

# Louisiana Revised Statutes of 1950

## Title 3 – Agriculture and Forestry

### Chapter 10-A – Feed, Fertilizers, Agricultural Liming and Seeds

#### Part VI – Consumable Hemp Products

*[Editor's Note: This new part was created by Act 164 of the 2019 Legislature, consisting of Sections 1481 through 1484. Sections 1481 through 1483 became effective June 6, 2019; Section 1484 became effective January 1, 2020. Subsequent amendments are noted herein.]*

#### **§1481. Definitions**

As used in this Part:

- (1) "Commissioner" mean the commissioner of alcohol and tobacco control.
- (2) "Consumable hemp processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for the manufacturing or processing of a consumable hemp product.
- (3) (a) "Consumable hemp product" means any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, and is intended for consumption or topical use.  
(b) "Consumable hemp product" shall include commercial feed, pet products, and hemp floral material.
- (4) "Department" means the Louisiana Department of Health.
- (5) "Industrial hemp" or "hemp" means 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, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.
- (6) "Remote retailer" means a person or entity who offers any consumable hemp product for sale at retail, or for any transaction of products in lieu of a sale, through a digital application, catalog, or the internet, that can be purchased and delivered directly to a consumer in Louisiana.
- (7) "Retail sale" or "sale at retail" means the sale or any transaction in lieu of a sale of products to the public for use or consumption but does not include the sale or any transaction in lieu of a sale of products for resale.
- (8) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.
- (9) "THC" means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.
- (10) "Wholesaler" means a wholesale seller, distributor, or packer of consumable hemp products.  
*(Section amended by Act 344 of the 2020 Legislature, effective August 1, 2020; Act 336 of 2021 Legislature, effective August 1, 2021)*

#### **§1482. Consumable hemp products; prohibitions**

- A. No person shall sell any part of hemp for inhalation, except for hemp rolling papers.
- B. No person shall process or sell:
  - (1) Any alcoholic beverage containing cannabidiol.
  - (2) Any consumable hemp product without a license or permit required pursuant to this Part.
- C. It shall be unlawful for any person to knowingly, willfully, or intentionally violate the provisions of this Section. Whoever knowingly, willfully, or intentionally violates the provisions of this Section shall be penalized as follows:
  - (1) On a first conviction, the offender shall be fined not more than three hundred dollars.
  - (2) On a second conviction, the offender shall be fined not more than one thousand dollars.
  - (3) On a third or subsequent conviction, the offender shall be fined not more than five thousand dollars.*(Section amended by Act 344 of the 2020 Legislature, effective August 1, 2020)*
- D. The provisions of this Part shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than the provisions of this Part.  
*(Subsection D added by Act 336 of 2021 Legislature, effective August 1, 2021)*

#### **§1483. Product approval; consumable hemp processors; Louisiana Department of Health**

- A. (1) Each consumable hemp processor shall obtain an annual consumable hemp processor license issued by the department. The department shall charge and collect an annual consumable hemp processor license fee. The fee shall be for each separate processing facility and shall be based on the annual sales of such facility according to the following schedule:

<u>Annual Sales</u>	<u>Annual Fee</u>
Under \$500,000	\$175.00
\$500,001 – \$1,000,000	\$475.00
\$1,000,000 – \$2,500,000	\$775.00
\$2,500,001 – \$5,000,000	\$1,075.00
Over \$5,000,000	\$1,375.00

