

2023 Regular Session

SENATE BILL NO. 219

BY SENATOR CATHEY

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

AGRICULTURAL COMMODITIES. Provides relative to industrial hemp. (gov sig)

AN ACT

To amend and reenact 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), to enact 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), and to repeal R.S. 3:1482(E), relative to industrial hemp; to provide for the regulation of industrial hemp; to provide for the regulation of consumable hemp products; to provide for definitions; to prohibit the sale of certain beverages; to provide for criminal penalties; to provide for packaging and labeling requirements; to repeal a provision relative to federal preemption; to require age verification for the sale of consumable hemp products; to provide for signage requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) are hereby amended and reenacted and 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),

1 (B)(7), and (B)(8) are hereby enacted to read as follows:

2 §1461. Purpose

3 It is hereby the intent of the legislature to recognize industrial hemp as an
4 agricultural commodity **for industrial use, such as home and building**
5 **construction**, and authorize the cultivation, processing, and handling of industrial
6 hemp as legal, agricultural activities in the state of Louisiana in accordance with the
7 Agriculture Improvement Act of 2018, P.L. 115-334. **It is also the intent of the**
8 **legislature to protect and promote the health, welfare and safety of the public**
9 **and prohibit the production and sale of recreational adult-use intoxicating**
10 **substances derived from industrial hemp.**

11 §1462. Definitions

12 As used in this Part, the following terms shall have the following meanings:

13 * * *

14 (10)(a) "Industrial hemp" means the plant Cannabis sativa L. and any part of
15 such plant, including the seeds thereof and all derivatives, extracts, cannabinoids,
16 isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-
17 9 THC concentration of not more than 0.3 percent on a dry weight basis.

18 **(b) "Industrial hemp" does not include hemp-derived manufactured**
19 **psychotropic cannabinoids or artificially-derived cannabinoids.**

20 * * *

21 **(20) "Hemp-derived manufactured psychotropic cannabinoids" means**
22 **any cannabinoid and any structural, optical or geometric isomers, substances,**
23 **derivatives, extracts, acids, salts, and salts of isomers thereof that are derived**
24 **from hemp and altered by a chemical reaction that changes the molecular**
25 **structure of any natural cannabinoid derived from hemp to another**
26 **cannabinoid with psychotropic properties including without limitation the**
27 **following:**

28 **(a) Delta-1 cis or trans tetrahydrocannabinol, and its optical isomers;**

29 **(b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers;**

1 (c) Delta-3.4 cis or trans tetrahydrocannabinol, and its optical isomers;

2 (d) Delta-7 tetrahydrocannabinol (delta-7 THC);

3 (e) Delta-8 tetrahydrocannabinol (delta-8 THC);

4 (f) Delta-10 tetrahydrocannabinol (delta-10 THC);

5 (g) Hexahydrocannabinol (HHC);

6 (h) Tetrahydrocannabiphorol;

7 (i) Tetrahydrocannabinol acetate;

8 (j) Delta-8 tetrahydrocannabinol acetate ester (delta-8 THCO);

9 (k) Delta-9 tetrahydrocannabinol acetate ester (delta-9 THCO);

10 (l) THC-0; and

11 (m) Tetrahydrocannabivarin.

12 (21) "Artificially-derived cannabinoid" means a chemical substance that

13 is created by a chemical reaction that changes the molecular structure of any

14 chemical substance derived from the plant Cannabis sativa L.

15 * * *

16 §1471. Criminal penalties

17 A. It shall be unlawful for any person or entity to cultivate, handle, process,

18 or transport industrial hemp in any of the following circumstances:

19 * * *

20 (5) If the industrial hemp contains any hemp-derived manufactured

21 psychotropic cannabinoids or artificially-derived cannabinoids.

22 * * *

23 §1481. Definitions

24 As used in this Part:

25 (1) ~~"Adult-use consumable hemp product" means any consumable hemp~~

26 ~~product that contains more than 0.5 milligrams of total THC per package.~~

27 "Artificially-derived cannabinoid" means a chemical substance that is created

28 by a chemical reaction that changes the molecular structure of any chemical

29 substance derived from the plant Cannabis sativa L.

1 **(2) "Authorized age verification methods" include verifying that the**
2 **person seeking to purchase any consumable hemp product through a remote**
3 **retailer site or at a retail location is twenty-one years of age or older by using**
4 **the following methods:**

5 **(a) Providing a digitized identification card as defined in R.S. 51:3211;**

6 **or**

7 **(b) Providing a valid government-issued identification card.**

8 ~~(2)~~**(3)** "Commissioner" means the commissioner of the office of alcohol and
9 tobacco control.

