

2023 Regular Session

SENATE BILL NO. 198

BY SENATOR JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AGRICULTURAL COMMODITIES. Provides relative to consumable hemp products.
(8/1/23)

AN ACT

To amend and reenact R.S. 3:1483(G)(1), and 1484(C), relative to consumable hemp products; to provide for testing and inspection of consumable hemp products; to regulate the sale of consumable hemp products; to provide notice to retailers; to provide for the storage and return of unused consumable hemp products; to provide for the confiscation and destruction of consumable hemp; to provide with respect to the authority of the commissioner of the office of alcohol and tobacco control; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1483(G)(1), and 1484(C) are hereby amended and reenacted to read as follows:

§1483. Product approval; consumable hemp processors; Louisiana Department of Health

* * *

G. The department shall:

(1)(a) Conduct an initial review of any product submitted pursuant to this

Section and notify the submitting party of any deficiencies existing which prevent

1 the approval of the product within fifteen business days of the date of submission.
2 If the department fails to notify the submitting party within fifteen business days of
3 the date of submission, the product may be sold by a wholesaler or retailer permitted
4 pursuant to R.S. 3:1484 from the day following the fifteenth business day until the
5 submitting party receives final approval or denial from the department for the
6 product.

7 **(b) Allow any product that is pending approval and is affixed with a**
8 **pending approval sticker to be stored by the retailer or wholesaler in a separate**
9 **storage area, without the product being confiscated pending the final approval**
10 **or denial from the department.**

11 **(c)(i) Upon denying approval of the product, allow the retailer or**
12 **wholesaler to submit proof to the department within five business days of the**
13 **date of the denial notification, that the supplier or manufacturer was contacted**
14 **to return the product. If the retailer or wholesaler fails to submit proof of**
15 **contacting the supplier or manufacturer within the five days, on the sixth**
16 **business day the product shall be confiscated or destroyed at any time.**

17 **(ii) If the retailer or wholesaler has submitted proof to the department**
18 **that the supplier or manufacturer was contacted to return the product, the**
19 **product shall be removed from the storage area and returned to the supplier or**
20 **manufacturer within thirty calendar days of the date of the denial notification**
21 **from the department. Any product not returned by the thirtieth calendar day**
22 **shall be confiscated or destroyed at any time.**

23 * * *

24 §1484. Permit to sell; office of alcohol and tobacco control

25 * * *

26 C.(1) The commissioner may establish and collect an annual retail permit fee
27 and an annual special event permit fee. The amount of each permit fee provided for
28 in this Subsection shall be based on the cost of the regulatory functions performed
29 and shall not exceed one hundred seventy-five dollars per year.

1 **(2)(a) The commissioner shall electronically notify each retailer, within**
 2 **five business days, of the legal status if consumable hemp products are declared**
 3 **illegal to sell in the state.**

4 **(b) Upon notification from the commissioner that consumer hemp**
 5 **products have been declared illegal to sell, each retailer shall submit, within**
 6 **fifteen business days of the date of the commissioner's notification, a detailed**
 7 **inventory list of the products he purchased prior to being notified that the**
 8 **products have been declared illegal to sell in the state.**

9 **(c) After submitting the detailed inventory list to the commissioner, each**
 10 **retailer shall have six months, after the day the commissioner receives the list,**
 11 **to sell the consumable hemp products identified in the detailed inventory list.**

12 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 198 Original 2023 Regular Session Jackson

Present law requires the department to conduct an initial review of any product submitted pursuant to present law and to notify the submitting party of any deficiencies existing which prevent the approval of the product within 15 business days of the date of submission.

Proposed law retains present law.

Present law provides that if the department fails to notify the submitting party within the time period required by present law the product may be sold by a wholesaler or retailer permitted pursuant to present law from the day following the 15th business day until the submitting party receives final approval or denial from the department for the product.

Proposed law retains present law and requires the department to allow any product that is pending approval and is affixed with a pending approval sticker to be stored by the retailer or wholesaler in a separate storage area, without the product being confiscated pending the final approval or denial from the department.

Proposed law requires the department to allow the retailer or wholesaler five business days from the date of the denial notification to submit proof that the supplier or manufacturer was contacted to return the product. Failure to submit proof by the sixth business day results in the product being confiscated or destroyed at anytime.

Proposed law requires that if the retailer or wholesaler has submitted proof to the department that the supplier or manufacturer was contacted, then the product shall be removed from the storage area and returned to the supplier or manufacturer within 30 calendar days of the date of the denial notification from the department. Any product not returned by the 30th calendar day shall be confiscated or destroyed at any time.

Present law authorizes the commissioner to establish and collect an annual retail permit fee and an annual special event permit fee in an amount based on the cost of the regulatory functions performed and not exceed \$175 per year.

Proposed law retains present law and requires the commissioner to electronically notify each retailer, within five business days, of the legal status if consumable hemp products are declared illegal to sell in the state.

Proposed law provides that after submitting the detailed inventory list to the commissioner, each retailer shall have six months, after the day the commissioner receives the list, to sell the consumable hemp products identified in the detailed inventory list.

Effective August 1, 2023.

(Amends R.S. 3:1483(G)(1) and 1484(C))