

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 758****2022 Regular Session****Schexnayder**

AGRICULTURAL COMMODITIES: Provides relative to industrial hemp

**Synopsis of Senate Amendments**

1. Removes the definition of "artificially-derived cannabinoid".
2. Removes the provision that authorized the sale of certain products that did not comply with proposed law until Dec. 1, 2022, if the product or packaging was purchased prior to May 1, 2022.
3. Authorizes the sale of consumable hemp products that exceed the new THC limits until Jan. 1, 2023, if the products were registered with the Louisiana Department of Health (LDH) prior to the effective date of proposed law.
4. Prohibits a person from offering for sale any part of hemp for inhalation. Further prohibits a person from offering for sale any alcoholic beverage containing cannabidiol or any consumable hemp product without a license or permit.
5. Authorizes the use of labels that do not meet the new label criteria and applications for registration that do not meet the new certificate of analysis criteria until Jan. 1, 2023, if the labels were approved by the department prior to the effective date of proposed law.
6. Requires applications for registration to include verification that the product was produced from hemp and requires the LDH to determine the acceptable forms of verification.
7. Changes the criteria for independent laboratories doing certificates of analysis.
8. Removes the THC limits by products types.
9. Limits the THC concentration in all consumable hemp products, except for floral hemp material, to 0.3% delta-9 THC and 1% total THC with no more than 8mg THC per serving.
10. Limits the THC concentration in floral hemp material to 0.3% delta-9 THC and 1% total THC on a dry weight basis.
11. Removes a provision that authorized a wholesaler or retailer to sell their product while it is pending approval if the department failed to implement certain provisions of proposed law.
12. Authorizes a wholesaler or retailer to sell their product from the day following the 15th business day until final approval or denial, if the department fails to notify the submitting party within 15 days of submission.
13. Requires the LDH to develop a process to register any consumable hemp product grown and processed in La. as a "Louisiana Hemp Product".
14. Provides for an effective date.
15. Makes technical changes.

**Digest of Bill as Finally Passed by Senate**

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 three 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 beverages sold at retail to consumers.

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

Proposed law repeals present law.

Proposed law prohibits a person from selling any part of hemp for inhalation, except for rolling papers. Further prohibits a person from processing or selling any alcoholic beverage containing cannabidiol or any consumable hemp product without a license or permit.

Proposed law further prohibits a person's ability to offer for sale any products restricted by present law.

Proposed law defines the term "adult-use consumable hemp product" to mean any consumable hemp product that contains more than 0.5 milligrams of total THC per package.

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 present law for floral hemp material and provides that all other consumable hemp products cannot exceed a delta-9 THC concentration of more than 0.3% or a total THC concentration of more than 1%, not to exceed 8 milligrams of THC per serving.

Proposed law authorizes any consumable hemp product that exceeds the THC limits of proposed law that was registered with the department prior to the effective date of proposed law to be sold in La. until Jan. 1, 2023.

Proposed law requires any adult-use consumable hemp product to be identified as such on the label.

Proposed law authorizes any label that does not meet the criteria provided in proposed law that was approved by the department prior to the effective date of proposed law to be used in La. until July 1, 2023.

Present law requires each application for product registration with the La. Dept. of Health (LDH) 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 and 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 requires the application for registration to include verification that the product was produced from hemp. Specifies that acceptable forms of verification will be determined by the department and may include a copy of the hemp grower or processor's license.

Proposed law authorizes any application for registration that does not meet the criteria provided in proposed law that was approved by the department prior to the effective date of proposed law to be used in La. until July 1, 2023.

Present law requires the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

- (1) Is accredited as a testing laboratory approved by the department.
- (2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

Proposed law requires the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

- (1)(a) If the laboratory is located outside of La., it is accredited by the International Organization for Standardization or other accrediting entity approved by the department.
  - (b) If the laboratory is located in La., it shall:
    - (i) Pass an on-site facility inspection conducted by the department.
    - (ii) Provide documentation that the owner has operated a state-approved, active medical marijuana or hemp laboratory in another state for at least the past 12 months.
    - (iii) Be accredited by the International Organization for Standardization or other accrediting entity approved by the department or have an application pending for International Organization for Standardization accreditation.
- (2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

Proposed law requires the LDH to review any consumable hemp product submitted for approval and notify the submitting party of any deficiencies existing which prevents the approval of the product within 15 business days of the date of submission.

Proposed law further requires that if the LDH fails to notify the submitting party within 15 business days of the date of submission, the product may be sold by a permitted wholesaler or retailer from the day following the 15th business day until the submitting party receives final approval or denial from the department for the product.

Proposed law requires the LDH to provide a mechanism to allow the office of alcohol and tobacco control to scan consumable hemp products to determine if the product is registered

with the LDH.

Present law requires the LDH to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of present law.

Proposed law requires the LDH to promulgate rules and regulations to implement the provisions of present and proposed law on consumable hemp product approval by the LDH and regulation of processors utilizing emergency rulemaking authority.

Proposed law requires the LDH to include the limits for solvents, pesticides, microbials, and heavy metals allowable in consumable hemp products and definitions for consumable hemp product types in their administrative rules.

Proposed law requires the LDH to employ a minimum of two full-time employees to review and approve products.

Proposed law requires the LDH to develop a process to register any consumable hemp product that is grown and processed in the state of La. as a "Louisiana Hemp Product" and authorizes LDH to adopt a logo for the products.

Proposed law further provides that no consumable hemp product may hold itself out as being a "La. Hemp Product" unless the product has been registered with LDH.

Proposed law prohibits licensed retailers from selling adult-use consumable hemp products to any person under the age of 21.

Present law creates the Industrial Hemp Advisory Committee.

Proposed law repeals present law.

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

(Amends R.S. 3:1462(13)-(18), 1465(D)(1), 1468(A), 1481, 1482(A), (B), (C), and (D)(intro. para.), 1483(A)(1), (B)(intro. para.), (6), and (7), (C), (E), (F)(1), (G), and (L), and 1484(B)(4) and R.S. 40:961.1; Adds R.S. 3:1462(19) and 1482(E); Repeals R.S. 3:1483(B)(8) and 1485)