

2019 Regular Session

HOUSE BILL NO. 138

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To amend and reenact R.S. 40:961(26) and 964(Schedule I)(C)(27) and to enact R.S.  
3 40:961(45), 964(Schedule I)(A)(62) through (67) and (C)(65), and 966(A)(3),  
4 relative to the Uniform Controlled Dangerous Substances Law; to amend the  
5 definition of marijuana to exclude industrial hemp; to provide for a definition of  
6 industrial hemp; to provide relative to criminal penalties; to add certain substances  
7 to Schedule I; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:961(26) and 964(Schedule I)(C)(27) are hereby amended and  
10 reenacted and R.S. 40:961(45), 964(Schedule I)(A)(62) through (67) and (C)(65), and  
11 966(A)(3) are hereby enacted to read as follows:

12 §961. Definitions

13 As used in this Part, the following terms shall have the meaning ascribed to  
14 them in this Section unless the context clearly indicates otherwise:

15 \* \* \*

16 (26)(a) "Marijuana" means all parts of plants of the genus Cannabis, whether  
17 growing or not; the seeds thereof; the resin extracted from any part of such plant; and  
18 every compound, manufacture, salt, derivative, mixture, or preparation of such plant,  
19 its seeds or resin;

20 ~~but~~ (b) "Marijuana" shall not include the following:

21 (i) Industrial hemp that is in the possession, custody, or control of a person  
22 who holds a license issued by the Louisiana Department of Agriculture and Forestry,  
23 or is cultivated and processed in accordance with the U.S. Agriculture Improvement  
24 Act of 2018.

25 (ii) The mature stalks of ~~such plant~~ plants of the genus Cannabis, fiber  
26 produced from such stalks, oil or cake made from the seeds of such plant, any other

1 compound, manufacture, salt, derivative, mixture, or preparation of such mature  
2 stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed  
3 of such plant which is incapable of germination, ~~or~~.

4 (iii) cannabidiol Cannabidiol when contained in a drug product approved by  
5 the United States Food and Drug Administration.

6 \* \* \*

7 (45) "Industrial hemp" means the plant Cannabis sativa and any part of that  
8 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,  
9 acids, and salts of isomers, whether growing or not, with a delta-9-  
10 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight  
11 basis and cultivated and processed in accordance with the U.S. Agriculture  
12 Improvement Act of 2018, or the plan submitted by the Louisiana Department of  
13 Agriculture and Forestry that is in compliance with the U.S. Department of  
14 Agriculture rules.

15 \* \* \*

16 §964. Composition of schedules

17 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
18 40:962, consist of the following drugs or other substances, by whatever official  
19 name, common or usual name, chemical name, or brand name designated:

20 SCHEDULE I

21 A. Opiates. Unless specifically excepted or unless listed in another schedule,  
22 any of the following opiates, including their isomers, esters, ethers, salts, or salts of  
23 isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers,  
24 or salts is possible within the specific chemical designation:

25 \* \* \*

26 (62) Methoxyacetylfentanyl (2-methoxy-N-[1-(2-phenylethyl)piperidin-4-  
27 yl]-N-phenylacetamide)

28 (63) Para-fluorobutyrylfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)  
29 piperidin-4-yl]butanamide)

1                   (64) Tetrahydrofuranyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-  
2                   yl]tetrahydrofuran-2-carboxamide)

3                   (65) U-49900 (3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-  
4                   benzamide)

5                   (66) U-51754 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-  
6                   benzeneacetamide)

7                   (67) U-48800 (2,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-  
8                   benzeneacetamide)

9   \*       \*       \*

10                  C. Hallucinogenic substances. Unless specifically excepted or unless listed  
11                  in another schedule, any material, compound, mixture, or preparation, which  
12                  contains any quantity of the following hallucinogenic substances, or which contains  
13                  any of their salts, isomers, or salts of isomers, whenever the existence of such salts,  
14                  isomers, or salts of isomers is possible within the specific chemical designation, for  
15                  purposes of this Paragraph only, the term "isomer" includes the optical, position, and  
16                  geometric isomers:

17   \*       \*       \*

18                   (27) Tetrahydrocannabinols, including synthetic equivalents and derivatives,  
19                   except for tetrahydrocannabinols in hemp

20   \*       \*       \*

21                   (65) Deschloro-N-ethyl-ketamine (2-(ethylamino)-2-phenylcyclohexan-1-  
22                   one)

23   \*       \*       \*

24                  §966. Penalty for distribution or possession with intent to distribute narcotic drugs  
25                  listed in Schedule I; possession of marijuana, synthetic cannabinoids, and  
26                  heroin

27                  A. Manufacture; distribution. Except as authorized by this Part, it shall be  
28                  unlawful for any person knowingly or intentionally:

29   \*       \*       \*

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

1                   (3) To cultivate, possess, process, or sell industrial hemp, industrial hemp  
 2                   products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture  
 3                   Improvement Act of 2018 or the plan submitted by the Louisiana Department of  
 4                   Agriculture and Forestry that is in compliance with the U.S. Department of  
 5                   Agriculture rules.

\*       \*       \*

7                   Section 2. The Louisiana State Law Institute is hereby authorized and directed to  
 8                   renumber the terms defined in R.S. 40:961 to ensure that such terms are in alphabetical  
 9                   order.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_