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## DIGEST

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HB 553 Reengrossed

2022 Regular Session

McKnight

**Abstract:** Provides for suitability requirements, based upon criminal history record information, for contractors of licensed producers of medical marijuana.

Present law provides for a process by which the La. Dept. of Agriculture and Forestry (LDAF) determines the suitability of applicants for licensure as a medical marijuana production facility by way of fingerprinting and conducting state and federal background checks through the La. State Police and Federal Bureau of Investigation.

Proposed law modifies present law by removing the LDAF as the regulatory agency to determine suitability and prohibits any government agency from requiring a suitability check as a condition for licensure or permitting as an applicant or contractor to produce marijuana for therapeutic use.

Proposed law requires the employees of a contractor to submit to a criminal background check conducted by the regulatory agency over licensees for the production of recommended marijuana for therapeutic use or a private entity in order to be permitted to work.

Proposed law adds the term "contractor" and defines it as any person, partnership, joint venture, limited liability company, corporation, association, joint stock association, sole proprietorship, trust, other business entity, or juridical person whether incorporated or not selected by either the LSU AgCenter or the Southern Univ. AgCenter through a competitive bid process to cultivate, extract, process, produce, and transport therapeutic marijuana.

Proposed law repeals present law as it pertains to the process, procedures, and fees for obtaining fingerprints, conducting background checks, and accessing reports provided by La. State Police. Proposed law repeals the definitions of "criminal history record information", "department", "FBI", and "licensure".

Proposed law authorizes contractors to still conduct background checks for the purpose of hiring employees.

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

(Amends R.S. 40:1047(A)(intro. para.) and (2), (B), and (C); Repeals R.S. 40:1047(A)(3)-(6), (D), and (E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Retain the term "applicant".
2. Repeal or remove the following terms and definitions: "criminal history record", "department", "division", "exercise significant influence", "permit", and "therapeutic marijuana" or "medical marijuana".
3. Remove the persons required to obtain a permit from the regulatory agency.
4. Remove the requirements a person applying for a permit must do.
5. Remove the criteria by which an applicant is denied a permit.
6. Remove the criteria relating to permit renewal.
7. Remove the criteria by which a regulatory agency may deny, suspend, or revoke a permit issued.
8. Repeal present law provisions relative to the processes and procedures whereby a regulatory agency can request and obtain fingerprints and a background check for the purposes of satisfying suitability in order to issue a license or permit.
9. Remove the La. Dept. of Agriculture and Forestry as the state regulatory agency for conducting suitability investigations.
10. Prohibit any government agency from requiring an applicant for a specialty license or permit for the production of recommended marijuana for therapeutic use to undergo a suitability investigation or submit to a criminal background check as a criteria for obtaining a license or permit.
11. Authorize a contractor to conduct background checks on prospective employees for the purpose of making an employment decision.
12. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Remove the prohibition against conducting criminal background checks on applicants and contractors by government agencies.
2. Require employees of contractors to submit to criminal background checks prior to receiving a permit to work.

3. Make technical changes.