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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Schexnayder to Engrossed House Bill No. 491 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 1, at the end of line 3, change "R.S. 40:961.1," to "R.S. 40:4.9(F) and 961.1,"

3 AMENDMENT NO. 2

4 On page 1, line 9, after "activities;" insert "to provide for regulation of hemp-derived
5 cannabidiol products;"

6 AMENDMENT NO. 3

7 On page 2, line 7, between "to" and "authorize" insert "recognize industrial hemp as an
8 agricultural commodity and"

9 AMENDMENT NO. 4

10 On page 2, between lines 13 and 14, insert "(1) "CBD" means cannabidiol."

11 AMENDMENT NO. 5

12 On page 2, at the beginning of line 14, change "(1)" to "(2)"

13 AMENDMENT NO. 6

14 On page 2, at the beginning line 15, change "(2)" to "(3)"

15 AMENDMENT NO. 7

16 On page 2, at the beginning of line 17, change "(3)" to "(4)"

17 AMENDMENT NO. 8

18 On page 2, at the beginning of line 19, change "(4)" to "(5)"

19 AMENDMENT NO. 9

20 On page 2, at the beginning of line 21, change "(5)" to "(6)"

21 AMENDMENT NO. 10

22 On page 2, between lines 22 and 23, insert the following:

23 "(7) "Designated responsible party" means a natural person designated by the
24 applicant or licensee as responsible for facility operations of the applicant or licensee
25 facility."

1 AMENDMENT NO. 11

2 On page 2, at the beginning of line 23, change "(6)" to "(8)"

3 AMENDMENT NO. 12

4 On page 2, at the beginning of line 26, change "(7)" to "(9)"

5 AMENDMENT NO. 13

6 On page 3, at the beginning of line 1, change "(8)" to "(10)"

7 AMENDMENT NO. 14

8 On page 3, at the beginning of line 6, change "(9)" to "(11)"

9 AMENDMENT NO. 15

10 On page 3, at the beginning of line 12, change "(10)" to "(12)"

11 AMENDMENT NO. 16

12 On page 3, at the beginning of line 13, change "(11)" to "(13)"

13 AMENDMENT NO. 17

14 On page 3, at the beginning of line 16, change "(12)" to "(14)"

15 AMENDMENT NO. 18

16 On page 3, at the beginning of line 18, change "(13)" to "(15)"

17 AMENDMENT NO. 19

18 On page 5, between lines 14 and 15, insert the following:

19 "(d) The number of licenses issued to growers with land under two hundred
20 acres and the total amount of industrial hemp sold from those growers to processors."

21 AMENDMENT NO. 20

22 On page 5, line 15, change "(d)" to "(e)" and after "seeds," insert "CBD,"

23 AMENDMENT NO. 21

24 On page 5, at the beginning of line 17, change "(e)" to "(f)"

25 AMENDMENT NO. 22

26 On page 6, delete lines 10 through 25 and insert the following:

27 "C.(1) The application for any grower, processor, or industrial hemp seed
28 producer license shall include the following information:

29 (a) The name and address of the applicant.

30 (b) The name and address of the designated responsible party.

31 (c) The legal description and global positioning coordinates of the land area
32 to be used to produce or process industrial hemp.

1 (2) If any changes are made to the required information in Paragraph (1) of
2 this Subsection, the applicant shall resubmit the application to the department within
3 fifteen days.

4 D.(1) Upon application for initial licensure or annual license renewal, the
5 designated responsible party shall be required to submit to a criminal background
6 check. The designated responsible party shall submit fingerprints and other
7 identifying information to the Louisiana Bureau of Criminal Identification and
8 Information. The costs of providing the criminal background check shall be assessed
9 by the bureau, as specified in R.S. 15:587(B), and paid by the applicant.

10 (2) The applicant shall be ineligible to obtain a license if the designated
11 responsible party has been convicted under state or federal law of any of the
12 following:

13 (a) A felony within the ten years immediately preceding the date of
14 application.

15 (b) A drug-related misdemeanor within the two years immediately preceding
16 the date of application."

17 AMENDMENT NO. 23

18 On page 8, line 15, after "hemp" delete "seed"

19 AMENDMENT NO. 24

20 On page 8, delete lines 26 through 28, and on page 9, delete lines 1 and 2, and insert the
21 following:

22 "§1470. Prohibitions; cannabidiol product requirements

23 A. No person shall process or sell:

24 (1) Any part of hemp for inhalation.

25 (2) Any alcoholic beverage containing CBD.

26 (3) Any food product containing CBD unless the United States Food and
27 Drug Administration approves CBD as a food additive.

28 B. No retail food establishment or business selling alcoholic beverages shall
29 add CBD to any food or beverage unless the United States Food and Drug
30 Administration approves CBD as a food additive.

31 C. Any CBD product that is manufactured, distributed, imported, or sold for
32 use in Louisiana shall:

33 (1) Be produced from hemp grown in accordance with a state plan approved
34 by the United States Secretary of Agriculture.

35 (2) Be labeled in accordance with the State Food, Drug, and Cosmetic Law.

36 D. All labels shall meet the following criteria in order to receive approval
37 from the Louisiana Department of Health:

38 (1) Have the following words printed clearly on the label: "This product has
39 not been evaluated by the Food and Drug Administration and is not intended to
40 diagnose, treat, cure, or prevent any disease."

41 (2) Not contain any medical claim on the label.

42 (3) Have a scannable bar code, QR code, or web address linked to a
43 document or website that contains a certificate of analysis provided for in Subsection
44 E of this Section.

45 (4) Be registered with Louisiana Department of Health in accordance with
46 the State Food, Drug, and Cosmetic Law.

47 E. In addition to the registration requirements set forth by the Louisiana
48 Department of Health, the application for registration shall include a certificate of
49 analysis containing the following test information:

50 (1) The batch identification number, date received, date of completion, and
51 the method of analysis for each test conducted.

52 (2) Test results identifying the cannabinoid profile by percentage of dry
53 weight, solvents, pesticides, microbials, and heavy metals.

1 F. The certificate of analysis required by Subsection E of this Section shall
2 be completed by an independent laboratory that meets the following criteria:

3 (1) Is accredited as a testing laboratory by a private laboratory accrediting
4 organization approved by the Department of Health.

5 (2) Does not have a direct or indirect interest in a grower, processor, or
6 distributor of hemp or hemp products.

7 G. The Department of Health shall maintain an inventory system of
8 registered products that is accessible to the office of tobacco and alcohol control, law
9 enforcement, and any other necessary entities as determined by the department.

10 H. Prior to selling any hemp-derived CBD product, a retailer shall receive
11 permission from the office of tobacco and alcohol control.

12 I. The provisions of this Section shall not apply to any CBD product
13 approved by the United States Food and Drug Administration or produced in
14 accordance with R.S. 40:1046.

15 J. The provisions of this Section do not authorize any person to manufacture,
16 distribute, import, or sell any CBD product derived from any source that is not hemp.

17 K. The Louisiana Department of Health and the office of alcohol and
18 tobacco control shall promulgate rules and regulations as are necessary to implement
19 the provisions of this Section."

20 AMENDMENT NO. 25

21 On page 10, delete line 24 in its entirety and insert the following:

22 "Section 2. R.S. 40:4.9(F) and 961.1 are hereby enacted to read as follows:

23 §4.9. Low-risk foods; preparation in home for public consumption

24 * * *

25 F. No preparer of low-risk foods pursuant to this Section shall sell any food
26 containing cannabidiol unless the United States Food and Drug Administration
27 approves cannabidiol as a food additive.

28 * * *"