

2024 Regular Session

SENATE BILL NO. 237

BY SENATOR PRESSLY

AGRICULTURAL COMMODITIES. Provides relative to industrial and consumable hemp.
(8/1/24)

1 AN ACT
2 To amend and reenact R.S. 3:1461, the introductory paragraph of 1464(9), 1464(9)(d) and
3 (f), 1481(1), (4), and (6), 1482(A) and (B)(1), 1483(B)(6)(a) and (b), (C)(1)(c), and
4 (E)(1)(c) and (2) and to repeal R.S. 3:1482(E) and 1483(D), relative to industrial
5 hemp; to provide for the regulation of industrial hemp; to provide for powers and
6 responsibilities of the commission and the commissioner; to provide for licensure;
7 to provide for reports; to provide for consumable hemp products; to provide
8 definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:1461, the introductory paragraph of 1464(9), 1464(9)(d) and (f),
11 1481(1), (4), and (6), 1482(A) and (B)(1), 1483(B)(6)(a) and (b), (C)(1)(c), and (E)(1)(c) and
12 (2) are hereby amended and reenacted to read as follows:

13 §1461. Purpose

14 It is hereby the intent of the legislature to recognize industrial hemp as an
15 agricultural commodity **for industrial use, such as home and building**
16 **construction**, and authorize the cultivation, processing, and handling of industrial
17 hemp as legal, agricultural activities in the state of Louisiana in accordance with the

1 Agriculture Improvement Act of 2018, P.L. 115-334. It is also the intent of the
 2 legislature to protect and promote the health, welfare, and safety of the public
 3 and prohibit the production and sale of recreational adult-use intoxicating
 4 substances derived from industrial hemp.

5 * * *

6 §1464. Powers and duties of the commissioner

7 The commissioner shall:

8 * * *

9 (9) On or before January 31, 2020, and annually for ~~four~~ **eight** years
 10 thereafter, submit a status report on the state's industrial hemp program to the House
 11 Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the
 12 Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

13 The report shall include the following information:

14 * * *

15 (d) The number of licenses issued to growers with land under two hundred
 16 acres and the total **quantity and dollar** amount of industrial hemp sold from those
 17 growers to processors.

18 * * *

19 (f) Estimated value of the industrial hemp industry **in the state and in each**
 20 **parish.**

21 * * *

22 §1481. Definitions

23 As used in this Part:

24 (1) "Adult-use consumable hemp product" means any consumable hemp
 25 product that contains ~~more than 0.5 milligrams of total~~ **no** THC per **serving or**
 26 **package.**

27 * * *

28 (4)(a) "Consumable hemp product" means any product derived from
 29 industrial hemp that **does not contain any THC, and may** ~~contains~~ **contain** any

1 other cannabinoid, including cannabidiol, and is intended for consumption or topical
2 use.

3 (b) "Consumable hemp product" shall include commercial feed; and pet
4 products; ~~and hemp floral material.~~

5 * * *

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

11 * * *

12 §1482. Consumable hemp products; prohibitions

13 A. No person shall sell or offer for sale any part of hemp for inhalation or
14 any hemp floral material, except for hemp rolling papers.

15 B. No person shall process, sell, or offer for sale:

16 (1) Any ~~alcoholic~~ beverage containing ~~cannabidiol~~ any THC.

17 * * *

18 §1483. Product approval; consumable hemp processors; Louisiana Department of
19 Health

20 * * *

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

23 * * *

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

29 (b) For No person shall sell or offer for sale floral hemp material or any

Proposed law retains present law and further provides that it is the intent of the legislature to recognize industrial hemp as an agricultural commodity for industrial use, such as home and building construction, and it is the legislature's intent to protect health, welfare, and safety by prohibiting the production and sale of recreational adult-use intoxicating substances derived from industrial hemp.

Present law (R.S. 3:1464) provides that for the years of 2020 to 2024, the commissioner shall submit an annual report on the status of the state's industrial hemp program to the House and Senate committees on agriculture. Provides that, among other items, the report shall include information on the number of licenses issued to growers with land under 200 acres and the total amount of industrial hemp sold from those growers to processors as well as the estimated value of the industrial hemp industry.

Proposed law extends the reporting for four additional years and changes the report to provide that it shall include the total quantity and dollar amount of industrial hemp sold from growers with land under 200 acres and requires the estimated value of the industrial hemp industry be reported by parish as well as statewide.

Present law (R.S. 3:1481) defines that an "adult-use consumable hemp product" is any consumable hemp product that contains more than 0.5 milligrams of total THC per package.

Proposed law defines that an "adult-use consumable hemp product" is any consumable hemp product that contains no THC per serving or package.

Present law defines that a "consumable hemp product" is any product derived from industrial hemp that contains any cannabinoid and is intended for consumption or topical use.

Proposed law defines that a "consumable hemp product" is any product derived from industrial hemp that does not contain any THC, may contain any other cannabinoid, and does not include hemp floral material.

Present law defines that "industrial hemp" or "hemp" is the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

Proposed law defines that "industrial hemp" or "hemp" has a total THC concentration of not more than 0.3 percent on a dry weight basis.

Present law (R.S. 3:1482) provides that no person can sell or offer to sell any part of hemp for inhalation, except for hemp rolling papers.

Proposed law retains present law and further provides that no person can sell or offer to sell any hemp floral material.

Present law provides that no person can process, sell, or offer to sell any alcoholic beverage containing cannabidiol.

Proposed law provides that no person can process, sell, or offer to sell any beverage containing any THC.

Present law (R.S. 3:1483) provides that any consumable hemp product that is manufactured, distributed, imported, or sold for use in Louisiana must not exceed a total delta-9 THC concentration of more than 0.3 percent or a total THC concentration of more than one percent, and cannot exceed eight milligrams per serving.

Proposed law provides that consumable hemp products must not contain any THC.

Present law provides that floral hemp material cannot exceed a total delta-9 THC concentration of more than 0.3 percent on a dry weight basis or a total THC concentration of more than one percent on a dry weight basis.

Proposed law provides that no person can sell or offer to sell floral hemp material or any hemp product for inhalation.

Present law provides that all labels must clearly state the THC per serving, serving size, and servings per package.

Proposed law provides that all labels must clearly state the consumable hemp product does not contain any THC per serving and per package.

Present law provides that the application for registration must include a certificate of analysis containing a potency test of the final product indicating the serving size, total THC per serving, total number of serving, and total THC per package as well as verification that the product was produced from hemp.

Proposed law provides that the application must include that there is no THC per serving and per package, and include a notarized verification that the product was produced from hemp and is in compliance with this Part as well as include a copy of the independent laboratory's license and certificate of accreditation.

Effective August 1, 2024.

(Amends R.S. 3:1461, 1464(9)(intro para), 1464(9)(d) and (f), 1481(1), (4), and (6), 1482(A) and (B)(1), 1483(B)(6)(a) and (b), (C)(1)(c), and (E)(1)(c) and (2); repeals R.S. 3:1482(E) and 1483(D))

Summary of Amendments Adopted by Senate

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

1. Clarifies that the purpose of industrial hemp is for industrial use.
2. Changes current amount of THC allowed in consumable hemp products from 0.3 percent to no THC allowed in consumable hemp products.