

RS 3:1461

PART V. INDUSTRIAL HEMP

§1461. Purpose

It is hereby the intent of the legislature to recognize industrial hemp as an agricultural commodity and authorize the cultivation, processing, and handling of industrial hemp as legal, agricultural activities in the state of Louisiana in accordance with the Agriculture Improvement Act of 2018, P.L. 115-334.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.

RS 3:1462

§1462. Definitions

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

(1) "Applicant" means a natural person or any individual who applies on behalf of a partnership, corporation, cooperative association, limited liability company, joint stock association, sole proprietorship, joint venture, business association, professional corporation, or any other legal entity or organization through which business is conducted for a grower, processor, handler, or industrial hemp seed producer license.

(2) "Commission" means the Agricultural Chemistry and Seed Commission.

(3) "Commissioner" means the Louisiana commissioner of agriculture and forestry.

(4) "Cultivate" or "cultivating" means planting, growing, or harvesting industrial hemp.

(5) "Department" means the Louisiana Department of Agriculture and Forestry.

(6) "Designated responsible party" means a natural person designated by the applicant or licensee as responsible for facility operations of the applicant or licensee facility.

(7) "Grower" means any individual, partnership, corporation, cooperative association, or other business entity that is licensed by the department to cultivate industrial hemp.

(8) "Handle" or "handling" means any of the following:

(a) Transporting or delivering industrial hemp material in intrastate commerce for compensation.

(b) Commercially harvesting, storing, or grinding industrial hemp material received from a grower.

(c) Cleaning or packaging industrial hemp seed received from a seed producer.

(d) Brokering industrial hemp material.

(e) Receiving industrial hemp material for testing.

(9) "Handler" means any individual, partnership, corporation, cooperative association, or other business entity that handles industrial hemp.

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

(11) "Industrial hemp seed" means *Cannabis sativa* L. seed or other propagating stock which have been inspected and sampled during their period of growth and preparation for market by the commissioner, or by the inspection official of the state in which the seeds or propagating stock were grown, and which have been found to conform to the regulations issued by the commission pursuant to this Part.

(12) "Licensure" means any license that the department is authorized to issue to a grower, seed producer, processor, or handler of industrial hemp.

(13) "Process" means converting industrial hemp into a marketable form.

(14)(a) "Processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for processing into commodities or products.

(b) "Processor" shall not include a consumable hemp processor as defined in R.S. 3:1481.

(15) "Seed producer" means a person licensed by the department to obtain, produce, transport, and sell industrial hemp seed in the state.

(16) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

(17) "THC" means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(18) "Transport" or "transporting" means the movement of industrial hemp from the premises of a licensee to the premises of another licensee or from the premises of a licensee to the premises of a permit holder pursuant to R.S. 3:1483 by means of a vehicle.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1463

§1463. Powers and responsibilities of the commission

The commission shall:

(1) Establish criteria and standards for industrial hemp seed approval.

(2) Hold hearings on alleged violations of the provisions of this Part or of the rules and regulations adopted pursuant to this Part.

(3) Advise the commissioner on the civil penalties to be imposed or the injunctive or other civil relief to be sought to punish and restrain violations of the provisions of this Part or of the rules and regulations adopted pursuant to this Part.

Acts 2019, No. 164, §1, eff. June 6, 2019.

RS 3:1464

§1464. Powers and duties of the commissioner

The commissioner shall:

