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## DIGEST

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HB 952 Reengrossed

2024 Regular Session

Miller

**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.

Proposed law removes floral hemp material from the definition of consumable hemp.

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 greater than 0.3 percent and a total THC concentration of more than one percent.

Proposed law retains 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 prohibits the addition of cannabidiol to alcoholic beverages offered for sale.

Proposed law prohibits the addition of phytocannabinoids to alcoholic beverages offered for sale.

Proposed law uses the term Phytocannabinoid which refers to a group of molecules that are naturally produced by Cannabis, the plant that produces hemp and marijuana. Phytocannabinoids include cannabidiol (CBD) and tetrahydrocannabinol (THC).

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 21.
- (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 card.

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.

(Amends R.S. 3:1481(4) 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.

#### The House Floor Amendments to the engrossed bill:

1. Remove hemp floral material from the definition of consumable hemp.
2. Prohibit adding molecules produced by Cannabis plants, known as phytocannabinoids, to alcoholic beverages.
3. Prohibit the sale of hemp products that require a user to inhale the product.
4. Increase the minimum age of an owner of a retailer that sells consumable hemp products from 18 to 21.
5. Make technical changes

