

2025 Regular Session

HOUSE BILL NO. 36

BY REPRESENTATIVES SCHLEGEL, BUTLER, DEVILLIER, DICKERSON,
EDMONSTON, HORTON, MIKE JOHNSON, OWEN, THOMAS, AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 9:2800.62(2) and R.S. 9:2800.63(B)(1) and to enact R.S.
3 9:2800.63(E), relative to consumable hemp products; to expand the definition of
4 illegal controlled substance; to provide for damages in certain circumstances; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.62(2) and 2800.63(B)(1) are hereby amended and reenacted
8 and R.S. 9:2800.63(E) is hereby enacted to read as follows:

9 §2800.62. Definitions

10 As used in this Chapter, unless the context requires otherwise:

11 * * *

12 (2) "Illegal controlled substance" means either of the following:

13 (a) cocaine Cocaine, phencyclidine, heroin, or methamphetamine and any
14 other illegal controlled dangerous substance the possession or distribution of which
15 is a violation of the Uniform Controlled Dangerous Substances Law, R.S. 40:961 et
16 seq.

17 (b) A consumable hemp product as defined in R.S. 3:1481, the possession or
18 distribution of which is a violation of R.S. 3:1482 or 1483.

19 * * *

20 §2800.63. Action for damages by persons other than the individual user

21 * * *

1 B. A person entitled to bring an action pursuant to Subsection A of this
2 Section may seek damages from one or more of the following:

3 (1) A person who sold, administered, or furnished an illegal controlled
4 substance to the individual user or consumable hemp product as defined by R.S.
5 3:1481 to a person under the age of twenty-one.

6 * * *

7 E.(1) A person otherwise entitled to bring an action pursuant to Subsection
8 A of this Section may not seek damages if the damages were caused by an
9 individual's use of a consumable hemp product and any of the following applies:

10 (a) The sole allegation is that the processor, wholesaler, or retailer was
11 operating without an active permit, provided the business held a valid permit at the
12 time of applying for renewal, and the renewal application was under review by the
13 Louisiana Department of Health or the Office of Alcohol and Tobacco Control at the
14 time of the alleged offense.

15 (b) The consumable hemp product that caused the damage was approved by
16 the Louisiana Department of Health at the time of the alleged incident.

17 (c) The consumable hemp product that caused the damage had been
18 previously approved by the Louisiana Department of Health and had not been
19 revoked for more than sixty days prior to the alleged incident.

20 (2) The exemptions in this Subsection shall not apply if the individual injured
21 as a result of the use of the consumable hemp product is a minor.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____