

2022 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE SCHEXNAYDER

AGRICULTURAL COMMODITIES: Provides relative to industrial hemp

1 AN ACT

2 To amend and reenact R.S. 3:1462(13) through (19), 1465(D)(1), 1468(A), 1481, 1482(C)  
3 and (D)(introductory paragraph), and 1483(A)(1), (B)(6) through (8), and (E) and  
4 R.S. 40:1691.1, to enact R.S. 3:1482(E), and to repeal R.S. 3:1485, relative to  
5 industrial hemp; to provide for the regulation of industrial hemp; to provide for  
6 definitions; to provide for testing; to provide for the regulation of consumable hemp  
7 products; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 3:1462(13) through (19), 1465(D)(1), 1468(A), 1481, 1482(C) and  
10 (D)(introductory paragraph), and 1483(A)(1), (B)(6) through (8), and (E) are hereby  
11 amended and reenacted and R.S. 3:1482(E) is hereby enacted to read as follows:

12 §1462. Definitions

13 As used in this Part, the following terms shall have the following meanings:

14 \* \* \*

15 (13) "Performance-based sampling" means an alternative sampling method  
16 utilized by the department to ensure, at confidence level of 95%, that no more than  
17 one percent of the industrial hemp plants in each lot subject to the alternative  
18 sampling method will test above a total delta-9 THC concentration of 0.3 percent on  
19 a dry weight basis.

20 ~~(13)~~(14) "Process" means converting industrial hemp into a marketable form.



1 The grower shall harvest his approved industrial hemp plants not more than thirty  
2 days following the date of sample collection by the department, unless specifically  
3 authorized in writing by the department.

4 (2) The department shall ensure that one or more of the following factors  
5 exist when determining if a licensee is eligible for performance-based sampling:

6 (a) The variety or strain is recognized as AOSCA Certified Seed or has  
7 consistently demonstrated to result in compliant hemp plants pursuant to the  
8 sampling and testing process of the department.

9 (b) The hemp is produced for grain or fiber and no leaf or floral material will  
10 be harvested.

11 (c) The producer is conducting industrial hemp research.

12 (d) The producer has consistently produced compliant industrial hemp plants  
13 over an extended period of time.

14 (e) The producer is growing immature industrial hemp plants produced from  
15 industrial hemp seed of known compliant varieties and the plants will be harvested  
16 prior to flowering.

17 ~~(2)~~(3) The department may enter into contracts, cooperative endeavor  
18 agreements, memoranda of understanding, or other agreements with any public  
19 postsecondary education institution for the testing of THC levels in industrial hemp  
20 crops or industrial hemp products deemed necessary by the commissioner.

21 \* \* \*

22 PART VI. CONSUMABLE HEMP PRODUCTS

23 §1481. Definitions

24 As used in this Part:

25 (1) "Artificially-derived cannabinoid" means a chemical substance that is  
26 created by a chemical reaction that changes the molecular structure of any chemical  
27 substance derived from the plant Cannabis sativa L.

28 (b) "Artificially-derived cannabinoid" shall not include:

1            (i) A naturally occurring chemical substance that is separated from the plant  
2            Cannabis sativa L. by a chemical or mechanical extraction process.

3            (ii) Cannabinoids that are produced by decarboxylation from a naturally  
4            occurring cannabinoid acid without the use of a chemical catalyst.

5            ~~(1)~~(2) "Commissioner" means the commissioner of the office of alcohol and  
6            tobacco control.

7            ~~(2)~~(3) "Consumable hemp processor" means any individual, partnership,  
8            corporation, cooperative association, or other business entity that receives industrial  
9            hemp for the manufacturing or processing of a consumable hemp product.

10           ~~(3)~~(4)(a) "Consumable hemp product" means any product derived from  
11           industrial hemp that contains any cannabinoid, including cannabidiol, and is intended  
12           for consumption or topical use.

13           (b) "Consumable hemp product" shall include commercial feed, pet products,  
14           and hemp floral material.

15           ~~(4)~~(5) "Department" means the Louisiana Department of Health.

16           ~~(5)~~(6) "Industrial hemp" or "hemp" means the plant Cannabis sativa L. and  
17           any part of that plant, including the seeds thereof and all derivatives, extracts,  
18           cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,  
19           with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight  
20           basis.

21           (7) "Package" means a container or wrapping in which any consumer  
22           commodity is enclosed for the purpose of delivery or display of that commodity to  
23           retail purchasers and contains one or more servings.

24           ~~(6)~~(8) "Remote retailer" means a person or entity who offers any consumable  
25           hemp product for sale at retail, or for any transaction of products in lieu of a sale,  
26           through a digital application, catalog, or the internet, that can be purchased and  
27           delivered directly to a consumer in Louisiana.

28           (9) "Retailer" means a person or entity who offers any consumable hemp  
29           product for sale at retail.



