

ACT No. 492

2022 Regular Session

HOUSE BILL NO. 698

BY REPRESENTATIVE MAGEE

1 AN ACT

2 To amend and reenact R.S. 40:1046(H)(8)(a)(introductory paragraph), (i), (iii), and (b),
3 relative to marijuana produced for therapeutic use; to provide for regulation by the
4 Louisiana Department of Health of various aspects of production of marijuana for
5 therapeutic use; to authorize the Louisiana Department of Health to charge and
6 collect fees from contractors and other persons involved with therapeutic marijuana
7 production; to provide for remittance to the Louisiana Department of Revenue of the
8 proceeds of certain fees; to provide for an effective date; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1046(H)(8)(a)(introductory paragraph), (i), (iii), and (b) are
12 hereby amended and reenacted to read as follows:

13 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
14 regulations of the ~~Louisiana State Board of Medical Examiners and~~
15 Louisiana Board of Pharmacy; production facility licensing; ~~by the~~
16 ~~Department of Agriculture and Forestry~~ permitting by the Louisiana
17 Department of Health

18 * * *

19 H.

20 * * *

21 (8)(a) The ~~department~~ Louisiana Department of Health shall perform the
22 following:

23 (i) Establish and collect an annual license fee of one hundred thousand
24 dollars from each contractor permitted to cultivate, extract, process, produce, and
25 transport therapeutic marijuana ~~and an annual permit fee of one hundred dollars for~~
26 ~~administrative and inspection costs.~~

27 * * *

1 (iii) Assess a fee of seven percent of the gross sales of therapeutic marijuana.
 2 The fee shall be reported and paid by the licensed production facility or permitted
 3 contractor that sells therapeutic marijuana to marijuana pharmacies. The fee that
 4 shall be collected by the Department of Revenue and shall be subject to the
 5 provisions of Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes
 6 of 1950 as amended. Notwithstanding the provisions of Subparagraph (b) of this
 7 Paragraph, the Department of Revenue shall transfer monthly to the state treasury for
 8 deposit into the Community and Family Support System Fund, as established in R.S.
 9 28:826, the amount of revenues collected in accordance with this Item. An amount
 10 shall be allocated to the department, pursuant to legislative appropriation, for
 11 regulatory, administrative, investigative, enforcement, legal, and other such expenses
 12 as may be necessary to carry out the provisions of this Chapter and for activities
 13 associated with the enforcement of law and regulations governing the therapeutic
 14 marijuana program.

15 (b) All fees collected by the department shall be used to fund the expenses
 16 relating to the regulation and control of ~~prescribed marijuana for therapeutic use~~
 17 therapeutic marijuana.

18 * * *

19 Section 2. This Act shall become effective upon signature by the governor or, if not
 20 signed by the governor, upon expiration of the time for bills to become law without signature
 21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 23 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____