

2024 Regular Session

HOUSE BILL NO. 952

BY REPRESENTATIVE MILLER

HEALTH: Provides relative to consumable hemp products

1 AN ACT

2 To amend and reenact R.S. 3:1481(4)(a) and 13, 1482(A) and (B), 1483(C), (E)(1)(a), and
3 (F)(introductory paragraph), 1484(A), (B), and (H), and 1493(B)(9), to enact R.S.
4 3:1482(D)(4), 1483(B)(8) and (G)(6), and 1485, and to repeal R.S. 3:1481(1) and
5 (11), 1482(E), and 1483(B)(6) and (7), (D), (E)(3), and (F)(1) and (2), relative to
6 consumable hemp products; to provide for the regulation of consumable hemp
7 products; to provide for definitions; to provide for product requirements; to provide
8 for limits on servings; to prohibit the sale of products to minors; to repeal certain
9 definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 3:1481(4)(a) and 13, 1482(A) and (B), 1483(C), (E)(1)(a), and
12 (F)(introductory paragraph), 1484(A), (B), and (H), and 1493(B)(9) are hereby amended and
13 reenacted and R.S. 3:1482(D)(4), 1483(B)(8) and (G)(6), and 1485 are hereby enacted to
14 read as follows:

15 §1481. Definitions

16 As used in this Part:

17 * * *

18 (4)(a) "Consumable hemp product" means any product derived from
19 industrial hemp that contains any cannabinoid, including cannabidiol, and is intended
20 for consumption or topical use that contains THC compounds.

21 * * *

1 (13) "THC compound" means ~~a~~ any combination of tetrahydrocannabinol
2 and tetrahydrocannabinolic acid.

3 * * *

4 §1482. Consumable hemp products; prohibitions

5 A.(1) A consumable hemp product shall not contain more than eight
6 milligrams of THC compounds per serving. ~~No person shall sell or offer for sale any~~
7 ~~part of hemp for inhalation, except for hemp rolling papers.~~

8 (2) A serving size shall be determined in the following manner:

9 (a) For tinctures, extracts, and concentrates, there shall be included a
10 measuring device capable of administering a single serving. A dropper, cap, or
11 measuring cup included with the packaging shall be considered an acceptable
12 measuring device. Tinctures, extracts, and concentrates shall be contained in a
13 resealable container no greater than one hundred and twenty milliliters in volume.

14 (b) For beverages, a can, bottle, or similar container shall contain no more
15 than a single serving.

16 (c) For all other products, an individual unit shall constitute a single serving
17 and shall be separate and unattached to other units within a package.

18 (3) A consumable hemp product shall contain only THC compounds
19 naturally derived from industrial hemp or hemp.

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

21 (1) Any alcoholic beverage containing ~~cannabidiol~~ a THC compound.

22 (2) Any consumable hemp product without a ~~license or~~ permit required
23 pursuant to ~~this Part~~ R.S. 3:1484.

24 (3) Floral hemp material.

25 (4) Any product that has not received approval from the Louisiana
26 Department of Health in accordance with R.S. 3:1483.

27 * * *

1 D. It shall be unlawful for any person to knowingly, willfully, or
2 intentionally violate the provisions of this Section. Whoever knowingly, willfully,
3 or intentionally violates the provisions of this Section shall be penalized as follows:

4 * * *

5 (4) On a first conviction or subsequent conviction, the commissioner may
6 revoke the retailer's permit to sell consumable hemp products.

7 * * *

8 §1483. Product approval; consumable hemp processors; Louisiana Department of
9 Health

10 * * *

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

13 * * *

14 (8)(a) A consumable processor shall test the distillate or concentrate used to
15 produce a consumable hemp product. The test shall detect the presence and
16 concentration of THC compounds, solvents, pesticides, microbials, and heavy
17 metals.

18 (b) A consumable processor shall conduct a potency test on each batch of
19 product indicating the serving size, total THC compounds per serving, total number
20 of servings, and total THC compounds per package, identified as milligrams per
21 grams.