1 shall be for each separate processing facility and shall be based on the annual sales  
2 of such facility according to the following schedule:

3	Annual Sales	Annual Fee
4	Under \$500,000	\$175.00
5	\$500,001 - \$1,000,000	\$475.00
6	\$1,000,001 - \$2,500,000	\$775.00
7	\$2,500,001 - \$5,000,000	\$1,075.00
8	Over \$5,000,000	\$1,375.00
9	* * *	

10 B. Any consumable hemp product that is manufactured, distributed,  
11 imported, or sold for use in Louisiana shall:

12 ~~(6) Not contain a total delta-9 THC concentration of more than 0.3 percent~~  
13 ~~on a dry weight basis.~~

14 ~~(7) Not contain a total THC concentration of more than one percent on a dry~~  
15 ~~weight basis.~~

16 ~~(8) Not contain any artificially-derived cannabinoid that is not naturally~~  
17 ~~occurring.~~

18 (7) Not exceed the following amounts of THC:

19 (a) For consumable hemp products, a product shall not exceed 0.5 milligrams  
20 of total THC per serving and 15 milligrams of total THC per package. The  
21 provisions of this Subparagraph shall not apply to floral hemp material.

22 (b) For floral hemp material, a product shall not exceed a total delta-9 THC  
23 concentration of more than 0.3 percent on a dry weight basis or a total THC  
24 concentration of more than one percent on a dry weight basis.

25 \* \* \*

26 E. The application for registration shall include a certificate of analysis  
27 containing the following information:

28 (1) The batch identification number, date received, date of completion, and  
29 the method of analysis for each test conducted.

1 (2) Test results identifying the cannabinoid profile by percentage of weight;  
2 solvents, pesticides, ~~microbials, and heavy metals.~~

3 (3) Indication of serving size, total THC per serving, package size, and total  
4 THC per package. The units of measurement shall be identified as milligrams per  
5 gram.

6 \* \* \*

7 Section 2. R.S. 40:961.1 is hereby amended and reenacted to read as follows:

8 §961.1. Industrial hemp exemption

9 Notwithstanding the definitions provided for in R.S. 40:961(6) and ~~(26)~~(27),  
10 the provisions of the Uniform Controlled Dangerous Substances Law shall not apply  
11 to industrial hemp or ~~industrial hemp-derived CBD~~ consumable hemp products as  
12 provided for in Parts V and VI of Chapter 10-A of Title 3 of the Louisiana Revised  
13 Statutes of 1950.

14 Section 3. R.S. 3:1485 is hereby repealed in its entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 758 Original

2022 Regular Session

Schexnayder

**Abstract:** Provides for the regulation of industrial hemp and consumable hemp products.

Proposed law creates a definition for "performance-based sampling" and exempts certain licensees approved for performance-based sampling from Dept. of Agriculture THC testing requirements.

Proposed law provides the criteria for a licensee to be eligible for performance-based sampling.

Present law requires a criminal background check upon application for initial licensure or annual license renewal for growers, seed producers, processors, and handlers.

Proposed law changes the criminal background check requirement to upon application for initial licensure and every 3 years thereafter.

Present law provides for prohibitions on selling or processing certain consumable hemp products.

Proposed law adds a prohibition on retailers adding consumable hemp products to food or beverage sold at retail to consumers.

Present law prohibits consumable hemp products from containing any cannabinoid that is not naturally occurring.

Proposed law replaces "cannabinoid that is not naturally occurring" to "any artificially-derived cannabinoid" and provides a definition for "artificially-derived cannabinoid".

Present law provides that consumable hemp products cannot contain a total delta-9 THC concentration of more than 0.3% nor a total THC concentration of more than 1% on a dry weight basis.

Proposed law retains this requirement for hemp floral material but prohibits all other consumable hemp products from exceeding 0.5 mg of total THC per serving and 15 mg of total THC per package.

Present law requires each application for product registration with the La. Dept. of Health to include a certificate of analysis containing the following information:

- (1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.
- (2) Test results identifying the cannabinoid profile by percentage of weight, solvents, pesticides, microbials, and heavy metals.

Proposed law retains provisions of present law but removes the test results for solvents, pesticides, microbials, and heavy metals.

Proposed law requires the certificate of analysis to also indicate the serving size, total THC per serving, package size, and total THC per package and requires the units of measurement to be identified as mg/g.

Proposed law makes technical corrections to the industrial hemp exemption to the Controlled Dangerous Substances Law.

Present law creates the Industrial Hemp Advisory Committee.

Proposed law repeals present law.

(Amends R.S. 3:1462(13)-(19), 1465(D)(1), 1468(A), 1481, 1482(C) and (D)(intro. para.), and 1483(A)(1), (B)(6)-(8), and (E), and R.S. 40:1691.1; Enacts R.S. 3:1482(E); Repeals R.S. 3:1485)