

John Bel Edwards
Governor



Ernest P. Legier Jr.
Commissioner

Louisiana Office of Alcohol and Tobacco Control

January 24, 2023

ATC Advisory: CBD & Consumable Hemp Enforcement

This advisory has been prepared to provide regulatory clarity as it relates to the enforcement of the laws and rules governing the consumable hemp industry.

Legislative History

During the 2022 Regular Legislative Session, HB758/ACT 498 was passed and signed by Governor Edwards. The changes became effective August 1, 2022. The changes include:

- “Adult use” hemp product designation which means any consumable hemp product that contain more than 0.5 milligrams of Total THC shall be restricted for sale to any person under twenty-one.
- THC content per serving may not exceed 8mg in non-floral products, labels must clearly identify a single serving,
- Labels must indicate the quantity of THC per serving,
- Certificates of analysis must indicate Phyto cannabinoid content expressed as a percentage of the product mass,
- Certificates must include total THC per serving- total number of servings-and total THC per package,
- Verification that products are produced from hemp,
- Products may be designated a “Louisiana Hemp Product” and bear that logo if grown or produced in Louisiana and registered accordingly.
- Retailers may not add hemp product to any food or beverage sold at retail to a consumer

CBD Laws Previous to Latest Revisions

During the 2021 Regular Legislative Session, HB 640 was passed and signed by Governor Edwards. Act 336 changes include:

- The more expansive definition of consumable hemp in lieu of CBD,
- The creation of a consumable hemp wholesale permit,
- Legalization of food and beverages derived from consumable hemp if registered and approved by the Louisiana Department of Health (“LDH”),
- Tamper evident packaging related to the sale of hemp floral or flower.
- The changes were effective as of August 1, 2021.

Prior to August 1, 2021, Title 3, Part VI, was formerly titled “Industrial Hemp Derived Cannabidiol.” This section defined CBD as well as industrial hemp products. The law explicitly prohibited any sale of food or beverage products derived from industrial hemp unless FDA approved CBD as a food additive. The law remained silent as it related to hemp flower however was explicit that only hemp products that have been registered and approved by LDH were permitted to be sold in Louisiana. Additionally, the law provided that ATC had no authority to permit or otherwise regulate wholesale sellers, manufacturers, distributors, or packers of industrial hemp products.

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Regulatory Update

According to R.S. 40:966, recreational marijuana is illegal in the State of Louisiana. The psychoactive chemical component of marijuana is THC. As previously noted above, only hemp derived CBD with a THC level less than 0.3% is legal to distribute and sell at retail in Louisiana. Due to an increase threat to public safety caused by the proliferation and sale of THC products intended to produce a “high” in the user, the agency will begin aggressive enforcement of marijuana laws at CBD permitted locations. Additionally, all advertisements which falsely market the sale of “legal THC products” should be immediately removed or will subject the permit holder to regulatory consequences. As of Jan 1, 2023, only products which have been approved by the Louisiana Department of Hospitals **AND** are not violative of general Louisiana statutory provisions regarding recreational marijuana will be allowed at permitted locations. Non-compliance with this advisory will result in citation, suspension or revocation of the permit.

ATC remains committed to supporting businesses in the ever expanding and rapidly growing consumable hemp industry while ensuring that such businesses have the requisite knowledge of and adhere to all applicable laws, rules and regulations. Businesses and individuals who have questions concerning the amendments to the law may contact the agency for guidance by emailing ATC-Attorneys@atc.la.gov.