

Louisiana Revised Statutes of 1950

Title 3 – Agriculture and Forestry

Chapter 10-A – Feed, Fertilizers, Agricultural Liming and Seeds

Part VI – Industrial Hemp-Derived Cannabidiol Products

[Editor's Note: This new part was created by Act 164 of the 2019 Legislature, consisting of Sections 1481 through 1484. Sections 1481 through 1483 became effective June 6, 2019; Section 1484 became effective January 1, 2020. Subsequent amendments are noted herein.]

§1481. Definitions

As used in this Part:

- (1) "CBD" means cannabidiol.
- (2) "Commissioner" mean the commissioner of alcohol and tobacco control.
- (3) "Department" means the Louisiana Department of Health.
- (4) "Industrial hemp" or "hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.
- (5) "Industrial hemp-derived CBD product" means any industrial hemp-derived product or hemp-derived product that contains CBD intended for consumption or topical use.
- (6) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.

§1482. CBD products; prohibitions; Louisiana Department of Health

- A. No person shall process or sell:
 - (1) Any part of hemp for inhalation.
 - (2) Any alcoholic beverage containing CBD.
 - (3) Any food product or beverage containing CBD unless the United States Food and Drug Administration approves CBD as a food additive.
- B. Any CBD product that is manufactured, distributed, imported, or sold for use in Louisiana shall:
 - (1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an authorized state pilot program pursuant to the Agriculture Improvement Act of 2014, P.L. 113-79.
 - (2) Be registered with the department in accordance with the State Food, Drug, and Cosmetic Law (R.S. 40:601 *et seq.*).
 - (3) Be labeled in accordance with the State Food, Drug, and Cosmetic Law (R.S. 40:601 *et seq.*).
 - (4) Not be marketed as a dietary supplement.
- C. All labels shall meet the following criteria in order to receive approval from the department:
 - (1) Have the following words printed clearly on the label: "This product has not been evaluated by the Food and Drug Administration and is not intended to diagnose, treat, cure, or prevent any disease."
 - (2) Contain no medical claims.
 - (3) Have a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis as provided in Subsection D of this Section.
- D. In addition to the registration requirements established by the department, the application for registration shall include a certificate of analysis containing the following information:
 - (1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.
 - (2) Test results identifying the cannabinoid profile by percentage of dry weight, solvents, pesticides, microbials, and heavy metals.
- E. The certificate of analysis required by Subsection D of this Section shall be completed by an independent laboratory that meets the following criteria:
 - (1) Is accredited as a testing laboratory approved by the department.

- (2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.
- F. The department shall provide a list of registered products to the office of alcohol and tobacco control, law enforcement, and other necessary entities as determined by the department.
- G. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any CBD product derived from any source that is not hemp.
- H. The provisions of this Part shall not apply to any CBD product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.
- I. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge pursuant to R.S. 40:628.
- J. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section by November 1, 2019.

§1483. Permit to sell; office of alcohol and tobacco control

- A. (1) Each person who sells or is about to engage in the business of selling at retail, any industrial hemp-derived CBD product shall first apply for and obtain a permit for each place of business from the office of alcohol and tobacco control.
- (2) The permit shall not authorize the permittee to sell or offer for sale any CBD product derived from any source that is not hemp.
- B. The commissioner may establish and collect an annual permit fee. The amount of the permit fee shall be based on the cost of the regulatory functions performed and shall not exceed one hundred seventy-five dollars per year.
- C. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section by November 1, 2019.

§1484. Criminal penalties

- A. Whoever violates the provisions of this Part shall be penalized as follows:
 - (1) On a first conviction, the offender shall be fined not more than three hundred dollars.
 - (2) On a second conviction, the offender shall be fined not more than one thousand dollars.
 - (3) On a third or subsequent conviction, the offender shall be sentenced to imprisonment, with or without hard labor, for not more than two years and shall be fined not more than five thousand dollars.

(end of Part VI of Chapter 10-A)

(end of Title 3)