
DIGEST

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HB 566 Original

2022 Regular Session

Bagley

Abstract: Provides for the change in regulatory authority over production facilities from the La. Dept. of Agriculture and Forestry to the La. Dept. of Health, removes the total number of production facilities licenses that may be issued, and provides for a time period of transition between the two agencies.

Present law requires the La. Dept. of Agriculture and Forestry (LDAF) to develop rules and regulations regarding the extraction, processing, and production of recommended therapeutic marijuana and the facility production therapeutic marijuana, as well as to develop an annual license for therapeutic marijuana production facilities.

Proposed law replaces the LDAF with the La. Dept. of Health (LDH) as the regulatory authority for the production and processing of therapeutic marijuana, as well as the agency developing and issuing production facility licenses.

Present law requires the number of production facility licenses issued within the state, outside of those granted to the Louisiana State University (LSU) and Southern University (SU) Agricultural Centers, to be limited to one through a contract awarded by competitive sealed bid or competitive sealed proposal and only if LSU and SU decline to be licensed.

Proposed law removes the limitation on the number of licenses issued and requires the LDH to issue any new licenses pursuant to present law.

Present law grants the LSU and SU Agricultural Centers with a right of first refusal to be licensed as a production facility and required them to provide written notice to the commissioner of agriculture and forestry prior to Sept. 1, 2016 of their intent to be licensed.

Proposed law modifies present law to provide that if LSU and SU Agricultural Centers are already licensed on July 1, 2023, then they maintain their right to retain their license as a production facility provided that within no more than 30 days after July 1, 2023, they provide written notice to the secretary of health of their intent to remain a licensed production facility and to be regulated by the LDH.

Present law authorizes the LDAF to obtain criminal history record information for the purposes of determining suitability of licensees and applicants for license of a production facility.

Proposed law changes present law from the LDAF to the LDH.

Proposed law encompasses transfer provisions pursuant to which the LDH becomes the successor in every way to the LDAF for the purposes of regulating the extraction, processing, and production of therapeutic marijuana.

Upon the effective date of proposed law, the provisions of proposed law effectuating the full succession of the LDAF by the LDH become effective on July 1, 2023.

Proposed law requires the LDAF and the LDH to take such actions prior to July 1, 2023, including but not limited to amending, adopting, and repealing administrative rules, as are necessary to implement the provisions of proposed law on that date.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046(H)(1)(a), (2)(a) and (b), (3), (4)(a) and (e), (6)(a)(introductory paragraph) and (b) and 1047(A)(4))