

2024 Regular Session

HOUSE BILL NO. 952

BY REPRESENTATIVES MILLER AND MANDIE LANDRY

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:1481, 1482(A) through (C) and (E), 1483(A), (B)(3) and (6), (C),
11 (E)(1) and (2), (F), and (G)(1), 1484, and 1493(B)(9) are hereby amended and reenacted and
12 R.S. 3:1483(G)(6) and 1485 are hereby enacted to read as follows:

13 §1481. Definitions

14 As used in this Part:

15 * * *

16 (1) ~~"Adult-use consumable hemp product" means any consumable hemp~~
17 ~~product that contains more than 0.5 milligrams of total THC per package.~~

18 (2) "Commissioner" means the commissioner of the office of alcohol and
19 tobacco control.

20 (3) (2) "Consumable hemp processor" means any individual, partnership,
21 corporation, cooperative association, or other business entity ~~that receives industrial~~
22 ~~hemp for the~~ permitted for manufacturing or processing of industrial hemp into a

1 consumable hemp product. Processing shall not include extraction of cannabinoids
 2 from industrial hemp, the product of which is utilized to manufacture or process a
 3 consumable hemp product.

4 ~~(4)(a)~~ (3)(a) "Consumable hemp product" means any product derived from
 5 industrial hemp that contains any cannabinoid, including cannabidiol or THC, and
 6 is intended for consumption or topical use.

7 (b) "Consumable hemp product" shall include commercial feed; and pet
 8 products, and hemp floral material.

9 (c) "Consumable hemp product" shall not include any product manufactured
 10 or processed utilizing hemp fiber for commercial or industrial use, including textiles,
 11 building materials, clothing, paper, bioplastics, biofuel, insulation, or other similar
 12 products not intended for human consumption.

13 ~~(5)~~ (4) "Department" means the Louisiana Department of Health.

14 ~~(6)~~ (5) "Industrial hemp" or "hemp" means the plant Cannabis sativa L. and
 15 any part of that plant, including the seeds thereof and all derivatives, extracts,
 16 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,
 17 with a total ~~delta-9~~ THC concentration of not more than 0.3 percent on a dry weight
 18 basis.

19 ~~(7)~~ (6) "Package" means a group of individual servings offered together as
 20 a single unit container or wrapping in which any consumer commodity is enclosed
 21 for the purpose of delivery or display of that commodity to retail purchasers and
 22 contains one or more servings.

23 ~~(8)~~ (7) "Remote retailer" means a person or entity who offers any
 24 consumable hemp product for sale at retail; ~~or for any transaction of products in lieu~~
 25 ~~of a sale~~; through a digital application, catalog, or the internet, that can be purchased
 26 and delivered directly to a consumer in Louisiana.

27 ~~(9)~~ (8) "Retail sale" or "sale at retail" means the sale ~~or any transaction in~~
 28 ~~lieu of a sale~~ of products to the public for use or consumption but does not include
 29 the sale ~~or any transaction in lieu of a sale~~ of products for resale.

1 ~~(10)~~ (9) "Retailer" means a person or entity ~~who offers~~ permitted to sell any
 2 consumable hemp product for sale at retail.

3 ~~(11)~~ (10) "Serving" means the total amount of a distinct, individual unit of
 4 a consumable hemp product measured in grams, ounces, pieces, or numbers that may
 5 individual units or amount of liquid of a product recommended by the manufacturer
 6 to be consumed at a single time that does not contain an amount greater than the
 7 allowable total THC.

8 ~~(12)~~ (11) "State plan" means a plan required for approval by the United
 9 States Secretary of Agriculture to monitor and regulate the production of hemp.

10 ~~(13)~~ (12) "THC" means ~~a any combination of~~ tetrahydrocannabinol, ~~and~~
 11 tetrahydrocannabinolic acid, THC component, or any derivative thereof.

12 (13) "THC component" means any naturally occurring cannabinoid
 13 component of industrial hemp or hemp.

14 (14) "Total THC" means any combination of tetrahydrocannabinol,
 15 tetrahydrocannabinolic acid, THC component, or any derivative thereof.

16 ~~(14)~~ (15) "Wholesaler" means a wholesale seller, ~~distributor, or packer of~~
 17 permitted to distribute consumable hemp products to retailers.

