2020 Regular Session

HOUSE BILL NO. 491

BY REPRESENTATIVE ECHOLS

RESEARCH & DEVELOPMENT: Authorizes certain universities to conduct research and testing of state-regulated industrial hemp, CBD, and medical marijuana products

1	AN ACT
2	To amend and reenact R.S. 3:1465(F), 1468(A), 1469(A), 1471(C), and 1482(D) and (E) and
3	R.S. 40:1046(H)(2)(c), relative to state-regulated industrial hemp, cannabidiol, and
4	medical marijuana products; to authorize the University of Louisiana at Monroe to
5	engage in industrial hemp research; to authorize the Department of Agriculture and
6	Forestry and the Department of Health to contract with certain state universities to
7	engage in testing of state-regulated industrial hemp, cannabidiol, and medical
8	marijuana crops and products; to add the University of Louisiana at Monroe to the
9	licensure and criminal penalty exemptions applicable to universities involved in
10	industrial hemp research; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 3:1465(F), 1468(A), 1469(A), 1471(C), and 1482(D) and (E) are
13	hereby amended and reenacted to read as follows:
14	§1465. Licensure
15	* * *
16	F. The provisions of this Section shall not apply to the Louisiana State
17	University Agricultural Center, and the Southern University Agricultural Center, or

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1	the University of Louisiana at Monroe when performing the institution performs
2	research as provided for in R.S. 3:1469.
3	* * *
4	§1468. Testing; inspections
5	A.(1) The department shall collect samples to test all industrial hemp crops
6	prior to harvest to ensure the THC concentration does not exceed 0.3 percent. The
7	grower shall harvest his approved industrial hemp plants not more than fifteen days
8	following the date of sample collection by the department, unless specifically
9	authorized in writing by the department.
10	(2) The department may enter into contracts, cooperative endeavor
11	agreements, memoranda of understanding, or other agreements with any of the
12	following institutions for the testing of THC levels in industrial hemp crop or
13	industrial hemp product deemed necessary by the commissioner:
14	(a) The Louisiana State University Agricultural Center.
15	(b) The Southern University Agricultural Center.
16	(c) The University of Louisiana at Monroe.
17	* * *
18	§1469. Industrial hemp research
19	A. The Louisiana State University Agricultural Center, and the Southern
20	University Agricultural Center, and the University of Louisiana at Monroe are
21	authorized to cultivate, handle, and process industrial hemp and industrial hemp
22	seeds for research and development of new varieties.
23	* * *
24	§1471. Criminal penalties
25	* * *
26	C. The provisions of this Section shall not apply to the Louisiana State
27	University Agricultural Center, and the Southern University Agricultural Center, and

1	the University of Louisiana Monroe when performing research as provided for in
2	R.S. 3:1469.
3	* * *
4	§1482. CBD products; prohibitions; Louisiana Department of Health
5	* * *
6	D.(1) In addition to the registration requirements established by the
7	department, the application for registration shall include a certificate of analysis
8	containing the following information:
9	(1) (a) The batch identification number, date received, date of completion,
10	and the method of analysis for each test conducted.
11	(2) (b) Test results identifying the cannabinoid profile by percentage of dry
12	weight, solvents, pesticides, microbials, and heavy metals.
13	E. (2) The certificate of analysis required by Subsection D of this Section
14	Paragraph (1) of this Subsection shall be completed by an independent laboratory
15	that meets the following criteria:
16	(1) (a) Is accredited as a testing laboratory approved by the department.
17	(2) (b) Has no direct or indirect interest in a grower, processor, or distributor
18	of hemp or hemp products.
19	E. The department may enter into contracts, cooperative endeavor
20	agreements, memoranda of understanding, or other agreements with any of the
21	following institutions for any independent testing of CBD products deemed
22	necessary by the secretary of the department:
23	(1) The Louisiana State University Agricultural Center.
24	(2) The Southern University Agricultural Center.
25	(3) The University of Louisiana at Monroe (ULM) or ULM in association
26	with the Edward Via College of Osteopathic Medicine located on the ULM campus.
27	* * *
28	Section 2. R.S. 40:1046(H)(2)(c) is hereby amended and reenacted to read as
29	follows:

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1	§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
2	regulations; of the Louisiana State Board of Medical Examiners and
3	Louisiana Board of Pharmacy; and the adoption of rules and regulations
4	relating to the dispensing of recommended marijuana for therapeutic use; the
5	Department of Agriculture and Forestry and the licensure of a production
6	facility licensing by the Department of Agriculture and Forestry
7	* * *
8	Н.
9	* * *
10	(2)
11	* * *
12	(c)(i) The Louisiana State University Agricultural Center or the Southern
13	University Agricultural Center may conduct research on marijuana for therapeutic
14	use if the center is licensed as a production facility pursuant to this Section.
15	(ii) The University of Louisiana at Monroe (ULM), in association with the
16	Edward Via College of Osteopathic Medicine located on the ULM campus, through
17	its college of pharmacy or any other university department or combination of
18	departments authorized by the president of the university, may conduct research on
19	marijuana for therapeutic use.
20	(iii) Effective January 1, 2020, and annually thereafter, the Louisiana State
21	University Agricultural Center and the Southern University Agricultural Center On
22	or before January 1st annually, any university conducting research on marijuana for
23	therapeutic use as authorized by this Subparagraph shall submit a report to the Senate
24	and House committees on health and welfare, to include which features data
25	associated with and outcomes of the that research conducted pursuant to this
26	Paragraph.
27	* * *

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 491 Original	2020 Regular Session	Echols
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Abstract: Provides authorizations relative to research and testing by certain state universities on state-regulated industrial hemp crops and products, cannabidiol (CBD) products, and marijuana for therapeutic use.

<u>Present law</u> (R.S. 3:1461 et seq.) authorizes the cultivation, processing, and transportation of industrial hemp in accordance with rules and regulations of the La. Department of Agriculture and Forestry.

<u>Present law</u> authorizes the La. State University Agricultural Center (LSU Ag Center) and the Southern University Agricultural Center (SU Ag Center) to cultivate, handle, and process industrial hemp and industrial hemp seeds for research and development of new varieties.

<u>Proposed law</u> retains <u>present law</u> and adds the University of La. at Monroe to those institutions that can conduct industrial hemp research.

<u>Present law</u> exempts the LSU Ag Center and the SU Ag Center from licensure requirements and criminal penalties of <u>present law</u> relative to industrial hemp seed producers, growers, and contract carriers when those institutions perform industrial hemp research as authorized by <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> and extends the exemption from licensure requirements and criminal penalties to the University of La. at Monroe when that institution performs industrial hemp research as authorized by <u>proposed law</u>.

<u>Present law</u> requires the La. Department of Agriculture and Forestry (LDAF) to test for the THC levels of industrial hemp crop prior to harvest and authorizes LDAF to test for THC levels of industrial hemp crops and products after harvest.

<u>Proposed law</u> retains <u>present law</u> and authorizes LDAF to contract with the following institutions for any testing of industrial hemp crop and industrial hemp products deemed necessary by the commissioner of agriculture:

- (1) The LSU Ag Center.
- (2) The SU Ag Center.
- (3) The University of La. at Monroe.

<u>Present law</u> (R.S. 3:1482) provides conditions and prohibitions relative to the processing and sale of cannabidiol (CBD) products. Provides for functions of the Louisiana Department of Health (LDH) with respect to registration and testing of CBD products.

<u>Proposed law</u> retains <u>present law</u> and authorizes LDH to contract with the following institutions for any independent testing of CBD products deemed necessary by the secretary of the department:

- (1) The LSU Ag Center.
- (2) The SU Ag Center.
- (3) The University of La. at Monroe.

<u>Present law</u> (R.S. 40:1046) provides that only the LSU Ag Center and the SU Ag Center may be licensed by the state to produce marijuana for therapeutic use. Authorizes each institution to conduct research on marijuana for therapeutic use if it is licensed as a production facility. <u>Proposed law</u> retains <u>present law</u> and adds authorization for the University of La. at Monroe to conduct research on marijuana for therapeutic use.

(Amends R.S. 3:1465(F), 1468(A), 1469(A), 1471(C), and 1482(D) and (E) and R.S. 40:1046(H)(2)(c))