- (1) Adopt rules and regulations as are necessary to implement the provisions of this Part in accordance with the Administrative Procedure Act.
- (2) Administer and enforce the provisions of this Part and all rules and regulations adopted pursuant to this Part.
- (3) Collect, administer, and disburse the proceeds of all fees, interest, penalties, and other monies collected pursuant to this Part.
- (4) Appoint and employ all personnel necessary for the efficient and proper administration of this Part.
- (5) Enter, either directly or through a duly authorized agent, any land or areas where hemp is grown, stored, or processed for the purposes of conducting inspections, collecting samples, testing, examining, and copying records, and carrying out suppression or eradication activities as provided in this Part.
- (6) Seek and obtain injunctive or other civil relief to restrain and prevent violations of this Part, rules and regulations adopted pursuant to this Part, or orders and rulings issued by the commissioner pursuant to this Part.
- (7) Institute civil proceedings to enforce his orders or rulings, collect any assessments, late fees, fines, penalties, or costs due under this Part or to otherwise enforce the provisions of this Part or rules and regulations adopted pursuant to this Part.
- (8) Create a state plan, in consultation with the governor and attorney general, to monitor and regulate the production of industrial hemp. The state plan shall include all requirements specified in the Agriculture Improvement Act of 2018, P.L. 115-334.
- (9) On or before January 31, 2020, and annually for four years thereafter, submit a status report on the state's industrial hemp program to the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development. The report shall include the following information:
 - (a) The number of applications received.
 - (b) The number of licenses issued in the state and in each parish.
 - (c) Total industrial hemp acreage in the state and in each parish.
 - (d) The number of licenses issued to growers with land under two hundred acres and the total amount of industrial hemp sold from those growers to processors.
 - (e) Type of industrial hemp grown and processed, whether for fiber, seeds, or other uses.
 - (f) Estimated value of the industrial hemp industry.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.

RS 3:1465

§1465. Licensure

A.(1)(a) Each seed producer shall obtain an annual license issued by the department. The license shall authorize the licensee to produce, transport, and sell approved seeds to licensed industrial hemp growers, seed producers, handlers, and processors.

(b) A licensed seed producer shall ensure that the seed complies with the standards set by the commission.

(c) The department shall provide information that identifies sellers of industrial hemp seed to growers.

(2) A grower of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to possess, store, cultivate, trim, dry, cure, and transport industrial hemp in this state.

(3) A processor of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to possess, store, process, and transport industrial hemp in this state.

(4) A handler of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to handle industrial hemp in this state.

B. Any person desiring to obtain a license shall apply to the commissioner for a license on a form prescribed by the commissioner. A license must be obtained before a person purchases or obtains any industrial hemp seeds.

C.(1) The application for any grower, processor, handler, or seed producer license shall include the following information:

(a) The name and address of the applicant.

(b) The name and address of the designated responsible party, if the applicant is a business entity.

(c) If applicable, the legal description and global positioning coordinates of the land area to be used to produce or process industrial hemp.

(2) If any changes are made to the required information in Paragraph (1) of this Subsection, the applicant shall resubmit the application to the department within fifteen days.

D.(1) Upon application for initial licensure or annual license renewal, each applicant shall be required to submit to a criminal background check pursuant to the provisions of this Subsection. For purposes of this Subsection, "applicant" shall mean an applicant or designated responsible party as defined in R.S. 3:1462.

(2) The applicant shall submit fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information for the purpose of obtaining state and national criminal history record information and grant permission to the department to obtain the state and national criminal history information on the applicant.

(3) Upon request by the department and upon submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau may charge the applicant a reasonable processing fee for conducting and reporting on any such search.

(4) Any and all state or national criminal history record information obtained by the department from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the department in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the department to any other person or agency.

(5) No person shall be eligible to obtain a license if convicted under state or federal law of any of the following:

(a) A felony within the ten years immediately preceding the date of application.

(b) A drug-related misdemeanor within the two years immediately preceding the date of application.

E. The applicant is responsible for any employee working under the applicant's license.

F. The provisions of this Section shall not apply to the Louisiana State University Agricultural Center, the Southern University Agricultural Center, the University of Louisiana at Monroe Agribusiness Program, and the University of Louisiana at Monroe College of Pharmacy when performing research and development as provided for in R.S. 3:1469.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1466

§1466. Records required

A. Every grower, processor, handler, and seed producer shall maintain full and accurate records as required by rules and regulations of the department.