- (2) A consumable hemp processor shall adhere to any sanitary regulations promulgated by the department.
- B. Any consumable hemp product that is manufactured, distributed, imported, or sold for use in Louisiana shall:
- (1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, [P.L. 115-334](#), or under an authorized state pilot program pursuant to the Agriculture Improvement Act of 2014, [P.L. 113-79](#).
  - (2) Be registered with the department in accordance with the provisions of this Section. The department shall charge and collect a fee of not more than fifty dollars for each separate and distinct product registered. This charge shall be in lieu of the charge collected pursuant to R.S. 40:628.
  - (3) Receive label approval from the department.
  - (4) Not be marketed as dietary.
  - (5) Not contain any active pharmaceutical ingredient (API) recognized by the United States Food and Drug Administration other than cannabidiol. The provisions of this Paragraph shall not apply to products intended for topical application.
  - (6) Not contain a total delta-9 THC concentration of more than 0.3 percent on a dry weight basis.
  - (7) Not contain a total THC concentration of more than one percent on a dry weight basis.
  - (8) Not contain any cannabinoid that is not naturally occurring.
- C. All labels shall meet the following criteria in order to receive approval from the department:
- (1) Contain no medical claims.
  - (2) Have a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis as provided in Subsection E of this Section.
- D. In addition to the requirements provided in Subsections B and C of this Section, floral hemp material shall:
- (1) Be contained in tamper-evident packaging. A package shall be deemed tamper-evident if it clearly indicates prior access to the container.
  - (2) Not be labeled or marketed for inhalation.
- E. The application for registration shall include a certificate of analysis containing the following information:
- (1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.
  - (2) Test results identifying the cannabinoid profile by percentage of weight, solvents, pesticides, microbials, and heavy metals.
- F. The certificate of analysis required by Subsection E of this Section shall be completed by an independent laboratory that meets the following criteria:
- (1) Is accredited as a testing laboratory approved by the department.
  - (2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.
- G. The department shall provide a list of registered products to the office of alcohol and tobacco control, law enforcement, and other necessary entities as determined by the department.
- H. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any cannabinoid product derived from any source other than hemp.
- I. Any facility processing industrial hemp products intended for human consumption that do not meet the definition of consumable hemp product provided in this Part shall be regulated in accordance with the State Food, Drug, and Cosmetic Law.
- J. Whoever processes consumable hemp products without a license shall be subject to imprisonment at hard labor for not less than one year nor more than twenty years and shall be fined not more than fifty thousand dollars.
- K. The provisions of this Part shall not apply to any cannabinoid product approved by the United States Food and Drug Administration or produced in accordance with [R.S. 40:1046](#).
- L. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall specify standards for product labels, procedures for label approval, requirements for accreditation of laboratories, any prohibited dosage vehicles as determined by the department, and sanitary requirements specific to consumable hemp processors.

*(Amended by Act 344 of the 2020 Legislature, effective August 1, 2020; Act 336 of 2021 Legislature, effective August 1, 2021)*

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

- A. (1) Each wholesaler of consumable hemp products shall apply for and obtain a permit from the office of alcohol and tobacco control.
- (2) The commissioner may establish and collect an annual wholesaler permit fee. The amount of the wholesaler permit fee shall be based on the cost of the regulatory functions performed and shall not exceed five hundred dollars per year.
- B. (1) (a) Each person who sells or is about to engage in the business of selling at retail any consumable hemp product shall first apply for and obtain a permit for each place of business from the office of alcohol and tobacco control.
- (b) For purposes of this Section, each individually registered domain name owned or leased by or on behalf of a remote retailer shall be considered a place of business. No person or entity shall be required to have a physical place of business in the state of Louisiana in order to sell consumable hemp products at retail.
- (2) Prior to selling consumable hemp products at a special event, the retailer shall request and promptly receive an annual special event permit from the commissioner. For purposes of this Section, a special event shall be defined as any event held at any location, other than a permitted place of business, where consumable hemp products are sold. The permittee shall notify the commissioner in writing of any special event the permittee will be attending prior to the event. Failure to notify the commissioner shall be grounds for revocation of the permit.
- (3) No permit issued pursuant to this Section shall authorize the permittee to sell or offer for sale any cannabinoid product derived from any source other than hemp.
- (4) No consumable hemp product shall be sold to any person under the age of eighteen years.
- C. The commissioner may establish and collect an annual retail permit fee and an annual special event permit fee. The amount of each permit fee provided for in this Subsection shall be based on the cost of the regulatory functions performed and shall not exceed one hundred seventy-five dollars per year.
- D. Any person who violates any of the provisions of this Part or rules adopted pursuant to this Part, who alters, forges, or counterfeits, or uses without authority any permit or other document provided for in this Part, who operates without a permit, or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part, shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.
  - (1) For a first offense, not more than three hundred dollars.
  - (2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.
  - (3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.
- E. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part shall be subject to having his permit suspended or revoked. Any fine imposed pursuant to this Part or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation on the imposition of any other penalty provided by law.
- F. In addition to the commissioner's authority to revoke or suspend a permit pursuant to this Section, the secretary of the Department of Revenue shall order the commissioner to immediately suspend the retailer's permit if the secretary determines that a consumable hemp product retailer has failed to timely file returns or pay taxes as required by R.S. 47:1693. The secretary shall order the commissioner to suspend the retailer's permit until the returns have been filed and the taxes are paid. No permit shall be suspended for taxes which have been properly protested or appealed by the retailer pursuant to R.S. 47:1565 or 1567.
- G. The office of alcohol and tobacco control shall investigate any report of a violation of a provision of this Part and report any criminal violation to the appropriate law enforcement agency.
- H. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall not include any fees or penalties for any permit not provided for in this Section, or any requirements for proof of Louisiana residency, criminal background checks, diagrams of retail premises, or proof of lease or ownership of any retail establishment.

