

RÉSUMÉ DIGEST

ACT 752 (HB 952)

2024 Regular Session

Miller

Prior law defined an "adult-use consumable hemp product" as any consumable hemp product that contains more than 0.5 mg of tetrahydrocannabinol (THC).

New law repeals prior law.

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

New law modifies existing law definitions.

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

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

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

New 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.

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

Prior law prohibited the addition of cannabidiol to alcoholic beverages offered for sale.

New law prohibits the addition of any consumable hemp product, which includes cannabidiol and THC to alcoholic beverages offered for sale.

Prior law allowed the sale, production, and distribution of floral hemp material.

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

New 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 an alcohol beverage permit unless that entity obtained a permit to sell hemp on or before June 17, 2024.

New law prohibits the sale of any consumable hemp product that has not received approval by the La. Dept. of Health (LDH).

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

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

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

New law repeals prior law that 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.

Existing law requires a consumable hemp processor to a test consumable hemp product for harmful substances and THC concentration.

New law 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.

New law authorizes LDH to approve a consumable hemp product with a greater concentration of THC than permitted by new 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 new 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.

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

New law adds that the product shall also be approved by LDH.

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

Prior law required that no consumable hemp product exceed 8 mgs of total THC.

New law modifies prior law to state that no consumable hemp product shall exceed a total concentration of THC of 5 mgs per serving.

New law provides that for products other than consumable hemp beverages and tinctures for human consumption, each serving shall be distinct and separate from other servings contained in the same package and a package shall contain no more than 40 milligrams of total THC.

Prior law established 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.

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

New 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.

New law provides that nonedible consumable hemp products shall not be subject to new law requirements.

Prior law contained temporal references to deadlines that are outdated.

New law repeals the outdated temporal references.

New 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.

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

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

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

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

New 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.

New 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.

Existing 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.

New law modifies existing law by increasing the time to respond from 15 to 60 days.

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

Existing 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.

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

New law states that a permitted retailer shall obtain consumable hemp products to sell at retail from a permitted wholesaler.

New 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.

New law adds that any permit holder found to be in violation of new 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 from the date of revocation.

New law states that an applicant for a 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.

Existing law states that the Louisiana Industrial Hemp Promotion and Research Advisory Board shall consist of 15 members where 1 member is appointed by the commissioner of the office of alcohol and tobacco control.

New law changes existing law to remove the commission and states that one member may be appointed by the Hemp Association of Louisiana.

Section 3 effective upon signature of governor (June 19, 2024).

Sections 1, 2, and 4 effective on January 1, 2025.

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