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

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DIGEST

SB 219 Original

2023 Regular Session

Cathey

Present law recognizes industrial hemp as an agricultural commodity and authorizes the cultivation, processing, and handling of industrial hemp as legal, agricultural activities in the state.

Proposed law retains present law and further recognizes industrial hemp as an agricultural commodity for industrial use, such as home and building construction. Proposed law further provides for the protection and promotion of health, welfare, and safety of the public and prohibits the production and sale of recreational adult-use intoxicating substances derived from industrial hemp.

Present law provides for definitions.

Proposed law retains present law and defines that industrial hemp does not include hemp-derived manufactured psychotropic cannabinoids or artificially-derived cannabinoids. Proposed law further provides definitions for "artificially-derived cannabinoid", "authorized age verification methods", "consumable hemp product", "hemp-derived manufactured psychotropic cannabinoids", "industrial hemp", "remote retailer", "retailer", and "serving".

Present law provides for criminal penalties.

Proposed law retains present law and makes it unlawful for any person or entity to cultivate, handle, process, or transport industrial hemp if the hemp contains any hemp-derived manufactured psychotropic cannabinoids or artificially-derived cannabinoids.

Proposed law provides that any permittee who has been convicted for violating provisions of proposed law must be subject to have his license suspended, revoked, or placed on probation.

Present law prohibits the processing, sale, or offering for sale any alcoholic beverage containing cannabidiol.

Proposed law changes present law and prohibits any beverage containing cannabidiol, THC, hemp-derived manufactured psychotropic cannabinoids, or artificially-derived cannabinoids. Proposed law further prohibits retailers from adding any consumable hemp product to any food or beverage sold at retail to a consumer.

Present law provides that consumable hemp products cannot exceed a total delta-9 THC concentration of more than 0.3 percent or a total THC concentration of more than one percent. Proposed law further provides that the total THC in a product cannot exceed eight milligrams per serving.

Proposed law provides that the total THC in consumable hemp products cannot exceed 0.5 milligrams of total THC per serving and 2.0 milligrams of total THC per package.

Proposed law requires violators to be imprisoned at hard labor for not less than 1 year nor more than 20 years and fined not more than \$50,000 dollars. Proposed law further requires any permittee who is convicted of violating any provision of proposed law to have his license suspended, revoked, or placed on probation, in addition to any other penalties authorized by proposed law.

Proposed law authorizes the issuance of a stop order by the department or commissioner to prohibit the further sale, exchange, processing, or distribution of all products included in an order until the department or commissioner are satisfied that proposed law has been complied with and have issued a written release to the person with such material.

Present law provides that any consumable hemp product that exceeds the THC limits provided in present law that was registered with the department prior to June 16, 2022, may be sold in Louisiana until January 1, 2023.

Proposed law prohibits any products that exceed the THC limits provided in proposed law from being offered for sale or sold in Louisiana.

Present law requires all labels to meet certain criteria in order to receive approval from the department.

Proposed law retains present law and requires that all labels contain no claims indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease. Proposed law further requires that all labels have a batch identification which must appear and be legible on the label of any consumable hemp product.

Proposed law prohibits packaging and labeling from being unnecessarily attractive to underage persons.

Proposed law requires consumable hemp products to be contained in tamper-evident packaging and further provides that a tamper-evident package is one in accordance with the United States Food and Drug Administration having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.

Proposed law requires consumable hemp products to be contained in child-resistant packaging and provides a definition of "child-resistant packaging".

Present law requires the application for registration to include a certificate of analysis containing the cannabinoid profile by percentage of weight.

Proposed law changes present law and requires the application for registration to include a certificate of analysis containing the cannabinoid profile by milligrams and percentage of weight.

Present law requires that the certificate of analysis required by present law to be completed by an independent laboratory that has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

Proposed law retains present law and requires if a laboratory is located outside of the state, the certificate of analysis must be produced by an independent laboratory that is registered with the United States Drug Enforcement Administration, is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body.

Present law prohibits the sale of consumable hemp products to any person under the age of 18 years.

Proposed law changes present law and prohibits the sale of consumable hemp to any person under the age of 21. Proposed law further prohibits any person under the age of 21 years to possess any consumable hemp products. Proposed law further prohibits any person from distributing or causing to be distributed to persons under 21 years of age a promotional sample of any consumable hemp products.

Present law prohibits the sale of adult-use consumable hemp products to any person under the age of 21 years.

Proposed law repeals present law.

Proposed law requires all persons engaging in the retail sale of consumable hemp products to check the identification of any purchaser to establish the age of the person. Proposed law further provides procedures for age verification and for ensuring compliance with laws prohibiting the sale of consumable hemp products to underage persons.

Proposed law provides requirements for signs approved by the commissioner to be posted at the entrance to a retail location where consumable hemp products are available for purchase.

Proposed law prohibits consumable hemp products from being stored in a retail location on self-service displays. Proposed law further requires consumable hemp products in a retail location to be stored behind a counter or other barrier approved by the commissioner and retrieved at the request of the consumer only by persons employed by the retail location.

Proposed law prohibits a remote retailer from offering any consumable hemp product for sale at retail, or for any transaction of products in lieu of a sale, through a digital application, catalog, or the internet, that can be purchased and delivered directly to a consumer in Louisiana that includes hemp-derived manufactured psychotropic cannabinoids or artificially-derived cannabinoids.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:1461, 1462(10), 1481, 1482(Section heading), (A), and (B)(1), 1483(B)(6), (C)(1)(a), (C)(2), (C)(3), (D), (E)(1)(b)(ii), (E)(1)(c), (E)(2), (E)(3), (F)(1)(a), (F)(2), (H), and (J), and 1484(B)(4); adds R.S. 3:1462(20) and (21), 1471(A)(5), 1482.1, 1482.2, 1483(C)(1)(d) and

(C)(4), and 1484(B)(5), (B)(6), (B)(7), and (B)(8); repeals R.S. 3:1482(E)