
DIGEST

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HB 640 Reengrossed

2021 Regular Session

Schexnayder

Abstract: Provides for the regulation of industrial hemp and hemp products.

Present law authorizes industrial hemp grower licensees to cultivate, handle, and transport industrial hemp in the state.

Proposed law removes "handle", otherwise maintains present law, and further authorizes licensees to possess, store, trim, dry, and cure industrial hemp.

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

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

Present law requires licensure of contract carriers. Proposed law removes that requirement and creates a handler license.

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

Present law authorizes the 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.

Proposed law repeals present law.

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

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

Proposed 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.

Proposed law requires that present law and proposed 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.

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

Proposed 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.

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

Proposed law removes the prohibition on processing hemp for inhalation.

Present law prohibits processing or selling any food or beverage containing CBD unless the FDA approves CBD as a food additive. Proposed law removes that prohibition.

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

Proposed 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.

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

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

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

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

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

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

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

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

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

Present law provides for an industrial hemp-derived CBD excise tax.

Proposed law changes the taxable product to consumable hemp products.

(Amends R.S. 3:1402, 1461, 1462, 1464(8), 1465(A), (C)(1), and (D)(1), 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 1473)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Clarify "delta-9 THC" as "total delta-9 THC".
2. Change the term "contract carrier" to "handler".
3. Change the definition of "THC" to mean "a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid" and change the term "Total THC concentration" to "THC".
4. Remove the LDAF's authority to detain, seize, destroy, or embargo any industrial hemp crop that contains a THC concentration that exceeds the acceptable hemp THC level provided in federal law.
5. Add a provision of preemption if federal law is ever less restrictive than state law as it applies to consumable hemp products.
6. Distinguish the amount of total delta-9 THC concentration from total THC concentration regarding the approval of consumable hemp products manufactured, distributed, imported, or sold in La.
7. Remove a provision that specified that "consumable hemp products" do not include foods, food ingredients, or food additives generally recognized as safe by the U.S. Food and Drug Administration.
8. Make technical changes.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Authorize licensees to trim, dry, and cure industrial hemp under a grower license.
2. Changes the basis of total delta-9 THC and total THC concentration levels in consumable hemp products from a weight to weight basis to a dry weight basis.
3. Add a prohibition on consumable hemp products containing any cannabinoid that is not naturally occurring.
4. Require ATC to investigate any report of a violation of a provision of present law as related to consumable hemp products and report any criminal violation to the appropriate law enforcement agency.
5. Make technical changes.