10 ~~(3)~~**(4)** "Consumable hemp processor" means any individual, partnership,
11 corporation, cooperative association, or other business entity that receives industrial
12 hemp for the manufacturing or processing of a consumable hemp product.

13 ~~(4)~~~~(a)~~**(5)(a)** "Consumable hemp product" means any product derived from
14 industrial hemp that contains any cannabinoid, including cannabidiol, ~~and that~~ **that** is
15 intended for consumption or topical use., **and that contains no more than 0.5**
16 **milligrams of total THC per serving and no more than 2.0 milligrams of total**
17 **THC per package.**

18 **(b) "Consumable hemp product" shall not include hemp-derived**
19 **manufactured psychotropic cannabinoids or artificially-derived cannabinoids.**

20 ~~(b)~~**(c)** "Consumable hemp product" shall include commercial feed; **and** pet
21 products, ~~and hemp floral material.~~

22 ~~(5)~~**(6)** "Department" means the Louisiana Department of Health.

23 **(7) "Hemp-derived manufactured psychotropic cannabinoids" means**
24 **any cannabinoid and any structural, optical or geometric isomers, substances,**
25 **derivatives, extracts, acids, salts, and salts of isomers thereof that are derived**
26 **from hemp and altered by a chemical reaction that changes the molecular**
27 **structure of any natural cannabinoid derived from hemp to another**
28 **cannabinoid with psychotropic properties including without limitation the**
29 **following:**

- 1 (a) Delta-1 cis or trans tetrahydrocannabinol, and its optical isomers;
 2 (b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers;
 3 (c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers;
 4 (d) Delta-7 tetrahydrocannabinol (delta-7 THC);
 5 (e) Delta-8 tetrahydrocannabinol (delta-8 THC);
 6 (f) Delta-10 tetrahydrocannabinol (delta-10 THC);
 7 (g) Hexahydrocannabinol (HHC);
 8 (h) Tetrahydrocannabiphorol;
 9 (i) Tetrahydrocannabinol acetate;
 10 (j) Delta-8 tetrahydrocannabinol acetate ester (delta-8 THCO);
 11 (k) Delta-9 tetrahydrocannabinol acetate ester (delta-9 THCO);
 12 (l) THC-0; and
 13 (m) Tetrahydrocannabivarin.

14 ~~(6)~~(8)(a) "Industrial hemp" or "hemp" means the plant Cannabis sativa L. and
 15 any part of that plant, including the seeds thereof and all derivatives, extracts,
 16 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,
 17 with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight
 18 basis.

19 (b) "Industrial hemp" does not include hemp-derived manufactured
 20 psychotropic cannabinoids or artificially-derived cannabinoids.

21 ~~(7)~~(9) "Package" means a container or wrapping in which any consumer
 22 commodity is enclosed for the purpose of delivery or display of that commodity to
 23 retail purchasers and contains one or more servings.

24 ~~(8)~~(10) "Remote retailer" means a person or entity who offers any
 25 consumable hemp product for sale at retail, or for any transaction of products in lieu
 26 of a sale, through a digital application, catalog, or the internet, that can be purchased
 27 and delivered directly to a consumer in Louisiana only after complying with
 28 authorized age verification methods.

29 ~~(9)~~(11) "Retail sale" or "sale at retail" means the sale or any transaction in

1 lieu of a sale of products to the public for use or consumption but does not include
2 the sale or any transaction in lieu of a sale of products for resale.

3 ~~(10)~~**(12)** "Retailer" means a person or entity who offers any consumable
4 hemp product for sale at retail **only after complying with authorized age**
5 **verification methods.**

6 ~~(11)~~**(13)** "Serving" means ~~the total amount of individual units or amount of~~
7 ~~liquid of a product recommended by the manufacturer~~ **an individual unit of a**
8 **product** to be consumed at a single time, **but in no instance shall an individual**
9 **unit be subdivided or the individual unit contain more than 0.5 milligrams of**
10 **THC.**

11 ~~(12)~~**(14)** "State plan" means a plan required for approval by the United States
12 Secretary of Agriculture to monitor and regulate the production of hemp.

