ACT No. 354

HOUSE BILL NO. 138

BY REPRESENTATIVE CONNICK

1	AN ACT
2	To amend and reenact R.S. 40:961(26) and 964(Schedule I)(C)(27) and to enact R.S.
3	40:961(45), 964(Schedule I)(A)(62) through (67) and (C)(65), and 966(A)(3),
4	relative to the Uniform Controlled Dangerous Substances Law; to amend the
5	definition of marijuana to exclude industrial hemp; to provide for a definition of
6	industrial hemp; to provide relative to criminal penalties; to add certain substances
7	to Schedule I; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 40:961(26) and 964(Schedule I)(C)(27) are hereby amended and
10	reenacted and R.S. 40:961(45), 964(Schedule I)(A)(62) through (67) and (C)(65), and
11	966(A)(3) are hereby enacted to read as follows:
12	§961. Definitions
13	As used in this Part, the following terms shall have the meaning ascribed to
14	them in this Section unless the context clearly indicates otherwise:
15	* * *
16	(26)(a) "Marijuana" means all parts of plants of the genus Cannabis, whether
17	growing or not; the seeds thereof; the resin extracted from any part of such plant; and
18	every compound, manufacture, salt, derivative, mixture, or preparation of such plant,
19	its seeds or resin <u>;</u>
20	but (b) "Marijuana" shall not include the following:
21	(i) Industrial hemp that is in the possession, custody, or control of a person
22	who holds a license issued by the Louisiana Department of Agriculture and Forestry,
23	or is cultivated and processed in accordance with the U.S. Agriculture Improvement
24	Act of 2018.
25	(ii) The mature stalks of such plants of the genus Cannabis, fiber
26	produced from such stalks, oil or cake made from the seeds of such plant, any other

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1	compound, manufacture, salt, derivative, mixture, or preparation of such mature
2	stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed
3	of such plant which is incapable of germination, or.
4	(iii) cannabidiol Cannabidiol when contained in a drug product approved by
5	the United States Food and Drug Administration.
6	* * *
7	(45) "Industrial hemp" means the plant Cannabis sativa and any part of that
8	plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
9	acids, and salts of isomers, whether growing or not, with a delta-9-
10	tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight
11	basis and cultivated and processed in accordance with the U.S. Agriculture
12	Improvement Act of 2018, or the plan submitted by the Louisiana Department of
13	Agriculture and Forestry that is in compliance with the U.S. Department of
14	Agriculture rules.
15	* * *
16	§964. Composition of schedules
17	Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.
18	40:962, consist of the following drugs or other substances, by whatever official
19	name, common or usual name, chemical name, or brand name designated:
20	SCHEDULE I
21	A. Opiates. Unless specifically excepted or unless listed in another schedule,
22	any of the following opiates, including their isomers, esters, ethers, salts, or salts of
23	isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers,
24	or salts is possible within the specific chemical designation:
25	* * *
26	(62) Methoxyacetylfentanyl (2-methoxy-N-[1-(2-phenylethyl)piperidin-4-
27	yl]-N-phenylacetamide)
28	(63) Para-fluorobutyrylfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)
29	piperidin-4-yl]butanamide)

1	(04) Tetranyaroturanyitentanyi (1N-phenyi-1N-[1-(2-phenyietnyi)piperiam-4-
2	yl]tetrahydrofuran-2-carboxamide)
3	(65) U-49900 (3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-
4	benzamide)
5	(66) U-51754 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-
6	benzeneacetamide)
7	(67) U-48800 (2,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-
8	benzeneacetamide)
9	* * *
10	C. Hallucinogenic substances. Unless specifically excepted or unless listed
11	in another schedule, any material, compound, mixture, or preparation, which
12	contains any quantity of the following hallucinogenic substances, or which contains
13	any of their salts, isomers, or salts of isomers, whenever the existence of such salts,
14	isomers, or salts of isomers is possible within the specific chemical designation, for
15	purposes of this Paragraph only, the term "isomer" includes the optical, position, and
16	geometric isomers:
17	* * *
18	(27) Tetrahydrocannabinols, including synthetic equivalents and derivatives,
19	except for tetrahydrocannabinols in hemp
20	* * *
21	(65) Deschloro-N-ethyl-ketamine (2-(ethylamino)-2-phenylcyclohexan-1-
22	one)
23	* * *
24	§966. Penalty for distribution or possession with intent to distribute narcotic drugs
25	listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
26	heroin
27	A. Manufacture; distribution. Except as authorized by this Part, it shall be
28	unlawful for any person knowingly or intentionally:
29	* * *

1 (3) To cultivate, possess, process, or sell industrial hemp, industrial hemp 2 products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the Louisiana Department of 3 4 Agriculture and Forestry that is in compliance with the U.S. Department of 5 Agriculture rules. 6 7 Section 2. The Louisiana State Law Institute is hereby authorized and directed to renumber the terms defined in R.S. 40:961 to ensure that such terms are in alphabetical 8 9 order. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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