
DIGEST

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HB 138 Reengrossed

2019 Regular Session

Connick

Abstract: Amends the definition of "marijuana" to exclude industrial hemp, adds a definition of "industrial hemp", and adds certain substances to Schedule I of the Uniform Controlled Dangerous Substances Law.

Present law provides for a definition of "marijuana" which means all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

Present law further provides that the term "marijuana" does not include the mature stalks of plants of the genus Cannabis, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the U.S. Food and Drug Administration.

Proposed law adds industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the La. Dept. of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018 as an exception to the present law definition of "marijuana".

Proposed law defines "industrial hemp" as the plant Cannabis sativa and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the La. Dept. of Agriculture and Forestry that is in compliance with the U.S. Dept. of Agriculture rules.

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law retains present law.

Proposed law adds Methoxyacetylfentanyl, Para-fluorobutyrylfentanyl, Tetrahydrofurfanylfentanyl, U-49900, U-51754, U-48800, and Deschloro-N-ethyl-ketamine to Schedule I.

Present law provides that no person shall knowingly or intentionally:

- (1) Produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled dangerous substance analogue classified in Schedule I.
- (2) Create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.

Proposed law adds to present law that no person shall knowingly or intentionally cultivate, possess, process, or sell industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the La. Dept. of Agriculture and Forestry that is in compliance with the U.S. Dept. of Agriculture rules.

(Amends R.S. 40:961(26) and 964(Schedule I)(C)(27); Adds R.S. 40:961(45), 964(Schedule I)(A)(62) through (67) and (C)(65), and 966(A)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change proposed law references of "hemp" to "industrial hemp".
2. Provide that the present law definition of "marijuana" does not apply to industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the La. Dept. of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture and Improvement Act of 2018.
3. Amend the proposed law definition of "industrial hemp" to include that it is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the La. Dept. of Agriculture and Forestry.
4. Prohibit any person from cultivating, possessing, or selling industrial hemp, industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the La. Dept. of Agriculture and Forestry.