 resealable container no greater than one hundred and twenty milliliters in volume.

14 (b) For beverages, a can, bottle, or similar container shall contain no more  
15 than a single serving.

16 (c) For all other products, an individual unit shall constitute a single serving  
17 and shall be separate and unattached to other units within a package.

18 B. No person shall process, sell, or offer for sale:

19 (1) Any alcoholic beverage containing ~~cannabidiol~~ a THC compound.

20 (2) Any consumable hemp product without a ~~license or permit~~ required  
21 pursuant to ~~this Part~~ R.S. 3:1484.

22 (3) Any consumable hemp product containing any of the following  
23 homologs of tetrahydrocannabinol:

24 (a) Tetrahydrocannabihexol.

25 (b) Tetrahydrocannabiphorol.

26 (c) Tetrahydrocannabioctyl.

27 (d) Tetrahydrocannabutol.

28 (4) Any part of hemp for inhalation including but not limited to plant  
29 material except for hemp rolling papers.

1           (5) Any product that has not received approval from the Louisiana  
2           Department of Health in accordance with R.S. 3:1483.

3   \*          \*          \*

4           D. It shall be unlawful for any person to knowingly, willfully, or  
5           intentionally violate the provisions of this Section. Whoever knowingly, willfully,  
6           or intentionally violates the provisions of this Section shall be penalized as follows:

7   \*          \*          \*

8           (3) On a third or subsequent conviction, the offender shall be fined not more  
9           than five thousand dollars, and the commissioner may revoke the retailer's permit to  
10           sell consumable hemp products.

11    \*          \*          \*

12           §1483. Product approval; consumable hemp processors; Louisiana Department of  
13           Health

14    \*          \*          \*

15           C.~~(1)~~ All labels shall meet the following criteria in order to receive approval  
16           from the department:

17           ~~(a)~~ (1) Contain no medical claims.

18           ~~(b)~~ (2) Have a scannable bar code, QR code, or web address linked to a  
19           document or website that contains a certificate of analysis as provided in Subsection  
20           E of this Section.

21           ~~(c)~~ (3) Clearly state the amount of THC compounds per serving, serving size,  
22           and servings per package.

23           ~~(2) Any adult-use consumable hemp product shall be identified as such on~~  
24           ~~the label.~~

25           ~~(3) Any label that does not meet the criteria provided in this Subsection that~~  
26           ~~was approved by the department prior to June 16, 2022, may be used in Louisiana~~  
27           ~~until July 1, 2023.~~

1 (4) Accurately reflect the contents of the packaging with a variance of no  
2 greater than fifteen percent.

3 \* \* \*

4 G. The department shall:

5 \* \* \*

6 (6) Promulgate rules in accordance with the Administrative Procedure Act  
7 concerning the requirements for independent laboratories that prepare certificates of  
8 analysis in accordance with Subsection F of this Section. The rules shall address  
9 requirements for accreditation of such laboratories and may include all of the  
10 following:

11 (a) Requirements and prerequisites for third-party entities that audit  
12 independent laboratories for compliance with ISO Standard 17025 or equivalent.

13 (b) Requirements that prohibit the submission or use of a certificate of  
14 analysis from an independent laboratory whose most recent ISO Standard 17025 or  
15 equivalent compliance audit by a third-party entity is older than one year.

16 \* \* \*

17 M. Any consumable hemp product registered by the department in  
18 accordance with this Part prior to June 30, 2024, may be sold in this state until  
19 January 1, 2025.

20 §1484. Permit to sell; office of alcohol and tobacco control

21 A.(1) Each wholesaler of consumable hemp products shall apply for and  
22 obtain a permit from the office of alcohol and tobacco control.

23 (2) The commissioner may establish and collect an annual wholesaler permit  
24 fee. The amount of the wholesaler permit fee shall be based on the cost of the  
25 regulatory functions performed and shall not exceed five hundred dollars per year.

26 ~~B.(1)(a)~~ (3) Each person who sells or is about to engage in the business of  
27 selling at retail any consumable hemp product shall first apply for and obtain a  
28 permit for each place of business from the office of alcohol and tobacco control.

1           ~~(b)~~ (4) For purposes of this Section, each individually registered domain  
2 name owned or leased by or on behalf of a remote retailer shall be considered a place  
3 of business. No person or entity shall be required to have a physical place of  
4 business in ~~the this state of Louisiana~~ in order to sell consumable hemp products at  
5 retail.

