

2022 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE SCHEXNAYDER

1 AN ACT

2 To amend and reenact R.S. 3:1462(13) through (18), 1465(D)(1), 1468(A), 1481, 1482(C)
3 1482(A), (B), (C), and (D)(introductory paragraph), 1483(A)(1), (B)(introductory
4 paragraph), (6), and (7), (C), (E), (F)(1), (G), and (L), and 1484(B)(4) and R.S.
5 40:961.1, to enact R.S. 3:1462(19) and 1482(E), and to repeal R.S. 3:1483(B)(8) and
6 1485, relative to industrial hemp; to provide for the regulation of industrial hemp;
7 to provide for definitions; to provide for testing; to provide for the regulation of
8 consumable hemp products; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:1462(13) through (18), 1465(D)(1), 1468(A), 1481, 1482(A), (B),
11 (C), and (D)(introductory paragraph), 1483(A)(1), (B)(introductory paragraph), (6), and (7),
12 (C), (E), (F)(1), (G), and (L), and 1484(B)(4) are hereby amended and reenacted and
13 R.S.3:1462(19) and 1482(E) are hereby enacted to read as follows:

14 §1462. Definitions

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

16 * * *

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

1 PART VI. CONSUMABLE HEMP PRODUCTS

2 §1481. Definitions

3 As used in this Part:

4 (1) "Adult-use consumable hemp product" means any consumable hemp
5 product that contains more than 0.5 milligrams of total THC per package.6 ~~(1)~~ (2) "Commissioner" means the commissioner of the office of alcohol and
7 tobacco control.8 ~~(2)~~ (3) "Consumable hemp processor" means any individual, partnership,
9 corporation, cooperative association, or other business entity that receives industrial
10 hemp for the manufacturing or processing of a consumable hemp product.11 ~~(3)~~ (4)(a) "Consumable hemp product" means any product derived from
12 industrial hemp that contains any cannabinoid, including cannabidiol, and is intended
13 for consumption or topical use.14 (b) "Consumable hemp product" shall include commercial feed, pet products,
15 and hemp floral material.16 ~~(4)~~ (5) "Department" means the Louisiana Department of Health.17 ~~(5)~~ (6) "Industrial hemp" or "hemp" means the plant Cannabis sativa L. and
18 any part of that plant, including the seeds thereof and all derivatives, extracts,
19 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,
20 with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight
21 basis.22 (7) "Package" means a container or wrapping in which any consumer
23 commodity is enclosed for the purpose of delivery or display of that commodity to
24 retail purchasers and contains one or more servings.25 ~~(6)~~ (8) "Remote retailer" means a person or entity who offers any
26 consumable hemp product for sale at retail, or for any transaction of products in lieu
27 of a sale, through a digital application, catalog, or the internet, that can be purchased
28 and delivered directly to a consumer in Louisiana.29 (9) "Retailer" means a person or entity who offers any consumable hemp
30 product for sale at retail.

1 §1483. Product approval; consumable hemp processors; Louisiana Department of
2 Health

3 A.(1) Each consumable hemp processor shall obtain an annual consumable
4 hemp processor ~~license~~ permit issued by the department. The department shall
5 charge and collect an annual consumable hemp processor ~~license~~ permit fee. The fee
6 shall be for each separate processing facility and shall be based on the annual sales
7 of such facility according to the following schedule:

8	Annual Sales	Annual Fee
9	Under \$500,000	\$175.00
10	\$500,001 - \$1,000,000	\$475.00
11	\$1,000,001 - \$2,500,000	\$775.00
12	\$2,500,001 - \$5,000,000	\$1,075.00
13	Over \$5,000,000	\$1,375.00

14 * * *

15 B. Any consumable hemp product that is manufactured, distributed,
16 imported, or sold for use in Louisiana shall meet the following criteria:

17 * * *

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

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

22 ~~(8) Not contain any cannabinoid that is not naturally occurring.~~

23 (6)(a) For consumable hemp products, a product shall not exceed a total
24 delta-9 THC concentration of more than 0.3 percent or a total THC concentration of
25 more than one percent. The total THC in a product shall not exceed eight milligrams
26 per serving. The provisions of this Subparagraph shall not apply to floral hemp
27 material.

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

1 If the department fails to notify the submitting party within fifteen business days of
2 the date of submission, the product may be sold by a wholesaler or retailer permitted
3 pursuant to R.S. 3:1484 from the day following the fifteenth business day until the
4 submitting party receives final approval or denial from the department for the
5 product.

6 (2) ~~provide~~ Provide a list of registered products to the office of alcohol and
7 tobacco control, law enforcement, and other necessary entities as determined by the
8 department.

9 (3) Provide a mechanism to allow the office of alcohol and tobacco control
10 to scan products to determine if the product is registered with the department.

11 (4) Employ a minimum of two full-time employees to review and approve
12 products. The positions shall be filled utilizing existing department vacancies and
13 associated funding.

14 (5) Develop a process to register any consumable hemp product that is
15 grown and processed in the state of Louisiana as a "Louisiana Hemp Product". The
16 department may adopt a logo to be used for products registered pursuant to this
17 Paragraph. No consumable hemp product may hold itself out as being a "Louisiana
18 Hemp Product" unless such product has been registered by the department pursuant
19 to this Paragraph and rules promulgated by the department.

20 * * *

21 L. The department shall promulgate rules and regulations in accordance with
22 the Administrative Procedure Act to implement the provisions of this Section. In
23 order to expedite implementation, the department shall utilize emergency
24 rulemaking. The rules shall specify standards for product labels, procedures for label
25 approval, definitions for product types provided for in Subsection B of this Section,
26 limits for solvents, pesticides, microbials, and heavy metals, requirements for
27 accreditation for laboratories, any prohibited dosage vehicles as determined by the
28 department, and sanitary requirements specific to consumable hemp processors.

29 §1484. Permit to sell; office of alcohol and tobacco control

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(4)(a) No consumable hemp product shall be sold to any person under the age of eighteen years.

(b) No adult-use consumable hemp product shall be sold to any person under the age of twenty-one years.

* * *

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

§961.1. Industrial hemp exemption

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

Section 3. R.S. 3:1483(B)(8) and 1485 are hereby repealed in their entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____