

RÉSUMÉ DIGEST

ACT 752 (HB 952)

2024 Regular Session

Miller

Prior law defined "adult-use consumable hemp product" as any consumable hemp product that contained more than 0.5 mg of tetrahydrocannabinol.

New law repeals prior law.

Prior law defined "consumable hemp processor", "consumable hemp product", "industrial hemp", "package", "remote retailer", "retail sale", "retailer", "serving", "THC", and "wholesaler".

New law modifies prior law definitions.

New law defines "THC component" as any naturally occurring cannabinoid component of industrial hemp or hemp.

New law defines "total THC" as any combination of tetrahydrocannabinol, tetrahydrocannabinolic acid, THC component, or any derivative thereof.

Prior law prohibited any person from selling any part of hemp for inhalation, except rolling papers.

New law prohibits any person, without a permit as required by new law, from processing, distributing, selling, or offering for sale any consumable hemp product.

Prior law prohibited consumable hemp products from being sold to anyone under the age of 18.

New law prohibits consumable hemp product from being sold to anyone under the age of 21. Further requires a retailer to verify the age of any person attempting to purchase a consumable hemp product by using reliable means such as a government-issued documentation card or digitized identification card. Additionally, requires a retailer to maintain all consumable hemp products, except for consumable hemp beverages, in a location inaccessible to the public.

New law prohibits the sale of consumable hemp product at any retail location that is also authorized to sell gasoline or motor fuel.

Prior law prohibited any person from processing, selling, or offering for sale the following:

- (1) Any alcoholic beverage containing cannabidiol.
- (2) Any consumable hemp product without a license or permit.

New law prohibits any person from processing, distributing, selling, or offering for sale the following:

- (1) Any alcoholic beverage containing a consumable hemp product.
- (2) Any consumable hemp product for inhalation.
- (3) Any floral hemp material for retail use.
- (4) Any product that has not received approval from the La. Dept. of Health (LDH).

Existing law prohibits a retailer from adding any consumable hemp product to any food or beverage sold at retail.

New 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.

Prior law required that prior law be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than prior law.

New law changes the federal preemption requirement from being less restrictive to being more restrictive.

Existing law requires that a consumable hemp processor obtain an annual permit issued by the LDH. Further requires the LDH to charge and collect certain fees for each processing facility based on the annual sales of such facility.

New law provides for additional requirements for an applicant for a consumable hemp processor permit.

New law requires that a consumable hemp processor conduct a potency test of the distillate or concentrate used to produce the consumable hemp product, conduct a test on each batch of the consumable hemp product, and retain records of each test for a minimum of three years.

New law authorizes a permitted consumable hemp processor to produce consumable hemp products that exceed the allowable total THC per serving and package size as provided in new law if the following requirements are met:

- (1) The permit holder completes a written sworn statement attesting that the product will be delivered beyond the borders of the state and that the product meets statutory requirements of the receiving state.
- (2) The permit holder conducts testing on distillates and concentrates as required by new law.
- (3) The permit holder agrees to maintain a copy of the sworn statement and records of each product delivered including the batch number, product name, and the receiving state or territory for a minimum of three years.

Existing law requires that a consumable hemp product that was manufactured, distributed, imported, or sold in this state have a label approved by the LDH.

New law retains existing law and adds that a product also be approved by the LDH.

Prior law prohibited 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.

New law repeals prior law.

New law requires that servings and packages of consumable hemp products meet the following criteria:

- (1) A consumable hemp product cannot exceed a total concentration of THC of 5 mgs per serving nor contain more the 40 mgs of total THC per package. Additionally, requires the package be child-resistant.
- (2) A single serving of consumable hemp beverage cannot exceed 5 mgs of THC and cannot be less than 12 oz.
- (3) A package of tinctures for human consumption cannot contain more than an ounce of an oil-based consumable hemp liquid and a serving must be 1 ml and not exceed 1 mg of total THC per serving.
- (4) A nonedible consumable hemp product cannot be subject to the serving and packaging requirements of new law.

Existing law requires that all labels meet certain criteria in order to receive approval by The LDH.

New law requires that the label clearly state the amount of total THC per serving and contain a warning in the packaging of consumable hemp products that states that consumption of products with THC may result in the failure of a drug test. Further requires that the label accurately reflects the contents of the packaging with a variance of no more than 15%.