B. The department's rules and regulations on record keeping shall, at a minimum, require the following:

(1) All licensees shall maintain documentation of any sales or distribution, including the party to which the product was sold or distributed.

(2) Growers and seed producers shall maintain documentation of traceability from seed acquisition to harvest to crop termination.

(3) Processors shall maintain documentation of industrial hemp acquisition from grower to final product.

(4) Any person transporting or delivering industrial hemp shall have a dated invoice, bill of lading, or manifest in his possession during the entire time he is transporting or delivering industrial hemp. The invoice, bill of lading, or manifest shall include the following information:

(a) The seller's and the purchaser's name and address.

(b) The specific origin and destination of the industrial hemp being transported.

(c) The quantity of industrial hemp being transported.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2021, No. 336, §1.

RS 3:1467

§1467. Fees; disposition of funds

A. The commissioner may establish annual application, license, and testing fees to be paid to the department. The amount of the fees shall be based on the cost of the regulatory functions performed and services provided. The combined total of the annual application fee and license fee shall not exceed five hundred dollars, and the testing fee shall not exceed two hundred fifty dollars.

B. All assessments, fees, penalties, and other funds received pursuant to this Part shall be deposited in the Seed Fund provided for in R.S. 3:1449.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1.

RS 3:1468

§1468. Testing; inspections

A.(1) The department shall collect samples to test all industrial hemp crops prior to harvest to ensure the THC concentration does not exceed a total delta-9 THC concentration of 0.3 percent on a dry weight basis. The grower shall harvest his approved industrial hemp plants not more than thirty days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(2) The department may enter into contracts, cooperative endeavor agreements, memoranda of understanding, or other agreements with any public postsecondary education institution for the testing of THC levels in industrial hemp crops or industrial hemp products deemed necessary by the commissioner.

B. In addition to any scheduled testing, the department may randomly inspect any industrial hemp crop or industrial hemp product in the possession of any person or entity with a grower, processor, handler, or seed producer license and take a representative composite sample for THC concentration analysis if the department has reason to believe a violation of this Part has occurred.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1469

§1469. Industrial hemp research

A.(1) The Louisiana State University Agricultural Center and the Southern University Agricultural Center are authorized to cultivate, handle, and process industrial hemp and industrial hemp seeds for research and development of new varieties.

(2) The universities in Paragraph (1) of this Subsection may contract with licensed hemp seed producers for development of seed for distribution through a process as determined by the department.

B. The University of Louisiana at Monroe College of Pharmacy is authorized to handle and process industrial hemp for medicinal research and development.

C. The University of Louisiana at Monroe Agribusiness Program is authorized to cultivate, handle, and process industrial hemp for product research and development.

D. Except for those entities exempted pursuant to this Part, all industrial hemp licensees whose intent is to perform industrial hemp research shall submit an annual industrial hemp research plan to the department. The department shall adopt rules establishing the requirements of the industrial hemp research plan. Such rules shall include performance-based sampling requirements.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1470

§1470. Civil penalties; procedures for imposition of penalties

A. Any person who violates any of the provisions of or the regulations adopted pursuant to this Part; or who alters, forges, or counterfeits, or uses without authority any license or other document provided for in this Part or in the regulations adopted pursuant to this Part; or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part, shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to a civil penalty of not more than five hundred dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall constitute a separate offense.

B. Any licensee who violates any of the provisions of or the regulations adopted pursuant to this Part shall be subject to having his license suspended, revoked, or placed on probation, in addition to any other penalties authorized by this Part.

C. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

(1) The commission shall be convened by the commissioner for the purpose of hearing any alleged violation of this Part or any rule and regulation adopted pursuant to this Part.

(2) The commissioner shall appoint a hearing officer to preside over the hearing.

(3) The commission shall make an initial determination on the matter. This determination shall be submitted to the commissioner in writing.

(4) The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the determination of the commission, the commissioner shall issue a written opinion based on the record of the hearing.