18 §1482. Consumable hemp products; prohibitions

19 A.(1) No person shall process, distribute, sell, or offer for sale any
 20 consumable hemp product without a permit required by this Part. ~~No person shall sell~~
 21 ~~or offer for sale any part of hemp for inhalation, except for hemp rolling papers.~~

22 (2) No person shall sell or offer for sale at retail any consumable hemp
 23 product to any person under the age of twenty-one. A retailer shall verify the age of
 24 any person attempting to purchase or receive a consumable hemp product prior to the
 25 sales transaction of the product. A retailer shall require a purchaser to produce a
 26 valid federal or state issued photo identification card or a digitized identification card
 27 as defined in R.S. 51:3211. A retailer shall maintain all consumable hemp products
 28 except for consumable hemp beverages in a location that is inaccessible to the public
 29 without the assistance of an employee of the retailer.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1	\$500,001 - \$1,000,000	\$475.00
2	\$1,000,001 - \$2,500,000	\$775.00
3	\$2,500,001 - \$5,000,000	\$1,075.00
4	Over \$5,000,000	\$1,375.00

5 (2) In addition to the qualifications required in R.S. 3:1485, an applicant for
 6 a consumable hemp processor permit shall meet any additional requirements for the
 7 physical consumable hemp processing facility and equipment as required by rules
 8 and regulations promulgated by the department.

9 (3) A consumable hemp processor shall conduct a potency test of the
 10 distillate or concentrate used to produce a consumable hemp product.

11 (4) A consumable hemp processor shall conduct a test on each batch of
 12 consumable hemp product that shall indicate all of the following:

13 (a) Disaggregated THC components by percentage of the total THC
 14 contained in the product.

15 (b) The serving size of an individual unit of the product.

16 (c) The total THC milligrams per serving.

17 (d) The presence and concentration of any solvents, pesticides, microbials,
 18 and heavy metals.

19 (5) A consumable hemp processor shall retain the records of each test for a
 20 minimum of three years.

21 (6) A consumable hemp processor shall adhere to any sanitary regulations
 22 promulgated by the department.

23 (7) A permitted consumable hemp processor may produce consumable hemp
 24 products that exceed the allowable total THC per serving and package size required
 25 for product approval in Paragraph (6) of Subsection B of this Section if all of the
 26 following are met:

27 (a) The permit holder completes a sworn statement in writing attesting to
 28 both of the following:

29 (i) The product will be delivered or transported beyond the borders of the
 30 state.

- 1 (b) Test results identifying:
- 2 (i) Solvents, pesticides, microbials, and heavy metals.
- 3 (ii) The cannabinoid profile by percentage of weight.
- 4 (c) A potency test of the final product indicating the serving size, total THC
- 5 per serving, total number of servings, and total THC per package, identified as
- 6 milligrams per grams.

7 (2) The application for registration shall include a sworn verification that the
 8 product was produced from hemp in compliance with this Part. Acceptable forms of
 9 verification shall be determined by the department and may include a copy of the
 10 hemp grower or processor's license and a copy of the independent laboratory's
 11 license and certificate of accreditation.

12 * * *

13 ~~F. The certificate of analysis required by Subsection E of this Section shall~~
 14 ~~be completed by an independent laboratory that meets the following criteria:~~

15 ~~(1)(a) If the laboratory is located outside of Louisiana, it is accredited by the~~
 16 ~~International Organization for Standardization or other accrediting entity approved~~
 17 ~~by the department.~~

18 ~~(b) If the laboratory is located in Louisiana, it shall:~~

19 ~~(i) Pass an on-site facility inspection conducted by the department.~~

20 ~~(ii) Provide documentation that the owner has operated a state-approved,~~
 21 ~~active medical marijuana or hemp laboratory in another state for at least the past~~
 22 ~~twelve months.~~

23 ~~(iii) Be accredited by the International Organization for Standardization or~~
 24 ~~other accrediting entity approved by the department or have an application pending~~
 25 ~~for International Organization for Standardization accreditation. If the accreditation~~
 26 ~~is not achieved within nine months of the department's inspection, the department~~
 27 ~~shall not accept any additional certificates of analysis from the laboratory until such~~
 28 ~~accreditation is received.~~

29 ~~(2) Has no direct or indirect interest in a grower, processor, or distributor of~~
 30 ~~hemp or hemp products.~~

1 products offered for retail sale in the state of Louisiana by the remote retailer have
 2 been obtained.

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

7 (2) Prior to selling consumable hemp products at a special event, the retailer
 8 shall request and promptly receive an annual special event permit from the
 9 commissioner. For purposes of this Section, a special event shall be defined as any
 10 event held at any location, other than a permitted place of business, where
 11 consumable hemp products are sold. The permittee shall notify the commissioner in
 12 writing of any special event the permittee will be attending prior to the event. Failure
 13 to notify the commissioner shall be grounds for revocation of the permit.

14 (3) No permit issued pursuant to this Section shall authorize the permittee
 15 to sell or offer for sale any cannabinoid product derived from any source other than
 16 hemp authorized by this Part.

