

RÉSUMÉ DIGEST

ACT 345 (HB 36)

2025 Regular Session

Schlegel

Existing law (R.S. 9:2800.62(2)) defines "illegal controlled substance" as cocaine, phencyclidine, heroin, or methamphetamine, and any other illegal controlled dangerous substance the possession or distribution of which is a violation existing law.

New law expands the definition of "illegal controlled substance" to include consumable hemp products as defined in R.S. 3:1481 (any product derived from industrial hemp that contains any cannabinoid, including cannabidiol or THC, and is intended for consumption or topical use) when the distribution or possession of it is in violation of R.S. 3:1482 (prohibitions) or 1483 (permit and packaging requirements).

Existing law (R.S. 9:2800.63(A)) provides a list of people who have a cause of action for damages caused by an individual's use of an illegal controlled substance. Existing law (R.S. 9:2800.63(B)) also provides the circumstances which give rise to that cause of action.

New law includes an action for damages when a person sells, administers, or furnishes consumable hemp to a person under the age of 21.

New law (R.S. 9:2800.63(E)) provides an exception to causes of action for damages when the damages were caused by an individual's use of a consumable hemp product and any of the following applies:

- (1) The sole allegation is that the processor, wholesaler, or retailer was operating without an active permit, provided the business held a valid permit at the time of applying for renewal, and the renewal application was under review by the La. Dept. of Health or the office of alcohol and tobacco control at the time of the alleged offense.
- (2) The consumable hemp product that caused the damage was approved by the La. Dept. of Health at the time of the alleged incident.
- (3) The consumable hemp product that caused the damage had been previously approved by the La. Dept. of Health and had not been revoked for more than 60 days prior to the alleged incident.

New law also provides an exception to the exemption from new law if the individual injured as a result of the use of the consumable hemp product is a minor.

Effective August 1, 2025.

(Amends R.S. 9:2800.62(2) and 2800.63(B)(1); Adds R.S. 9:2800.63(E))