*(Section amended by Act 344 of the 2020 Legislature, effective August 1, 2020; Act 336 of 2021 Legislature, effective August 1, 2021)*

#### **§1485. Industrial Hemp Advisory Committee**

- A. The Industrial Hemp Advisory Committee is hereby created and established and for the purposes of this Section shall be referred to as the committee.
- B. The committee is hereby authorized to receive and review information and requests and make recommendations for future legislation relative to the regulation of industrial hemp and industrial hemp products.
- C. The committee shall be composed of the following members:

- (1) The speaker of the House of Representatives or his designee.
  - (2) The president of the Senate or his designee.
  - (3) The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.
  - (4) The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.
  - (5) The chairman of the House Committee on Health and Welfare or his designee.
  - (6) The chairman of the Senate Committee on Health and Welfare or his designee.
  - (7) The chairman of the House Committee on Judiciary or his designee.
  - (8) The chairman of the Senate Committee on Judiciary B or his designee.
  - (9) The chairman of the House Committee on Commerce or his designee.
  - (10) The chairman of the Senate Committee on Commerce, Consumer Protection and Internal Affairs or his designee.
  - (11) The chairman of the House Committee on Administration of Criminal Justice or his designee.
  - (12) The chairman of the Senate Committee on Judiciary C or his designee.
- D. The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or their designees shall serve as co-chairmen of the committee and shall fix a time and place for its regular meeting.
  - E. The committee shall receive staff support from the committee staff of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development.
  - F. The committee may call upon the staff of any department, agency, or official of the state, particularly the Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Department of Health for data and assistance, and all such departments, agencies, and officials shall cooperate with the advisory committee.
  - G. The committee may call upon and utilize the assistance and recommendations of those market participants directly involved with the industrial hemp industry including but not limited to seed distributors, growers, handlers, processors, manufacturers, wholesalers, and retailers of industrial hemp, industrial hemp products, and any other private sources as deemed necessary by the committee.
  - H. The committee shall have the power to hold hearings, require the production of books and records, and do all other things necessary to discharge its duties.
  - I. The committee shall regularly conduct meetings to fulfill its functions and duties and, no later than January thirty-first of every year, shall report all of its activities and recommendations to the presiding officer of each house, the governor, the standing committees of each house represented on the committee, the commissioner of the Department of Agriculture and Forestry, the commissioner of the office of alcohol and tobacco control, and the secretary of the Department of Health.
  - J. The Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Department of Health are hereby directed to make reports and to provide assistance as requested by the committee.
- (Amended by Act 344 of the 2020 Legislature, effective August 1, 2020; Act 336 of 2021 Legislature, effective August 1, 2021)*

(end of Part VI of Chapter 10-A)

(end of Title 3)