D. In addition to civil penalties, the commissioner may assess the cost of the adjudicatory hearing against any person found to be in violation of this Part or the regulations adopted pursuant to this Part. The commissioner shall, by regulation, determine the amount of costs to be assessed in adjudicatory hearings.

Acts 2019, No. 164, §1, eff. June 6, 2019.

RS 3:1471

§1471. Criminal penalties

A. It shall be unlawful for any person or entity to cultivate, handle, process, or transport industrial hemp in any of the following circumstances:

(1) Without a license.

(2) Outside the scope of a license.

(3) If the industrial hemp originates from a seed that has not been approved by the commissioner.

(4) If the Cannabis sativa L. plant or any part of that plant would otherwise be industrial hemp as defined by this Part except that it has a THC concentration that exceeds the THC concentration authorized in this Part. This shall not include handling the plant for destruction as required by the department pursuant to this Part.

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

C. The provisions of this Section shall not apply to the Louisiana State University Agricultural Center, the Southern University Agricultural Center, and the University of Louisiana at Monroe College of Pharmacy when performing research and development as provided for in R.S. 3:1469.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1472

§1472. Stop order

A stop order issued by the department shall prohibit further sale, exchange, movement, processing, or distribution of all Cannabis plants or plant parts included in the order until the commissioner is satisfied that this Part and rules and regulations of the commissioner and commission have been complied with and the commissioner has issued a written release to the person with such material. After a stop order is issued, the person receiving the stop order shall have thirty days within which to comply and to obtain a written release of the order or be subject to the penalties provided by this Part. This Section does not prevent the commissioner from otherwise proceeding in accordance with this Part.

Acts 2020, No. 344, §1.

RS 3:1473

§1473. Centralized website

The Louisiana State University Agricultural Center shall develop a centralized industrial hemp website that provides to the public information, resources, and educational opportunities concerning industrial hemp. The agricultural center shall develop the website in collaboration with the Southern University Agricultural Center, the Louisiana Department of Agriculture and Forestry, the Louisiana Department of Health, the office of alcohol and tobacco control, the Department of Economic Development, and relevant industry associations.

Acts 2021, No. 336, §1.

RS 3:1481

PART VI. CONSUMABLE HEMP PRODUCTS

§ 1481. Definitions

As used in this Part:

- (1) "Commissioner" means the commissioner of alcohol and tobacco control.
 - (2) "Consumable hemp processor" means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for the manufacturing or processing of a consumable hemp product.
 - (3)(a) "Consumable hemp product" means any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, and is intended for consumption or topical use.
(b) "Consumable hemp product" shall include commercial feed, pet products, and hemp floral material.
 - (4) "Department" means the Louisiana Department of Health.
 - (5) "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 total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.
 - (6) "Remote retailer" means a person or entity who offers 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.
 - (7) "Retail sale" or "sale at retail" means the sale or any transaction in lieu of a sale of products to the public for use or consumption but does not include the sale or any transaction in lieu of a sale of products for resale.
 - (8) "State plan" means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.
 - (9) "THC" means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.
 - (10) "Wholesaler" means a wholesale seller, distributor, or packer of consumable hemp products.
- Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1482

§1482. Consumable hemp products; prohibitions

A. No person shall sell any part of hemp for inhalation, except for hemp rolling papers.

B. No person shall process or sell:

(1) Any alcoholic beverage containing cannabidiol.

(2) Any consumable hemp product without a license or permit required pursuant to this Part.

C. It shall be unlawful for any person to knowingly, willfully, or intentionally violate the provisions of this Section. Whoever knowingly, willfully, or intentionally violates the provisions of this Section 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 fined not more than five thousand dollars.

