HOUSE FLOOR AMENDMENTS
2019 Regular Session
Amendments proposed by Representative Schexnayder to Engrossed House Bill No. 491 by Representative Schexnayder

AMENDMENT NO. 1
On page 1, at the end of line 3, change "R.S. 40:961.1," to "R.S. 40:4.9(F) and 961.1,"

AMENDMENT NO. 2
On page 1, line 9, after "activities;" insert "to provide for regulation of hemp-derived cannabidiol products;"

AMENDMENT NO. 3
On page 2, line 7, between "to" and "authorize" insert "recognize industrial hemp as an agricultural commodity and"

AMENDMENT NO. 4
On page 2, between lines 13 and 14, insert "(1) "CBD" means cannabidiol."

AMENDMENT NO. 5
On page 2, at the beginning of line 14, change "(1)" to "(2)"

AMENDMENT NO. 6
On page 2, at the beginning line 15, change "(2)" to "(3)"

AMENDMENT NO. 7
On page 2, at the beginning of line 17, change "(3)" to "(4)"

AMENDMENT NO. 8
On page 2, at the beginning of line 19, change "(4)" to "(5)"

AMENDMENT NO. 9
On page 2, at the beginning of line 21, change "(5)" to "(6)"

AMENDMENT NO. 10
On page 2, between lines 22 and 23, insert the following:

"(7) "Designated responsible party" means a natural person designated by the applicant or licensee as responsible for facility operations of the applicant or licensee facility."

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
AMENDMENT NO. 11
On page 2, at the beginning of line 23, change "(6)" to "(8)"

AMENDMENT NO. 12
On page 2, at the beginning of line 26, change "(7)" to "(9)"

AMENDMENT NO. 13
On page 3, at the beginning of line 1, change "(8)" to "(10)"

AMENDMENT NO. 14
On page 3, at the beginning of line 6, change "(9)" to "(11)"

AMENDMENT NO. 15
On page 3, at the beginning of line 12, change "(10)" to "(12)"

AMENDMENT NO. 16
On page 3, at the beginning of line 13, change "(11)" to "(13)"

AMENDMENT NO. 17
On page 3, at the beginning of line 16, change "(12)" to "(14)"

AMENDMENT NO. 18
On page 3, at the beginning of line 18, change "(13)" to "(15)"

AMENDMENT NO. 19
On page 5, between lines 14 and 15, insert the following:

"(d) The number of licenses issued to growers with land under two hundred acres and the total amount of industrial hemp sold from those growers to processors."

AMENDMENT NO. 20
On page 5, line 15, change "(d)" to "(e)" and after "seeds," insert "CBD."

AMENDMENT NO. 21
On page 5, at the beginning of line 17, change "(e)" to "(f)"

AMENDMENT NO. 22
On page 6, delete lines 10 through 25 and insert the following:

"C.(1) The application for any grower, processor, or industrial hemp seed producer license shall include the following information:
(a) The name and address of the applicant.
(b) The name and address of the designated responsible party.
(c) The legal description and global positioning coordinates of the land area to be used to produce or process industrial hemp."

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(2) If any changes are made to the required information in Paragraph (1) of this Subsection, the applicant shall resubmit the application to the department within fifteen days.

D.(1) Upon application for initial licensure or annual license renewal, the designated responsible party shall be required to submit to a criminal background check. The designated responsible party shall submit fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information. The costs of providing the criminal background check shall be assessed by the bureau, as specified in R.S. 15:587(B), and paid by the applicant.

(2) The applicant shall be ineligible to obtain a license if the designated responsible party has been convicted under state or federal law of any of the following:
   (a) A felony within the ten years immediately preceding the date of application.
   (b) A drug-related misdemeanor within the two years immediately preceding the date of application.

AMENDMENT NO. 23
	On page 8, line 15, after "hemp" delete "seed"

AMENDMENT NO. 24
	On page 8, delete lines 26 through 28, and on page 9, delete lines 1 and 2, and insert the following:

"§1470. Prohibitions; cannabidiol product requirements

A. No person shall process or sell;
   (1) Any part of hemp for inhalation.
   (2) Any alcoholic beverage containing CBD.
   (3) Any food product containing CBD unless the United States Food and Drug Administration approves CBD as a food additive.

B. No retail food establishment or business selling alcoholic beverages shall add CBD to any food or beverage unless the United States Food and Drug Administration approves CBD as a food additive.

C. Any CBD product that is manufactured, distributed, imported, or sold for use in Louisiana shall:
   (1) Be produced from hemp grown in accordance with a state plan approved by the United States Secretary of Agriculture.
   (2) Be labeled in accordance with the State Food, Drug, and Cosmetic Law.

D. All labels shall meet the following criteria in order to receive approval from the Louisiana Department of Health:
   (1) Have the following words printed clearly on the label: "This product has not been evaluated by the Food and Drug Administration and is not intended to diagnose, treat, cure, or prevent any disease."
   (2) Not contain any medical claim on the label.
   (3) Have a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis provided for in Subsection E of this Section.
   (4) Be registered with Louisiana Department of Health in accordance with the State Food, Drug, and Cosmetic Law.

E. In addition to the registration requirements set forth by the Louisiana Department of Health, the application for registration shall include a certificate of analysis containing the following test 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 dry weight, solvents, pesticides, microbials, and heavy metals.

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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 by a private laboratory accrediting organization approved by the Department of Health.
(2) Does not have a direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

G. The Department of Health shall maintain an inventory system of registered products that is accessible to the office of tobacco and alcohol control, law enforcement, and any other necessary entities as determined by the department.

H. Prior to selling any hemp-derived CBD product, a retailer shall receive permission from the office of tobacco and alcohol control.

I. The provisions of this Section shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

J. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any CBD product derived from any source that is not hemp.

K. The Louisiana Department of Health and the office of alcohol and tobacco control shall promulgate rules and regulations as are necessary to implement the provisions of this Section.

AMENDMENT NO. 25

On page 10, delete line 24 in its entirety and insert the following:

"Section 2. R.S. 40:4.9(F) and 961.1 are hereby enacted to read as follows:
§4.9. Low-risk foods; preparation in home for public consumption
* * *
F. No preparer of low-risk foods pursuant to this Section shall sell any food containing cannabidiol unless the United States Food and Drug Administration approves cannabidiol as a food additive.
* * *"

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