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

19 ~~(b) No adult-use consumable hemp product shall be sold to any person under~~
 20 ~~the age of twenty-one years.~~ A retailer permitted pursuant to this Subsection shall
 21 obtain consumable hemp products to sell at retail only from a wholesaler permitted
 22 pursuant to Subsection A of this Section.

23 (5) No retail permit shall be issued pursuant to this Section to any applicant
 24 that also holds a Class A permit issued pursuant to Title 26 of the Louisiana Revised
 25 Statutes of 1950. Any restaurant or bar that holds both a Class A permit and a permit
 26 to sell consumable hemp products at retail prior to June 17, 2024, shall continue to
 27 be eligible to sell consumable hemp products at retail, and shall be eligible to renew
 28 the retail consumable hemp permit annually.

29 C.(1) The commissioner may establish and collect an annual retail permit fee
 30 and an annual special event permit fee. The amount of each permit fee provided for

1 in this Subsection shall be based on the cost of the regulatory functions performed
 2 and shall not exceed one hundred seventy-five dollars per year.

3 (2) The commissioner may adopt rules and regulations to restrict on premise
 4 outdoor advertising of consumable hemp products of permitted retailers.

5 D. Any person who violates any of the provisions of this Part or rules
 6 adopted pursuant to this Part; who alters, forges, or counterfeits, or uses without
 7 authority any permit or other document provided for in this Part; who operates
 8 without a permit; or who fails to collect or to timely pay the assessments, fees, and
 9 penalties due or assessed pursuant to this Part shall be subject, in addition to any
 10 unpaid assessments, late fees, or collection costs, to the civil penalties provided in
 11 this Section. Each day on which a violation occurs shall constitute a separate offense.

12 (1) For a first offense, not more than three hundred dollars.

13 (2) For a second offense that occurs within two years of the first offense, not
 14 more than one thousand dollars.

15 (3) For a third or subsequent offense that occurs within two years of the first
 16 offense, not less than five hundred dollars but not more than three thousand dollars.

17 E.(1) In addition to the penalties provided in Subsection D of this Section,
 18 any permittee who violates any provisions of this Part shall be subject to having his
 19 permit suspended or revoked. Any fine imposed pursuant to this Part or the
 20 revocation or suspension of a permit is in addition to and is not in lieu of or a
 21 limitation on the imposition of any other penalty provided by law.

22 (2) Any permittee found to be in violation of any provision of this Part for
 23 a third offense that occurs within two years of the first offense shall have his permit
 24 revoked and shall be deemed ineligible to apply for or receive any permit authorized
 25 to be issued by this Part for a period of five years from the date of revocation.

26 F. In addition to the commissioner's authority to revoke or suspend a permit
 27 pursuant to this Section, the secretary of the Department of Revenue shall order the
 28 commissioner to immediately suspend the retailer's permit if the secretary determines
 29 that a consumable hemp product retailer has failed to timely file returns or pay taxes
 30 as required by R.S. 47:1693. The secretary shall order the commissioner to suspend

1 the retailer's permit until the returns have been filed and the taxes are paid. No permit
2 shall be suspended for taxes which have been properly protested or appealed by the
3 retailer pursuant to R.S. 47:1565 or 1567.

4 G. The office of alcohol and tobacco control shall investigate any report of
5 a violation of a provision of this Part and report any criminal violation to the
6 appropriate law enforcement agency.

7 H. The commissioner shall adopt rules and regulations in accordance with
8 the Administrative Procedure Act to implement the provisions of this Section. The
9 rules shall not include any fees or penalties for any permit not provided for in this
10 Section, or any requirements for proof of Louisiana residency, criminal background
11 checks, diagrams of retail premises, or proof of lease or ownership of any retail
12 establishment.

13 §1485. Permit holders; qualifications

14 An applicant for any permit issued pursuant to this Part shall demonstrate that
15 he meets all of the following requirements:

16 (1) Be a person of good character and reputation and over the age of
17 twenty-one.

18 (2) Has not been convicted of distributing or possessing with the intent to
19 distribute any controlled dangerous substance classified in Schedule I of R.S. 40:964,
20 on any premises permitted pursuant to this Part, where the applicant held or holds an
21 interest in the permitted business.

22 (3) Has not been convicted of a felony under the laws of the United States,
23 the state of Louisiana, or any other state or country.

24 (4) Has not been convicted in this or in any other state or by the United
25 States of soliciting for prostitution, pandering, letting premises for prostitution,
26 contributing to the delinquency of juveniles, keeping a disorderly place, letting a
27 disorderly place, or illegally dealing in controlled dangerous substances.

