

ACT No. 233

2025 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVE SCHLEGEL

1 AN ACT

2 To amend and reenact R.S. 40:961.1 and 966(A)(3) and to enact R.S. 14:93.16 and 93.17
3 and R.S. 40:966(A)(4) and (B)(4), relative to unlawful sales of consumable hemp;
4 to provide for possession of consumable hemp by minors; to prohibit the
5 manufacturing and possession of consumable hemp under certain circumstances; to
6 provide for penalties; to provide exceptions for industrial hemp; to provide for
7 exceptions; to provide for defenses; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:93.16 and 93.17 are hereby enacted to read as follows:

10 §93.16. Unlawful sales of consumable hemp products to persons under twenty-one

11 A. It is unlawful for any person to sell, distribute, dispense, or otherwise
12 deliver any consumable hemp product, as defined in R.S. 3:1481, to any person
13 under twenty-one years of age unless such person is the lawful owner or lawful
14 employee of an establishment to which the sale is being made and is accepting such
15 delivery pursuant to such ownership or employment. Lack of knowledge of the
16 person's age shall not be a defense.

17 B. Whoever violates the provisions of this Section shall be fined not less
18 than five hundred dollars nor more than one thousand dollars, or imprisoned for not
19 less than thirty days nor more than six months, or both.

1 §93.17. Purchase and possession of consumable hemp products by a minor;
2 penalties

3 A. It is unlawful for any person under twenty-one years of age to purchase
4 or possess any consumable hemp product as defined in R.S. 3:1481.

5 B.(1) Whoever violates the provisions of this Section shall be fined not more
6 than one hundred dollars.

7 (2) Any person apprehended while violating the provisions of this Section
8 shall be issued a citation by the apprehending law enforcement officer, which shall
9 be paid in the same manner as provided for the offenders of local traffic violations.
10 A citation issued by a law enforcement officer for such violation shall not be
11 included on the person's criminal history record.

12 Section 2. R.S. 40:961.1 and 966(A)(3) are hereby amended and reenacted and R.S.
13 40:966(A)(4) and (B)(4) are hereby enacted to read as follows:

14 §961.1. Industrial hemp exemption

15 A. Notwithstanding the definitions provided for in R.S. 40:961(6) and (27),
16 the provisions of the Uniform Controlled Dangerous Substances Law shall not apply
17 to industrial hemp or consumable hemp products as provided for in Parts V and VI
18 of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950 that are
19 possessed, stored, cultivated, trimmed, dried, cured, and transported by a licensee in
20 accordance with Part V of Chapter 10-A of Title 3 of the Louisiana Revised Statutes
21 of 1950 or that are processed, distributed, sold, or offered to be sold by a permittee
22 in accordance with Part VI of Chapter 10-A of Title 3 of the Louisiana Revised
23 Statutes of 1950.

24 B. Nothing in this Part shall be construed to prohibit the transportation and
25 shipment of federally compliant hemp products through the state to the limited extent
26 currently provided by federal law. For the purposes of this Section, "through the
27 state" means from one geographic boundary of the state to another geographic
28 boundary of the state.

29 * * *

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

* * *

(3)(a) To produce, manufacture, distribute, or dispense or possess with intent to produce, manufacture, distribute, or dispense a consumable hemp product, as defined in R.S. 3:1481, in violation of R.S. 3:1483.

(b) It shall not be considered a violation of Paragraph (A)(3) of this Section if the sole basis for the alleged offense is that the processor, wholesaler, or retailer was operating without an active permit if both of the following occur:

(i) The processor, wholesaler, or retailer held a valid permit at the time of applying for permit renewal.

(ii) The renewal application was under review by the Louisiana Department of Health or the office of alcohol and tobacco control at the time of the alleged offense.

(c) It shall not be considered a violation of Subparagraph (A)(3)(a) of this Section if the consumable hemp product was approved by the Louisiana Department of Health at the time of the alleged offense. If the product's approval has been revoked, no violation shall be deemed to have occurred unless the revocation occurred more than sixty days prior to the alleged offense.

~~(3)~~ (4) To cultivate, possess, process, or sell industrial hemp, industrial hemp products, or viable industrial hemp seeds not in accordance with the ~~U.S.~~ Agriculture Improvement Act of 2018 or the plan submitted by the Department of Agriculture and Forestry that is in compliance with U.S. Department of Agriculture rules.

* * *

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

* * *

4 * * *

GOVERNOR OF THE STATE OF LOUISIANA

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.