

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 952****2024 Regular Session****Miller**

HEALTH: Provides relative to consumable hemp products

**Synopsis of Senate Amendments**

1. Adds definitions of "THC component" and "total THC".
2. Adds that no person shall sell or offer for sale at retail any consumable hemp products on the premises of any entity or other location which holds a Class A alcohol beverage permit.
3. Removes the prohibition on consumable hemp products that exceed a total delta-9 THC concentration of greater than 0.3 percent and a total THC concentration of more than 1%.
4. Adds that a serving of a consumable hemp product shall not exceed 5 milligrams of THC and that package of consumable hemp products shall not contain more than 8 servings.
5. Adds that a single serving of a consumable hemp beverage shall not be less than 12 ounces, and that package of consumable hemp beverages shall not contain more than 4 individual containers.
6. Adds that consumable hemp products with total a THC concentration greater than 5 milligrams may be approved by the La. Dept. of Health (LDH) if the consumable hemp processor satisfies certain requirements.
7. Adds a warning to the packaging of consumable hemp products that states that the consumption of products with THC may result in the failure of a drug test.
8. Adds that LDH shall not approve any consumable hemp product that is packaged in a manner that makes the product more appealing to children.
9. Adds that the testing laboratory affiliated with the University of Louisiana at Monroe shall be the preferred laboratory for completing certificates of analysis of consumable hemp products.
10. Adds that LDH is required to conduct an initial review of any consumable hemp product submitted and notify the submitting party of any deficiencies which prevent the approval of the product within 60 days.
11. Adds that any permit holder found to be in violation of proposed law for a 3rd offense that occurs within 2 years of the 1st offense shall have his permit revoked and be ineligible to apply for or receive a consumable hemp permit for 5 years.

**Digest of Bill as Finally Passed by Senate**

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 "consumable hemp processor", "consumable hemp product", "package", "retail sale", "retailer", "serving", "THC", and "wholesaler".

Proposed law modifies present law definitions.

Proposed law defines "THC component" and "total THC".

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.

Present law provides that no person shall process, distribute, sell, or offer for sale any consumable hemp product without a license or permit.

Proposed law retains present law.

Present law prohibits the addition of cannabidiol to alcoholic beverages offered for sale.

Proposed law prohibits the addition of any consumable hemp product to alcoholic beverages offered for sale.

Present law allows the sale, production, and distribution of floral hemp material.

Proposed law prohibits the sale, production, and distribution of floral hemp material.

Proposed law adds that no person shall sell or offer to for sale at retail any consumable hemp products on the premises of any entity or other location which holds a Class A alcohol beverage permit.

Proposed law prohibits the sale of any consumable hemp product that has not received approval by the La. Dept. of Health (LDH) in accordance with proposed law.

Proposed law prohibits a consumable hemp processor from using any distillate or concentrate containing any derivative of a THC component that is not a naturally occurring cannabinoid to produce a consumable hemp product.

Present law provides that present law shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than present law.

Proposed law provides that present law shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is more restrictive than present law.

Present law prohibits consumable hemp products that exceed a total delta-9 THC concentration of greater than 0.3 percent and a total THC concentration of more than one percent.

Proposed law repeals present law.

Present law requires a consumable hemp processor to test consumable hemp products for harmful substances and THC concentration.

Proposed law retains present law and requires a consumable hemp processor to test the distillate or concentrate used to produce a consumable hemp product for harmful substances and total THC concentration.

Proposed law allows LDH to approve a consumable hemp product with a greater concentration of THC than permitted by proposed law if all of the following are met:

- (1) The consumable hemp processor provides a sworn statement that the consumable hemp product will be sold out of this state and that the product complies with the destination state's laws.
- (2) The consumable hemp processor conducts tests on distillate required by proposed law.
- (3) The consumable hemp processor maintains the distribution records of any consumable hemp product delivered beyond the borders of this state for a minimum of 3 years.

Present law provides that a consumable hemp product that is manufactured, sold, or distributed in this state shall have a label approved by LDH.

Proposed law retains present law and adds that the product shall be approved by LDH.

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 a total concentration of THC of 5 mgs per serving.

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 repeals present law and establishes that for consumable hemp products other than beverages, each product shall contain a maximum of 8 servings.

Proposed law requires that the packaging for consumable hemp products other than beverages shall be child resistant.

Proposed law provides that a single serving of a consumable hemp beverage shall not be less than 12 ounces, and that a package of consumable hemp beverages shall not contain more than 4 individual containers.

Proposed law provides that nonedible consumable hemp products shall not be subject to proposed law requirements.

Proposed law adds a warning to the packaging of consumable hemp products that states that consumption of products with THC may result in the failure of a drug test.

Present law tasks LDH with approving the label of a consumable hemp product before the product may be sold.

Proposed law tasks LDH with approving a consumable hemp product before the product may be sold

Proposed law adds that LDH shall not approve any product that is prohibited by proposed law or is packaged in a manner that makes the product more appealing to children.

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.

Present law provides requirements for the laboratories reporting the certificate of analysis.

Proposed law provides that a laboratory shall be accredited by the International Organization for Standardization or other accredited entity approved by LDH.

Proposed law repeals requirements for a laboratory in this state and adds that LDH may promulgate rules to provide standards for all laboratories testing consumable hemp products.

Proposed law adds that the testing laboratory affiliated with the University of Louisiana and Monroe shall be the preferred laboratory for completing the certificates of analysis.

Proposed law adds that the department shall not approve a laboratory that has a direct or indirect interest in a grower, processor, wholesaler, or retailer of hemp or hemp products.

Present law requires LDH to conduct an initial review of any consumable hemp product submitted and notify the submitting party of any deficiencies which prevent the approval of the product within 15 days.

Proposed law changes present law and by increasing the time to respond from 15 to 60 days.

Proposed law provides that a wholesaler permitted in accordance with present law shall only sell consumable hemp products approved by LDH to permitted consumable hemp retailers.

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 at retail.

Proposed law retains present law and adds that remote retailers shall obtain a permit to sell consumable hemp products at retail and comply with the same requirements as physical retailer.

Proposed law states that a permitted retailer may only obtain consumable hemp products to sell at retail from a wholesaler permitted in accordance with present law.

Proposed law states that the commissioner of the office of alcohol and tobacco control may adopt rules to restrict on premise outdoor advertising of consumable hemp products.

Proposed law adds that any permit holder found to be in violation of proposed law for a 3rd offense that occurs within 2 years of the 1st offense shall have his permit revoked and be ineligible to apply for or receive a consumable hemp permit for 5 years.

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 21.
- (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 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.

Effective on Jan. 1, 2025.

(Amends R.S. 3:1481, 1482(A), (B), (C), and (E), 1483(A), (B)(3) and (6), (C), (E)(1) and (2) and (F), 1484(A), and 1493(B)(9); Adds R.S. 3:1483(G)(6), and 1485; Repeals R.S. 3:1483(B)(7), (D), and (E)(3))