SLS 23RS-376

REENGROSSED

2023 Regular Session

SENATE BILL NO. 198

BY SENATOR JACKSON

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

AGRICULTURAL COMMODITIES. Provides relative to consumable hemp products. (8/1/23)

1	AN ACT
2	To amend and reenact R.S. 3:1483(G)(1) and 1484(C), relative to consumable hemp
3	products; to provide for testing and inspection of consumable hemp products; to
4	regulate the sale of consumable hemp products; to provide notice to retailers; to
5	provide for the storage and return of unused consumable hemp products; to provide
6	for the confiscation and destruction of consumable hemp; to provide with respect to
7	the authority of the commissioner of the office of alcohol and tobacco control; and
8	to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 3:1483(G)(1) and 1484(C) are hereby amended and reenacted to read
11	as follows:
12	§1483. Product approval; consumable hemp processors; Louisiana Department of
13	Health
14	* * *
15	G. The department shall:
16	(1)(a) Conduct an initial review of any product submitted pursuant to this
17	Section and notify the submitting party of any deficiencies existing which prevent

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the approval of the product within fifteen business days of the date of submission.
If the department fails to notify the submitting party within fifteen business days of
the date of submission, the product may be sold by a wholesaler or retailer permitted
pursuant to R.S. 3:1484 from the day following the fifteenth business day until the
submitting party receives final approval or denial from the department for the
product.
(b) Allow any product that is pending approval and is affixed with a
pending approval sticker to be stored by the retailer or wholesaler in a separate
storage area without the product being confiscated pending the final approval
or denial from the department.
(c)(i) Upon denying approval of the product, allow the retailer or
wholesaler to, within five business days of the date of the denial notification,
remove the product from store shelves and place the product in a separate
offsite storage area.
(ii) The retailer or wholesaler shall have thirty calendar days from the
date of the denial notification from the department to return the product to the
supplier or manufacturer. Any product not returned by the thirtieth calendar
day shall be confiscated or destroyed at any time by the department.
* * *
§1484. Permit to sell; office of alcohol and tobacco control
* * *
C.(1) The commissioner may establish and collect an annual retail permit fee
and an annual special event permit fee. The amount of each permit fee provided for
in this Subsection shall be based on the cost of the regulatory functions performed
and shall not exceed one hundred seventy-five dollars per year.
(2)(a) The commissioner shall electronically notify each retailer, within
five business days, of the legal status if consumable hemp products are declared
illegal to sell in the state.
(b) Upon notification from the commissioner that consumer hemp

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1	products have been declared illegal to sell, each retailer shall submit, within
2	fifteen business days of the date of the commissioner's notification, a detailed
3	inventory list of the products he purchased prior to being notified that the
4	products have been declared illegal to sell in the state.
5	(c) The retailer or wholesaler shall have thirty calendar days from the
6	date of the denial notification from the commissioner to return the product to
7	the supplier or manufacturer. Any product not returned by the thirtieth
8	calendar day shall be confiscated or destroyed at any time by the commissioner
9	if discovered on a permitted property.
10	* * *

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

	DIGEST	
SB 198 Reengrossed	2023 Regular Session	Jackson

<u>Present law</u> requires the department to conduct an initial review of any product submitted pursuant to <u>present law</u> and to notify the submitting party of any deficiencies existing which prevent the approval of the product within 15 business days of the date of submission.

Proposed law retains present law.

<u>Present law</u> provides that if the department fails to notify the submitting party within the time period required by <u>present law</u> the product may be sold by a wholesaler or retailer permitted pursuant to <u>present law</u> from the day following the 15th business day until the submitting party receives final approval or denial from the department for the product.

<u>Proposed law</u> retains <u>present law</u> and requires the department to allow any product that is pending approval and is affixed with a pending approval sticker to be stored by the retailer or wholesaler in a separate storage area, without the product being confiscated pending the final approval or denial from the department.

<u>Proposed law</u> requires the department to allow the retailer or wholesaler five business days from the date of the denial notification to remove the product from store shelves and place the product in a separate offsite storage area.

<u>Proposed law</u> provides that the retailer or wholesaler shall have 30 calendar days from the date of the denial notification from the department, to return the product to the supplier or manufacturer. <u>Proposed law</u> further provides that any product not returned by the 30th calendar day shall be confiscated or destroyed at any time by the department.

<u>Present law</u> authorizes the commissioner to establish and collect an annual retail permit fee and an annual special event permit fee in an amount based on the cost of the regulatory functions performed and not exceed \$175 per year.

<u>Proposed law</u> retains <u>present law</u> and requires the commissioner to electronically notify each retailer, within five business days, of the legal status if consumable hemp products are

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declared illegal to sell in the state.

<u>Proposed law</u> provides the retailer or wholesaler shall have 30 calendar days from the date of the denial notification from the commissioner, to return the product to the supplier or manufacturer. <u>Proposed law</u> further provides that any product not returned by the 30th calendar day shall be confiscated or destroyed at any time by the commissioner if discovered on a permitted property.

Effective August 1, 2023.

(Amends R.S. 3:1483(G)(1) and 1484(C))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Removes <u>proposed law</u> requiring the retailer or wholesaler to submit proof of contacting the supplier or manufacturer to return the product within five business days of the date of the denial notification from the department.
- 2. Adds language to allow the retailer or wholesaler 30 calendar days from the date of the denial notification from the department to return the product to the supplier or manufacturer, and authorizes the department to confiscate or destroy any product not returned by the 30th calendar day.
- 3. Removes <u>proposed law</u> allowing the retailer six months after the day the commissioner receives the list, to sell the consumable hemp products identified in the detailed inventory list.
- 4. Adds language to allow the retailer or wholesaler 30 calendar days from the date of the denial notification from the commissioner, to return the product to the supplier or manufacturer, and authorizes the commissioner to confiscate or destroy any product not returned by the 30th calendar day if discovered on a permitted property.