13 ~~(13)~~**(15)** "THC" means a combination of tetrahydrocannabinol and
14 tetrahydrocannabinolic acid.

15 ~~(14)~~**(16)** "Wholesaler" means a wholesale seller, distributor, or packer of
16 consumable hemp products.

17 §1482. Consumable hemp products; prohibitions; **penalties**

18 A. No person shall sell or offer for sale any part of hemp for inhalation **or**
19 **any hemp floral material,** except for hemp rolling papers.

20 B. No person shall process, sell, or offer for sale:

21 (1) Any alcoholic beverage containing cannabidiol, **THC, hemp-derived**
22 **manufactured psychotropic cannabinoids, or artificially-derived cannabinoids.**

23 * * *

24 **§1482.1. Criminal penalties**

25 **A. It shall be unlawful for any person or entity to process, sell, or offer**
26 **to sell consumable hemp products in any of the following circumstances:**

27 **(1) Without a permit.**

28 **(2) Outside the scope of a permit.**

29 **(3) If the consumable hemp product contains more than 0.5 milligrams**

1 of total THC per serving or more than 2.0 milligrams of total THC per package.

2 (4) If the consumable hemp product contains any hemp-derived
3 manufactured psychotropic cannabinoids or artificially-derived cannabinoids.

4 B. No retailer shall add any consumable hemp product to any food or
5 beverage sold at retail to a consumer.

6 C. Whoever violates the provisions of this Section shall be imprisoned at
7 hard labor for not less than one year nor more than twenty years and shall be
8 fined not more than fifty thousand dollars.

9 D. Any permittee who is convicted for violating any of the provisions of
10 or the regulations adopted pursuant to this Part shall be subject to having his
11 license suspended, revoked, or placed on probation, in addition to any other
12 penalties authorized by this Part.

13 §1482.2. Stop order

14 A stop order issued by the department or commissioner shall prohibit
15 further sale, exchange, processing, or distribution of all products included in the
16 order until the department and commissioner are satisfied that this Part and the
17 rules and regulations adopted pursuant thereto have been complied with and
18 the department and commissioner have issued a written release to the person
19 with such material. After a stop order is issued, the person receiving the stop
20 order shall have thirty days within which to comply and to obtain a written
21 release of the order or be subject to the penalties provided by this Part. This
22 Section does not prevent the department or commissioner from otherwise
23 proceeding in accordance with this Part.

24 §1483. Product approval; consumable hemp processors; Louisiana Department of
25 Health

26 * * *

27 B. Any consumable hemp product that is manufactured, distributed,
28 imported, or sold for use in Louisiana shall meet the following criteria:

29 * * *

1 (6)(a) For consumable hemp products, ~~a product shall not exceed a total~~
 2 ~~delta-9 THC concentration of more than 0.3 percent or a total THC concentration of~~
 3 ~~more than one percent. The total THC in a product shall not exceed eight milligrams~~
 4 ~~per serving. The provisions of this Subparagraph shall not apply to floral hemp~~
 5 ~~material. **the total THC in a product shall not exceed 0.5 milligrams of total THC**~~
 6 ~~**per serving and 2.0 milligrams of total THC per package.**~~

7 (b) For floral hemp material, ~~a product shall not exceed a total delta-9 THC~~
 8 ~~concentration of more than 0.3 percent on a dry weight basis or a total THC~~
 9 ~~concentration of more than one percent on a dry weight basis.~~

10 (c) Any consumable hemp product that exceeds ~~products that exceed~~ the
 11 THC limits provided in this Paragraph ~~shall not be offered for sale or sold in~~
 12 ~~Louisiana.~~ **that was registered with the department prior to June 16, 2022 may be**
 13 ~~sold in Louisiana until January 1, 2023.~~

14 * * *

15 C.(1) All labels shall meet the following criteria in order to receive approval
 16 from the department:

17 (a) Contain no medical claims **indicating the product is intended for**
 18 **diagnosis, cure, mitigation, treatment, or prevention of disease.**

19 * * *

20 (d) **Identify each batch with a unique code for traceability. Julian date**
 21 **coding or any other system developed and documented for assigning a unique**
 22 **code to a batch may be used. The batch identification shall appear and be**
 23 **legible on the label of any consumable hemp product.**

24 (2) Any ~~adult-use~~ consumable hemp product shall be identified as such on the
 25 label.