New law prohibits the LDH from approving any product that is prohibited by new law or is packaged in a manner that makes the product more appealing to children.

Prior law contained temporal references to deadlines that were outdated.

New law repeals the outdated temporal references.

Prior law required a certificate of analysis with the application for registration.

New law requires that a certificate of analysis accompany an application for approval and registration of a consumable hemp product. Further adds that a sworn verification that the product is in compliance with new law be included in the application. Provides certain acceptable forms of verification.

Prior law provided certain requirements for independent laboratories in completing the certificate of analysis.

New law repeals prior law.

New law requires that a laboratory completing a certificate of analysis be accredited by the International Organization for Standardization or other accredited entity approved by the LDH. Further requires that laboratories testing consumable hemp products be approved by the LDH. Additionally, prohibits The LDH from approving a laboratory that has a direct or indirect interest in a grower, processor, wholesaler, or retailer of hemp or hemp products.

New law requires that the testing laboratory affiliated with the University of La. at Monroe be the preferred laboratory for completing the certificates of analysis.

Prior law required the LDH to conduct an initial review of any consumable hemp product submitted and to notify the submitting party of any deficiencies which prevent the approval of the product within 15 days from the submission date.

New law increases the notification time from 15 to 60 days.

New law requires the LDH to promulgate rules concerning the requirements for independent laboratories that prepare certificates of analysis.

Existing law requires a wholesaler of consumable hemp product to apply for and obtain a permit from the office of alcohol and tobacco.

New law requires a wholesaler permitted in accordance with new law to distribute only approved consumable hemp products from a permitted processor. Prohibits a wholesaler from offering any consumable hemp product for resale except to a consumable hemp retailer that holds a valid permit.

Existing law requires an individual to obtain a permit from the office of alcohol and tobacco in order to be allowed to sell consumable hemp products at retail.

New law adds a requirement for remote retailers to obtain a permit to sell consumable hemp products at retail and comply with the same requirements as physical retailer. Prohibits the issuance of a permit to sell consumable hemp products to an applicant whose primary business provides goods and services for minors. Further allows a remote retailer to sell consumable hemp products at retail in this state. Additionally, provides for qualifications, registration, restrictions, and other requirements for a remote retailer.

Prior law provided that no person or entity was required to have a physical place of business in this state in order to sell consumable hemp products at retail.

New law repeals prior law.

Prior law prohibited the sale of consumable hemp products to any person under the age of 18. Further prohibited the sale of adult-use consumable hemp products to any person under the age of 21.

New law repeals prior law.

New law prohibits the issuance of a retail permit to any applicant that also holds a Class A permit. Allows a restaurant or bar that holds a Class A permit and a permit to sell consumable hemp products at retail prior to June 17, 2024 to continue to sell consumable hemp products and be able to renew their permit annually.

Existing law authorizes the commissioner of the office of alcohol and tobacco control to establish fees for retail permits and annual special events.

New law authorizes the commissioner of the office of alcohol and tobacco control to adopt rules to restrict on premise outdoor advertising of consumable hemp products.

Existing law establishes a penalty structure for persons who violate existing law. Provides that each day on which a violation occurs constitutes a separate offense and provides the following penalties: not more than \$300 for the first offense; not more than \$1,000 for a second offense that occurs within two years from the first offense; and not less than \$500 but not more than \$3,000 for a third or subsequent offense that occurs within two years from the first offense. Further provides for the suspension and revocation of a permit for a person who violates existing law.

New law requires that a permittee who violates new law for a third offense that occurs within two years from the first offense have his permit revoked and be ineligible to apply for or receive a consumable hemp permit for five years.

Existing law provides for the authority of the secretary of the Dept. of Revenue regarding the suspension of a retailer's permit for failing to file returns or pay taxes.

New law requires that an applicant for permit to sell consumable hemp products meet all of the following requirements:

- (1) Be a person of good character and reputation over the age of 21.
- (2) Has 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) Has not been convicted of a felony under the laws of the U.S., the state of La., or any other state or country.
- (4) Has 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 except for items under formal appeal.

Prior law provided that La. Industrial Hemp Promotion and Research Advisory Board would consist of 15 members where one member is appointed by the commissioner of the office of alcohol and tobacco control.

New law changes the appointee to the Hemp Association of La. instead of the commissioner of the office of alcohol and tobacco control.

Effective January 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))