22 (c) A processor shall retain the records of each test for a minimum of three
23 years.

24 * * *

25 C.~~(1)~~ All labels shall meet the following criteria in order to receive approval
26 from the department:

27 ~~(a)~~ (1) Contain no medical claims.

1 ~~(b)~~ (2) Have a scannable bar code, QR code, or web address linked to a
2 document or website that contains a certificate of analysis as provided in Subsection
3 E of this Section.

4 ~~(c)~~ (3) Clearly state the amount of THC compounds per serving, serving size,
5 and servings per package.

6 ~~(2)~~ Any adult-use consumable hemp product shall be identified as such on
7 the label.

8 ~~(3)~~ Any label that does not meet the criteria provided in this Subsection that
9 was approved by the department prior to June 16, 2022, may be used in Louisiana
10 until July 1, 2023.

11 (4) Accurately reflect the contents of the packaging with a variance of no
12 greater than fifteen percent.

13 * * *

14 E.(1) The application for registration shall include a certificate of analysis
15 containing the following information:

16 ~~(a) The batch identification number,~~ The name of the product, date received,
17 date of completion, and the method of analysis for each test conducted.

18 * * *

19 F. The certificate of analysis required by Subsection E of this Section shall
20 be completed by an independent laboratory ~~that meets the following criteria:~~
21 accredited by the International Organization for Standardization or other accrediting
22 entity approved by the department. A laboratory testing consumable hemp products
23 shall be approved by the Louisiana Department of Health.

24 * * *

25 G. The department shall:

26 * * *

27 (6) Promulgate rules in accordance with the Administrative Procedure Act
28 concerning the requirements for independent laboratories that prepare certificates of

1 analysis in accordance with Subsection F of this Section. The rules may address
2 aspects of testing including but not limited to all of the following:

- 3 (a) The preference for laboratories in this state.
- 4 (b) The procedure for an on-site facility inspection.
- 5 (c) The requirements and prerequisites for third-party entities that audit
6 independent laboratories for compliance with ISO Standard 17025 or equivalent.

7 * * *

8 §1484. Permit to sell; office of alcohol and tobacco control

9 A.(1) Each wholesaler of consumable hemp products shall apply for and
10 obtain a permit from the office of alcohol and tobacco control.

11 (2) The commissioner may establish and collect an annual wholesaler permit
12 fee. The amount of the wholesaler permit fee shall be based on the cost of the
13 regulatory functions performed and shall not exceed five hundred dollars per year.

14 ~~B.(1)(a)~~ (3) Each person who sells or is about to engage in the business of
15 selling at retail any consumable hemp product shall first apply for and obtain a
16 permit for each place of business from the office of alcohol and tobacco control.

17 ~~(b)~~ (4) For purposes of this Section, each individually registered domain
18 name owned or leased by or on behalf of a remote retailer shall be considered a place
19 of business. No person or entity shall be required to have a physical place of
20 business in ~~the~~ this state of Louisiana in order to sell consumable hemp products at
21 retail.

22 B.(1) An applicant for a permit to sell consumable hemp shall be either a
23 natural person or a juridical entity. For a juridical entity whose name the permit may
24 issue to, the applicant shall be any owner of the entity who owns more than twenty-
25 five percent of the entity.

26 (2) An applicant for a permit of all kinds shall demonstrate that he meets all
27 of the following requirements:

- 28 (a) Be a person of good character and reputation and over the age of
29 eighteen.

1 (b) Has not been convicted of distributing or possessing with the intent to
 2 distribute any controlled dangerous substance classified in Schedule I of R.S. 40:964,
 3 on any premises permitted pursuant to this Part, where the applicant held or holds an
 4 interest in the permitted business. The prohibition provided for in this Subsection
 5 shall be for the lifetime of the offender.

6 (c) Has not been convicted of a felony under the laws of the United States,
 7 the state of Louisiana, or any other state or country.