6           B(1) An applicant for a permit to sell consumable hemp shall be either a  
7 natural person or a juridical entity. For a juridical entity whose name the permit may  
8 issue to, the applicant shall be any owner of the entity who owns more than twenty-  
9 five percent of the entity.

10           (2) An applicant for a permit of all kinds shall demonstrate that he meets all  
11 of the following requirements:

12           (a) Be a person of good character and reputation and over the age of  
13 eighteen.

14           (b) Has not been convicted of distributing or possessing with the intent to  
15 distribute any controlled dangerous substance classified in Schedule I of R.S. 40:964,  
16 on any premises permitted pursuant to this Part, where the applicant held or holds an  
17 interest in the permitted business. The prohibition provided for in this Subsection  
18 shall be for the lifetime of the offender.

19           (c) Has not been convicted of a felony under the laws of the United States,  
20 the state of Louisiana, or any other state or country.

21           (d) Has not been convicted in this or in any other state or by the United  
22 States of soliciting for prostitution, pandering, letting premises for prostitution,  
23 contributing to the delinquency of juveniles, keeping a disorderly place, letting a  
24 disorderly place, or illegally dealing in controlled dangerous substances.

25           (e) Not owe the state or the local governmental subdivisions in which the  
26 application is made any delinquent sales taxes, penalties, or interest excluding items  
27 under formal appeal.

28           ~~(2)~~ (3) Prior to selling consumable hemp products at a special event, the  
29 retailer shall request and promptly receive an annual special event permit from the

1 commissioner. For purposes of this Section, a special event shall be defined as any  
2 event held at any location, other than a permitted place of business, where  
3 consumable hemp products are sold. The permittee shall notify the commissioner  
4 in writing of any special event the permittee will be attending prior to the event.  
5 Failure to notify the commissioner shall be grounds for revocation of the permit.

6 ~~(3)~~(4) No permit issued pursuant to this Section shall authorize the permittee  
7 to sell or offer for sale any cannabinoid product derived from any source other than  
8 hemp.

9 ~~(4)(a) No consumable hemp product shall be sold to any person under the~~  
10 ~~age of eighteen years.~~

11 ~~(b) No adult-use consumable hemp product shall be sold to any person under~~  
12 ~~the age of twenty-one years.~~

13 \* \* \*

14 H. The commissioner shall adopt rules and regulations in accordance with  
15 the Administrative Procedure Act to implement the provisions of this Section. ~~The~~  
16 ~~rules shall not include any fees or penalties for any permit not provided for in this~~  
17 ~~Section, or any requirements for proof of Louisiana residency, criminal background~~  
18 ~~checks, diagrams of retail premises, or proof of lease or ownership of any retail~~  
19 ~~establishment.~~

20 §1485. Prohibition on the sale of consumable hemp products

21 A. A retailer shall not distribute or sell a consumable hemp product to a  
22 person under twenty-one years of age.

23 B.(1) A retailer shall verify the age of any person attempting to purchase or  
24 receive a consumable hemp product prior to the sale or transfer of the product,  
25 including but not limited to a remote retailer who offers any consumable hemp  
26 product for sale at retail through a digital application, catalog, or the internet that  
27 may be purchased and delivered to a consumer in this state.

28 (2) A retailer shall require a purchaser to provide any one of the following  
29 methods to verify the age and identity of the purchaser:

- 1           (a) A digitized identification card as defined by R.S. 51:3211.
- 2           (b) A valid government-issued identification card.
- 3           (c) A commercially reasonable method that relies on public or private
- 4           transactional data to verify the age of the purchaser.

5           C. A retailer shall maintain all consumable hemp products in a location that  
 6           is inaccessible to the public without the assistance of an employee of the retailer.

7                                       \*       \*       \*

8           §1493. Louisiana Industrial Hemp Promotion and Research Advisory Board;  
 9           creation and organization

10                                      \*       \*       \*

11           B. The board shall consist of fifteen members as follows:

12                                      \*       \*       \*

13           (9) One member appointed by ~~the commissioner who is a licensed processor~~  
 14           ~~of industrial hemp~~ the Hemp Association of Louisiana.

15                                      \*       \*       \*

16           Section 2. R.S. 3:1481(1) and (11), 1482(E), and 1483(B)(6) and (7), (D), and (E)(3)  
 17           are hereby repealed in their entirety.

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 952 Original                               2024 Regular Session                               Miller

**Abstract:** Provides for the production and sale of consumable hemp products.

Present law defines a "adult-use consumable hemp product" as any consumable hemp product that contains more than 0.5 mg of tetrahydrocannabinol. Proposed law repeals present law.