26 (3) Any label that does not meet the criteria provided in this Subsection **shall**
 27 **not be offered for sale or sold in Louisiana.** ~~that was approved by the department~~
 28 ~~prior to June 16, 2022 may be used in Louisiana until July 1, 2023.~~

29 **(4) Packaging and labeling shall not be unnecessarily attractive to**

1 underage persons, including but not limited to bearing any resemblance to a
2 trademarked, characteristic or product-specialized packaging of any
3 commercially available candy, snack, or baked good; using the word "candy"
4 or "candies"; using a cartoon, color scheme, image, graphic or feature that
5 might make the package unnecessarily attractive to children; using a seal, flag,
6 crest, coat of arms or other insignia that could reasonably lead any person to
7 believe that the product has been endorsed, manufactured, or used by any state,
8 parish, municipality, or any agent thereof; or using any likeness to images,
9 characters, or phrases that are popularly used to advertise to underage persons.

10 D. In addition to the requirements provided in Subsections B and C of this
11 Section, ~~floral hemp material~~ consumable hemp products shall:

12 (1)~~(a)~~ Be contained in tamper-evident packaging. ~~A package shall be deemed~~
13 ~~tamper-evident if it clearly indicates prior access to the container.~~ A tamper-evident
14 package is one in accordance with the United States Food and Drug
15 Administration having one or more indicators or barriers to entry which, if
16 breached or missing, can reasonably be expected to provide visible evidence to
17 consumers that tampering has occurred.

18 (b) To reduce the likelihood of successful tampering and to increase the
19 likelihood that consumers will discover if a product has been tampered with, the
20 package is required to be distinctive by design or by the use of one or more
21 indicators or barriers to entry that employ an identifying characteristic,
22 including but not limited to a pattern, name, registered trademark, logo, or
23 picture. For purposes of this Subparagraph, the term "distinctive by design"
24 means the packaging cannot be duplicated with commonly available materials
25 or through commonly available processes.

26 (c) A tamper-evident package may involve an immediate-container and
27 closure system or secondary-container or carton system or any combination of
28 systems intended to provide a visual indication of package integrity.

29 (d) The tamper-evident feature shall be designed to and shall remain

1 intact when handled in a reasonable manner during manufacture, distribution,
2 and retail display.

3 (2) ~~Not be labeled or marketed for inhalation.~~ Be contained in
4 child-resistant packaging. The term "child-resistant" means packaging that is
5 designed or constructed in accordance with the United States Consumer
6 Product Safety Commission regulations to be significantly difficult for children
7 under five years of age to open or obtain a toxic or harmful amount of the
8 substance contained therein within a reasonable time and not difficult for
9 normal adults to use properly, but does not mean packaging which all such
10 children cannot open or obtain a toxic or harmful amount within a reasonable
11 time.

12 E.(1) The application for registration shall include a certificate of analysis
13 containing the following information:

14 * * *

15 (b) Test results identifying:

16 * * *

17 (ii) The cannabinoid profile by milligrams and percentage of weight.

18 (c) The total THC concentration of the substance or the total THC
19 concentration of the batch from which the substance originates, and a separate

20 A potency test of the final product indicating the serving size, total THC per serving,
21 total number of servings, and total THC per package, identified as milligrams per
22 grams.

23 (2) The application for registration shall include a notarized verification that
24 the product was produced from hemp and is in compliance with the provisions of
25 this Part. Acceptable forms of verification shall be determined by the department
26 and ~~may~~ shall include a copy of the hemp grower or processor's license, a copy of
27 the independent laboratory's license, certificate of accreditation pursuant to
28 standard ISO/IEC 17025 issued by a third-party accrediting body to the
29 independent laboratory, and registration with the United States Drug

1 **Enforcement Administration.**

2 (3) Any application for registration that does not meet the criteria provided
3 in this Subsection **shall not be offered for sale or sold in Louisiana.** ~~that was~~
4 ~~approved by the department prior to June 16, 2022 may be used in Louisiana until~~
5 ~~July 1, 2023.~~

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

8 (1)(a) If the laboratory is located outside of Louisiana, **the certificate of**
9 **analysis shall be produced by an independent laboratory that is registered with**
10 **the United States Drug Enforcement Administration, is accredited pursuant to**
11 **standard ISO/IEC 17025 of the International Organization for Standardization**
12 **by a third-party accrediting body, and is licensed by the appropriate governing**
13 **body.** ~~it is accredited by the International Organization for Standardization or other~~
14 ~~accrediting entity approved by the department.~~

15 * * *

16 (2) Has no direct or indirect interest **and no common ownership** in a grower,
17 processor, ~~or distributor, or retailer or remote retailer~~ of hemp or hemp products.