8 (d) Has not been convicted in this or in any other state or by the United
 9 States of soliciting for prostitution, pandering, letting premises for prostitution,
 10 contributing to the delinquency of juveniles, keeping a disorderly place, letting a
 11 disorderly place, or illegally dealing in controlled dangerous substances.

12 (e) Not owe the state or the local governmental subdivisions in which the
 13 application is made any delinquent sales taxes, penalties, or interest excluding items
 14 under formal appeal.

15 ~~(2)~~ (3) Prior to selling consumable hemp products at a special event, the
 16 retailer shall request and promptly receive an annual special event permit from the
 17 commissioner. For purposes of this Section, a special event shall be defined as any
 18 event held at any location, other than a permitted place of business, where
 19 consumable hemp products are sold. The permittee shall notify the commissioner
 20 in writing of any special event the permittee will be attending prior to the event.
 21 Failure to notify the commissioner shall be grounds for revocation of the permit.

22 ~~(3)~~ (4) No permit issued pursuant to this Section shall authorize the permittee
 23 to sell or offer for sale any cannabinoid product derived from any source other than
 24 hemp.

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

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

29 * * *

1 H. The commissioner shall adopt rules and regulations in accordance with
2 the Administrative Procedure Act to implement the provisions of this Section. ~~The~~
3 ~~rules shall not include any fees or penalties for any permit not provided for in this~~
4 ~~Section, or any requirements for proof of Louisiana residency, criminal background~~
5 ~~checks, diagrams of retail premises, or proof of lease or ownership of any retail~~
6 ~~establishment.~~

7 §1485. Prohibition on the sale of consumable hemp products

8 A. A retailer shall not distribute or sell a consumable hemp product to a
9 person under twenty-one years of age.

10 B.(1) A retailer shall verify the age of any person attempting to purchase or
11 receive a consumable hemp product prior to the sale or transfer of the product,
12 including but not limited to a remote retailer who offers any consumable hemp
13 product for sale at retail through a digital application, catalog, or the internet that
14 may be purchased and delivered to a consumer in this state.

15 (2) A retailer shall require a purchaser to provide any one of the following
16 methods to verify the age and identity of the purchaser:

- 17 (a) A digitized identification card as defined by R.S. 51:3211.
- 18 (b) A valid government-issued identification card.
- 19 (c) A commercially reasonable method that relies on public or private
20 transactional data to verify the age of the purchaser.

21 C. A retailer shall maintain all consumable hemp products except for
22 consumable hemp beverages in a location that is inaccessible to the public without
23 the assistance of an employee of the retailer.

24 * * *

25 §1493. Louisiana Industrial Hemp Promotion and Research Advisory Board;
26 creation and organization

27 * * *

28 B. The board shall consist of fifteen members as follows:

29 * * *

1 (9) One member appointed by ~~the commissioner who is a licensed processor~~
2 of industrial hemp the Hemp Association of Louisiana.

3 * * *

4 Section 2. R.S. 3:1481(1) and (11), 1482(E), and 1483(B)(6) and (7), (D), (E)(3),
5 and (F)(1) and (2) are hereby repealed in their entirety.

6 Section 3. This Act shall become effective on January 1, 2025.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 952 Engrossed	2024 Regular Session	Miller
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Abstract: Provides for the production and sale of consumable hemp products.

Present law defines a "adult-use consumable hemp product" as any consumable hemp product that contains more than 0.5 mg of tetrahydrocannabinol. Proposed law repeals present law.

Present law defines a "serving".

Proposed law repeals present law.

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

Proposed law adds that a consumable hemp product in any product derived from hemp that contains tetrahydrocannabinol or tetrahydrocannabinolic acid.

Present law defines "THC" as a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

Proposed law changes the term to "THC compound" and modifies the definition to include any combination tetrahydrocannabinol and tetrahydrocannabinolic acid.

Present law prohibits consumable hemp products that exceed a total delta-9 THC concentration of more than one percent.

Proposed law repeals present law.

Present law further requires that no consumable hemp product exceed 8 mgs of total THC.

Proposed law modifies present law to state that no consumable hemp product shall exceed 8 mgs of THC compound per serving.