Present law defines a "serving". Proposed law repeals present law.

Present law defines a "consumable hemp product" as any product derived from industrial hemp that contains a cannabinoid, including cannabidiol, and is intended for consumption or topical use.

Proposed law adds that a consumable hemp product contains more than 0.5 mg of tetrahydrocannabinol.

Present law defines "THC" as a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

Proposed law changes the term to "THC compound" and modifies the definition to include any combination tetrahydrocannabinol and tetrahydrocannabinolic acid.

Present law prohibits consumable hemp products that exceed a total delta-9 THC concentration of more than one percent. Proposed law partially repeals present law.

Present law further requires that no consumable hemp product exceed 8 mgs of total THC.

Proposed law modifies present law to state that no consumable hemp product shall exceed 8 mgs of THC compound per serving.

Present law permits floral hemp products that conform with present law requirements. Proposed law prohibits the production and sale of floral hemp products.

Present law establishes that a serving size shall be determinable by a measuring device capable of measuring one serving, or the consumable hemp product packaging shall enable a customer to determine when one serving has been consumed.

Proposed law establishes the following methods to determine serving size:

- (1) For tinctures, extracts, and concentrates, there shall be an included a measuring device capable of administering a single serving.
- (2) For beverages, a can, bottle, or similar container shall contain no more than a single serving.
- (3) For all other products, an individual unit shall constitute a single serving and shall be separate and unattached to other units within a package.

Proposed law prohibits the sale of any consumable hemp product containing the following homologs of tetrahydrocannabinol:

- (1) Tetrahydrocannabihexol.
- (2) Tetrahydrocannabiphorol.
- (3) Tetrahydrocannabiocetyl.
- (4) Tetrahydrocannabutol.

Present law provides that a person who knowingly, willfully, or intentionally violates present law shall be fined for each violation.

Proposed law provides that on the third or subsequent conviction for a violation of present law the commissioner may revoke the retailer's permit to sell consumable hemp products.

Proposed law requires that consumable hemp packaging must accurately reflect the contents of the packaging based on a chemical analysis. A variance between the packaging and the contents of the packaging shall be no greater than 15%.

Present law tasks the La. Dept. of Health (LDH) with approving consumable hemp product labels before the product may be sold.

Proposed law retains present law.



Present law contains temporal references to deadlines that are outdated.

Proposed law repeals the outdated temporal references.

Present law requires hemp retailers to obtain a certificate of analysis for each product label approved by LDH.

Proposed law tasks LDH with establishing requirements and standards for the independent labs that generate the certificate of analysis.

Proposed law states that any consumable hemp product registered by LDH in compliance with present law prior to Jun. 30, 2024, may be sold in La. until Jan. 1, 2025.

Present law states that an individual must obtain a permit from the office of alcohol and tobacco to be allowed to sell consumable hemp products.

Proposed law adds that an applicant for a permit to sell consumable hemp products must be either a person or business entity. Proposed law further provides the applicant for a permit shall be the person or owner of the business entity that owns more than twenty-five percent of the business entity.

Proposed law states that an applicant for permit to sell consumable hemp shall meet all of the following requirements:

- (1) Be a person of good character and reputation over the age of eighteen.
- (2) Have not been convicted of distributing or possessing with the intent to distribute any illegal drug on any premises permitted to sell consumable hemp products.
- (3) Have not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country.
- (4) Have not been convicted of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.
- (5) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest excluding items under formal appeal pursuant to applicable statutes.

Present law provides that no consumable hemp product may be sold to anyone under the age of 18.

Proposed law states that no consumable hemp product may be sold to anyone under the age of 21.

Proposed law states that a retailer shall verify the age of any person attempting to purchase a consumable hemp product using a reliable means such as a government-issued documentation card.

Proposed law states that a retailer shall display all consumable hemp products in a location out of the reach of the public without assistance from an employee of the retailer.

Present law states that Louisiana Industrial Hemp Promotion and Research Advisory Board shall consist of 15 members where one member is appointed by the commissioner of the office of alcohol and tobacco control. Proposed law changes present law to remove the commission and states that one member may be appointed by the Hemp Association of Louisiana.

(Adds R.S. 3:1481(4)(a) and (13), 1482(A), (B), and (D)(3), 1483(C), 1484(A), (B), and (H), and 1493(B)(9); Adds R.S. 3:1483(G)(6) and (M) and 1485; Repeals R.S. 3:1481(1) and (11), 1482(E), and 1483(B)(6) and (7), (D), and (E)(3))