

ACT No. 628

2022 Regular Session

HOUSE BILL NO. 553

BY REPRESENTATIVE MCKNIGHT

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AN ACT

To amend and reenact R.S. 40:1047(A)(introductory paragraph) and (2) , (B), and (C), and to repeal R.S. 40:1047(A)(3) through (6), (D), and (E), relative to suitability requirements for persons associated with production of therapeutic marijuana; to provide for definitions; to prohibit government agencies from conducting suitability investigations as a requirement for licensure to produce therapeutic marijuana; to require employees of contractors to submit to criminal background checks; to permit contractors to conduct background checks as a condition of employment; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1047(A)(introductory paragraph) and (2) and (B) and (C) are hereby amended and reenacted to read as follows:

§1047. Louisiana Department of Agriculture and Forestry Permits relating to production of therapeutic marijuana; contractors of licensed producers; permit application requirements; authorization for Department of Agriculture and Forestry to obtain criminal history record information

A. As used in this Section, the following terms ~~shall~~ have the ~~following~~ meaning ascribed in this Subsection:

* * *

(2) ~~"Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.~~ "Contractor" means any person, partnership, joint venture, limited liability company, corporation, association, joint stock association, sole

1 proprietorship, trust, other business entity, or juridical person whether incorporated
 2 or not selected by either the Louisiana State University Agricultural Center or the
 3 Southern University Agricultural Center through a competitive bid process to
 4 cultivate, extract, process, produce, and transport therapeutic marijuana.

5 B. (1) In addition to any other requirements established by department rules,
 6 the department shall require an applicant, as a condition of eligibility for licensure:
 7 No applicant for a specialty license or permit for the production of recommended
 8 marijuana for therapeutic use issued pursuant to R.S. 40:1046(H) or a contractor
 9 shall be required to undergo a suitability investigation conducted by any government
 10 agency as a prerequisite to obtaining a license or permit.

11 ~~(1) To submit a full set of fingerprints, in a form and manner prescribed by~~
 12 ~~the department.~~

13 ~~(2) To permit the department to request and obtain state and national~~
 14 ~~criminal history record information on the applicant. A contractor shall submit to a~~
 15 ~~criminal history background check conducted by a government agency or private~~
 16 ~~entity subject to any applicable terms and conditions of the contract between the~~
 17 ~~university licensee and contractor. The requirement to undergo a criminal history~~
 18 ~~background check shall be limited to employees of a contractor for the production~~
 19 ~~of recommended marijuana for therapeutic use. The government agency designated~~
 20 ~~to regulate licensees for the production of recommended marijuana for therapeutic~~
 21 ~~use pursuant to R.S. 40:1046 shall issue a provisional permit to the contractor and~~
 22 ~~shall be converted to an unconditional permit upon successful completion of the~~
 23 ~~criminal history background check.~~

24 ~~(3) To pay the reasonable costs to be incurred by the department in~~
 25 ~~requesting and obtaining state and national criminal history record information on~~
 26 ~~the applicant.~~

27 C. ~~In accordance with the provisions and procedure prescribed by this~~
 28 ~~Section, the department shall request and obtain state and national criminal history~~
 29 ~~record information from the bureau and the FBI relative to any applicant for~~
 30 ~~licensure whose fingerprints the department has obtained pursuant to this Section for~~

1 ~~the purpose of determining the applicant's suitability and eligibility for licensure.~~
2 Unless otherwise provided by law, nothing in this Section shall be construed to limit
3 or prohibit a contractor from considering the results of a background check of a
4 prospective employee in making the final determination of whether to employ the
5 person.

6 Section 2. R.S. 40:1047(A)(3) through (6), (D), and (E) are hereby repealed in their
7 entirety.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____