D. The provisions of this Part shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is less restrictive than the provisions of this Part.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1483

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

A.(1) Each consumable hemp processor shall obtain an annual consumable hemp processor license issued by the department. The department shall charge and collect an annual consumable hemp processor license fee. The fee shall be for each separate processing facility and shall be based on the annual sales of such facility according to the following schedule:

Annual Sales	Annual Fee
Under \$500,000	\$175.00
\$500,001 - \$1,000,000	\$475.00
\$1,000,001 - \$2,500,000	\$775.00
\$2,500,001 - \$5,000,000	\$1,075.00
Over \$5,000,000	\$1,375.00

(2) A consumable hemp processor shall adhere to any sanitary regulations promulgated by the department.

B. Any consumable hemp 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 Act of 2014, P.L. 113-79.

(2) Be registered with the department in accordance with the provisions of this Section. The department shall charge and collect a fee of not more than fifty dollars for each separate and distinct product registered. This charge shall be in lieu of the charge collected pursuant to R.S. 40:628.

(3) Receive label approval from the department.

(4) Not be marketed as dietary.

(5) Not contain any active pharmaceutical ingredient (API) recognized by the United States Food and Drug Administration other than cannabidiol. The provisions of this Paragraph shall not apply to products intended for topical application.

(6) Not contain a total delta-9 THC concentration of more than 0.3 percent on a dry weight basis.

(7) Not contain a total THC concentration of more than one percent on a dry weight basis.

(8) Not contain any cannabinoid that is not naturally occurring.

C. All labels shall meet the following criteria in order to receive approval from the department:

(1) Contain no medical claims.

(2) 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 E of this Section.

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

(1) Be contained in tamper-evident packaging. A package shall be deemed tamper-evident if it clearly indicates prior access to the container.

(2) Not be labeled or marketed for inhalation.

E. 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 weight, solvents, pesticides, microbials, and heavy metals.

F. The certificate of analysis required by Subsection E 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.

G. 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.

H. The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any cannabinoid product derived from any source other than hemp.

I. Any facility processing industrial hemp products intended for human consumption that do not meet the definition of consumable hemp product provided in this Part shall be regulated in accordance with the State Food, Drug, and Cosmetic Law.

J. Whoever processes consumable hemp products without a license shall be subject to imprisonment at hard labor for not less than one year nor more than twenty years and shall be fined not more than fifty thousand dollars.

K. The provisions of this Part shall not apply to any cannabinoid product approved by the United States Food and Drug Administration or produced in accordance with R.S. 40:1046.

L. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall specify standards for product labels, procedures for label approval, requirements for accreditation for laboratories, any prohibited dosage vehicles as determined by the department, and sanitary requirements specific to consumable hemp processors.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1484

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

A.(1) Each wholesaler of consumable hemp products shall apply for and obtain a permit from the office of alcohol and tobacco control.

(2) The commissioner may establish and collect an annual wholesaler permit fee. The amount of the wholesaler permit fee shall be based on the cost of the regulatory functions performed and shall not exceed five hundred dollars per year.

B.(1)(a) Each person who sells or is about to engage in the business of selling at retail any consumable hemp product shall first apply for and obtain a permit for each place of business from the office of alcohol and tobacco control.

(b) For purposes of this Section, each individually registered domain name owned or leased by or on behalf of a remote retailer shall be considered a place of business. No person or entity shall be required to have a physical place of business in the state of Louisiana in order to sell consumable hemp products at retail.

(2) Prior to selling consumable hemp products at a special event, the retailer shall request and promptly receive an annual special event permit from the commissioner. For purposes of this Section, a special event shall be defined as any event held at any location, other than a permitted place of business, where consumable hemp products are sold. The permittee shall notify the commissioner in writing of any special event the permittee will be attending prior to the event. Failure to notify the commissioner shall be grounds for revocation of the permit.

(3) No permit issued pursuant to this Section shall authorize the permittee to sell or offer for sale any cannabinoid product derived from any source other than hemp.

(4) No consumable hemp product shall be sold to any person under the age of eighteen years.