18 * * *

19 H. The provisions of this Section do not authorize any person to manufacture,
20 distribute, import, or sell any cannabinoid product derived from any source other
21 than **industrial** hemp **grown in Louisiana by a licensed grower of industrial**
22 **hemp.**

23 * * *

24 J.**(1)** Whoever processes consumable hemp products without a ~~license~~ **permit**
25 shall be subject to imprisonment at hard labor for not less than one year nor more
26 than twenty years and shall be fined not more than fifty thousand dollars.

27 **(2) Any permittee who violates any of the provisions of or the regulations**
28 **adopted pursuant to this Part shall be subject to having his permit suspended,**
29 **revoked, or placed on probation, in addition to any other penalties authorized**

1 **by this Part.**

2 * * *

3 §1484. Permit to sell; office of alcohol and tobacco control

4 * * *

5 B.

6 * * *

7 (4)(a) No consumable hemp product shall be sold to any person under the age
8 of ~~eighteen~~ **twenty-one** years **and it shall be unlawful for any person under the**
9 **age of twenty-one years to possess any consumable hemp products. No person**
10 **shall distribute or cause to be distributed to persons under twenty-one years of**
11 **age a promotional sample of any consumable hemp products.**

12 ~~(b) No adult-use consumable hemp product shall be sold to any person under~~
13 ~~the age of twenty-one years.~~

14 **(5)(a) All persons engaging in the retail sale of consumable hemp**
15 **products shall check the identification of any purchaser of a product to establish**
16 **the age of the person. A purchaser shall verify age by submitting a driver's**
17 **license, selective service card, or other lawful identification which on its face**
18 **establishes the age of the purchaser and there is no reason to doubt the**
19 **authenticity or correctness of the identification.**

20 **(b) In order to ensure compliance with laws prohibiting the sale of**
21 **consumable hemp products to underage persons, the commissioner shall at least**
22 **once annually conduct random, unannounced inspections at locations where**
23 **consumable hemp products are sold. Persons over the age of sixteen and under**
24 **the age of twenty-one shall be enlisted by employees of the office of alcohol and**
25 **tobacco control to test compliance, but such persons may be used only if the**
26 **testing is conducted under the direct supervision of such employees and written**
27 **parental consent has been provided if the person is under the age of eighteen.**
28 **Any person enlisted to test compliance pursuant to this Paragraph shall either**
29 **carry his own identification showing the correct date of birth or shall carry no**

1 identification. Any person enlisted to test compliance under the age of
 2 twenty-one who carries identification shall, on request, present it to any seller
 3 of consumable hemp products. In addition, any person enlisted to test
 4 compliance under the age of twenty-one enlisted pursuant to this Paragraph
 5 shall truthfully answer any questions about his age.

6 (6) At the entrance to a retail location where consumable hemp products
 7 are available for purchase, signs approved by the commissioner, in not less than
 8 30-point type, shall be displayed in a manner conspicuous to both employees
 9 and consumers that reads "LOUISIANA LAW PROHIBITS THE SALE OF
 10 CONSUMABLE HEMP PRODUCTS TO PERSONS UNDER AGE 21."

11 (7) In order to prevent underage persons from purchasing or receiving
 12 consumable hemp products, consumable hemp products shall not be stored in
 13 a retail location on self-service displays. Consumable hemp products in a retail
 14 location shall be stored behind a counter or other barrier approved by the
 15 commissioner and retrieved at the request of the consumer only by persons
 16 employed by the retail location.

17 (8) A remote retailer shall not offer any consumable hemp product for
 18 sale at retail, or for any transaction of products in lieu of a sale, through a
 19 digital application, catalog, or the internet, that can be purchased and delivered
 20 directly to a consumer in Louisiana that includes hemp-derived manufactured
 21 psychotropic cannabinoids or artificially-derived cannabinoids.

22 * * *

23 Section 2. R.S. 3:1482(E) is hereby repealed in its entirety.

24 Section 3. If any provision of this Act, or the application thereof, is held invalid, such
 25 invalidity shall not affect other provisions or applications of this Act which can be given
 26 effect without the invalid provisions or applications, and to this end the provisions of this
 27 Act are hereby declared severable.

28 Section 4. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 effective on the day following such approval.

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

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))