Present law permits floral hemp products that conform with present law requirements.

Proposed law prohibits sale of floral hemp products.

Present law establishes that a serving size shall be determinable by a measuring device capable of measuring one serving, or the consumable hemp product packaging shall enable a customer to determine when one serving has been consumed.

Proposed law establishes the following methods to determine serving size:

- (1) For tinctures, extracts, and concentrates, there shall be included a measuring device capable of administering a single serving.
- (2) For beverages, a can, bottle, or similar container shall contain no more than a single serving.
- (3) For all other products, an individual unit shall constitute a single serving and shall be separate and unattached to other units within a package.

Proposed law provides that a consumable hemp product may only contain THC compounds naturally derived from hemp.

Present law provides that a person who knowingly, willfully, or intentionally violates present law shall be fined for each violation.

Proposed law provides that on a first or subsequent conviction for a violation of present law the commissioner may revoke the retailer's permit to sell consumable hemp products.

Present law tasks the La. Dept. of Health (LDH) with approving consumable hemp product labels before the product may be sold.

Proposed law retains present law.

Present law contains temporal references to deadlines that are outdated.

Proposed law repeals the outdated temporal references.

Present law requires hemp retailers to obtain a certificate of analysis for each product label approved by LDH.

Present law provides requirements for the laboratories reporting the certificate of analysis.

Proposed law provides that a laboratory shall be accredited by the International Organization for Standardization or other accredited entity approved by LDH.

Proposed law repeals requirements for a laboratory in this state and adds that LDH may promulgate rules to provide standards for all laboratories testing consumable hemp products.

Present law states that an individual must obtain a permit from the office of alcohol and tobacco to be allowed to sell consumable hemp products.

Proposed law adds that an applicant for a permit to sell consumable hemp products must be either a person or business entity. Proposed law further provides the applicant for a permit shall be the person or owner of the business entity that owns more than twenty-five percent of the business entity.

Proposed law states that an applicant for permit to sell consumable hemp shall meet all of the following requirements:

- (1) Be a person of good character and reputation over the age of eighteen.

- (2) Have not been convicted of distributing or possessing with the intent to distribute any illegal drug on any premises permitted to sell consumable hemp products.
- (3) Have not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country.
- (4) Have not been convicted of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.
- (5) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest excluding items under formal appeal pursuant to applicable statutes.

Present law provides that no consumable hemp product may be sold to anyone under the age of 18.

Proposed law states that no consumable hemp product may be sold to anyone under the age of 21.

Proposed law states that a retailer shall verify the age of any person attempting to purchase a consumable hemp product using a reliable means such as a government-issued documentation cared.

Proposed law states that a retailer shall display all consumable hemp products except beverages in a location out of the reach of the public without assistance from an employee of the retailer.

Present law states that Louisiana Industrial Hemp Promotion and Research Advisory Board shall consist of 15 members where one member is appointed by the commissioner of the office of alcohol and tobacco control. Proposed law changes present law to remove the commission and states that one member may be appointed by the Hemp Association of Louisiana.

Effective on Jan. 1, 2025.

(Adds R.S. 3:1481(4)(a) and (13), 1482(A) and (B), 1483(C), (E)(1)(a), and (F)(intro. para.), 1484(A), (B), and (H), and 1493(B)(9); Adds R.S. 3:1482(D)(4), 1483(B)(8) and (G)(6), and 1485; Repeals R.S. 3:1481(1) and (11), 1482(E), and 1483(B)(6) and (7), (D), (E)(3), and (F)(1) and (2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Clarify that a consumable hemp product is any product derived from hemp that contains THC.
2. Add that a consumable hemp product may contain only THC compounds naturally derived from hemp.
3. Clarify that floral hemp is prohibited.
4. Provide for violations of present law by consumable hemp retailers.
5. Provide relative to testing that must be conducted by a consumable hemp processor.

6. Remove a provision that provides for a date which providers may sell consumable hemp products currently registered with the La. Department of Health.
7. Provide for an effective date.
8. Make technical changes.