C. 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.

D. Any person who violates any of the provisions of this Part or rules adopted pursuant to this Part; who alters, forges, or counterfeits, or uses without authority any permit or other document provided for in this Part; who operates without a permit; or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.

(1) For a first offense, not more than three hundred dollars.

(2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.

(3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.

E. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part shall be subject to having his permit suspended or revoked. Any fine imposed pursuant to this Part or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation on the imposition of any other penalty provided by law.

F. In addition to the commissioner's authority to revoke or suspend a permit pursuant to this Section, the secretary of the Department of Revenue shall order the commissioner to immediately suspend the retailer's permit if the secretary determines that a consumable hemp product retailer has failed to timely file returns or pay taxes as required by R.S. 47:1693. The secretary shall order the commissioner to suspend the retailer's permit until the returns have been filed and the taxes are paid. No permit shall be suspended for taxes which have been properly protested or appealed by the retailer pursuant to R.S. 47:1565 or 1567.

G. The office of alcohol and tobacco control shall investigate any report of a violation of a provision of this Part and report any criminal violation to the appropriate law enforcement agency.

H. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall not include any fees or penalties for any permit not provided for in this Section, or any requirements for proof of Louisiana residency, criminal background checks, diagrams of retail premises, or proof of lease or ownership of any retail establishment.

Acts 2019, No. 164, §1, eff. June 6, 2019; Acts 2020, No. 344, §; Acts 2020, No. 344, §1; Acts 2021, No. 336, §1.

RS 3:1485

§1485. Industrial Hemp Advisory Committee

A. The Industrial Hemp Advisory Committee is hereby created and established and for the purposes of this Section shall be referred to as the committee.

B. The committee is hereby authorized to receive and review information and requests and make recommendations for future legislation relative to the regulation of industrial hemp and industrial hemp products.

C. The committee shall be composed of the following members:

(1) The speaker of the House of Representatives or his designee.

(2) The president of the Senate or his designee.

(3) The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.

(4) The chairman of the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development or his designee.

(5) The chairman of the House Committee on Health and Welfare or his designee.

(6) The chairman of the Senate Committee on Health and Welfare or his designee.

(7) The chairman of the House Committee on Judiciary or his designee.

(8) The chairman of the Senate Committee on Judiciary B or his designee.

(9) The chairman of the House Committee on Commerce or his designee.

(10) The chairman of the Senate Committee on Commerce, Consumer Protection and Internal Affairs or his designee.

(11) The chairman of the House Committee on Administration of Criminal Justice or his designee.

(12) The chairman of the Senate Committee on Judiciary C or his designee.

D. The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development or their designees shall serve as co-chairmen of the committee and shall fix a time and place for its regular meeting.

E. The committee shall receive staff support from the committee staff of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development.

F. The committee may call upon the staff of any department, agency, or official of the state, particularly the Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Louisiana Department of Health for data and assistance, and all such departments, agencies, and officials shall cooperate with the advisory committee.

G. The committee may call upon and utilize the assistance and recommendations of those market participants directly involved with the industrial hemp industry including but not limited to seed distributors, growers, handlers, processors, manufacturers, wholesalers, and retailers of industrial hemp, industrial hemp products, and any other private sources as deemed necessary by the committee.

H. The committee shall have the power to hold hearings, require the production of books and records, and do all other things necessary to discharge its duties.

I. The committee shall regularly conduct meetings to fulfill its functions and duties and, no later than January thirty-first of every year, shall report all of its activities and recommendations to the presiding officer of each house, the governor, the standing committees of each house represented on the committee, the commissioner of the Department of Agriculture and Forestry, the commissioner of the office of alcohol and tobacco control, and the secretary of the Louisiana Department of Health.

J. The Department of Agriculture and Forestry, the office of alcohol and tobacco control, and the Louisiana Department of Health are hereby directed to make reports and to provide assistance as requested by the committee.

Acts 2020, No. 344, §1; Acts 2021, No 336, §1.