

RÉSUMÉ DIGEST

ACT 336 (HB 640)

2021 Regular Session

Schexnayder

Existing law authorizes industrial hemp grower licensees to cultivate and transport industrial hemp in the state.

Prior law authorized industrial hemp grower licensees to handle industrial hemp.

New law removes "handle" and further authorizes licensees to possess, store, trim, dry, and cure industrial hemp.

Existing law provides for registration and label requirements for commercial feed.

New law exempts commercial feed manufactured and registered pursuant to consumable hemp regulations.

Prior law required licensure of contract carriers. New law removes that requirement and creates a handler license.

New law extends the timeframe to harvest approved industrial hemp from 15 days to 30 days.

Prior law authorized the La. Dept. of Agriculture and Forestry (LDAF) to detain, seize, destroy, or embargo any industrial hemp crop or product that exceeds the federally defined THC level for hemp.

New law repeals prior law.

Existing law exempts the LSU Ag Center, the Southern University Ag Center, and the University of Louisiana at Monroe (ULM) College of Pharmacy from industrial hemp licensure requirements for the purpose of research and development.

New law adds the ULM Agribusiness Program to existing law.

New law authorizes the University of La. at Monroe Agribusiness Program to cultivate, handle, and process industrial hemp for product research and development.

New law requires all industrial hemp licensees whose intent is to perform research, except the universities exempted in existing law and new law, to submit an annual research plan to the LDAF. Further requires LDAF to adopt rules for performance based-sampling for those licensees.

New law requires the LSU AgCenter to develop a centralized industrial hemp website in collaboration with regulatory agencies and stakeholders.

New law changes "industrial hemp-derived CBD product" to "consumable hemp product" and provides that consumable hemp products are any industrial hemp-derived products that contain any cannabinoid, including CBD. Further provides that consumable hemp product includes commercial feed, pet products, and hemp floral material.

New law requires that existing law and new law dealing with consumable hemp products are preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than state law.

New law establishes a consumable hemp processor license issued by the La. Dept. of Health (LDH) and establishes a fee schedule for the license.

New law creates criminal penalties of not less than one year nor more than 20 years imprisonment at hard labor and a fine of not more than \$50,000 for processing consumable hemp products without a license.

Existing law prohibits processing or selling any part of hemp for inhalation, except hemp rolling papers.

New law removes the prohibition on processing hemp for inhalation.

Prior law prohibited processing or selling any food or beverage containing CBD unless the FDA approves CBD as a food additive. New law removes the prior law prohibition.

Existing law prohibits any CBD products that contain any active pharmaceutical ingredient other than cannabidiol. New law exempts products intended for topical application from the prohibition.

New law provides that consumable hemp products cannot contain a total delta-9 THC concentration of more than 0.3% nor a total THC concentration of more than 1% on a dry weight basis.

New law prohibits consumable hemp products from containing any cannabinoid that is not naturally occurring.

New law defines THC as a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

New law requires any floral hemp material to be contained in tamper-evident packaging and not be labeled or marketed for inhalation.

New law provides that any facility processing hemp products for human consumption outside of the scope of the definition of consumable hemp product will be regulated by the LDH in accordance with the State Food, Drug, and Cosmetic Law.

New law establishes a wholesaler license for consumable hemp products issued by the office of alcohol and tobacco control (ATC).

New law establishes a wholesaler license fee not to exceed \$500.

Existing law imposes civil fines for selling hemp-derived CBD products at retail without a permit.

New law expands the violations that the civil penalties can be imposed. Further provides that each day a violation occurs is a separate offense.

New law requires ATC to investigate any report of a violation of a provision of existing law as related to consumable hemp products and report any criminal violation to the appropriate law enforcement agency.

Prior law provided for an industrial hemp-derived CBD excise tax.

New law changes the taxable product to consumable hemp products.

Effective August 1, 2021.

(Amends R.S. 3:1402, 1461, 1462, 1464(8), 1465(A), (C)(1), (D)(1), and (F), 1466(A) and (B)(2), 1468, 1471(A)(4), 1481, 1482, 1483, 1484, and 1485(B) and (G) and R.S. 47:1692 and 1693(A); Adds R.S. 3:1469(C) and (D) and 1473)