

House Committee on Health and Welfare

Minutes of Meeting
2023 Interim
March 1, 2023

I. CALL TO ORDER

Representative Lawrence A. "Larry" Bagley, chairman of the House Committee on Health and Welfare, called the meeting to order at 1:00 p.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Lawrence A. "Larry" Bagley, chairman
Representative Roy Daryl Adams
Representative Robby Carter
Representative Michael Charles Echols
Representative Jason Hughes
Representative C. Travis Johnson
Representative Ed Larvadain, III
Representative Wayne McMahan
Representative Dustin Miller
Representative Patricia "Pat" Moore
Representative Robert "Bob" Owen
Representative Laurie Schlegel
Representative Larry Selders
Representative Joseph A. Stagni
Representative Christopher Turner, vice chairman

OTHER MEMBERS PRESENT:

Speaker Clay Schexnayder

MEMBERS ABSENT:

Representative Kenny R. Cox
Representative Raymond J. Crews
Representative Thomas A. Pressly

STAFF MEMBERS PRESENT:

Taylor Chrisman, attorney
Meah Johnson, attorney
Kristy Neubrandner, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Nevonda Reed, division director
Greg Riley, executive director
Amanda Trapp, legislative analyst
Faye Talbot, sergeant at arms
Danny Leming, assistant chief sergeant at arms

III. BUSINESS**Discussion of the emergency rule adopted by the Louisiana Department of Health, Office of Public Health, on January 20, 2023, relative to LAC 49:I.Chapter 5 - Registration of Foods, Drugs, Cosmetics, and Prophylactic Devices.**

Stephen Russo, Louisiana Department of Health (LDH), 628 North Fourth Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only. Mr. Russo explained the changes LDH made to the emergency rule.

Representative C. Travis Johnson asked Mr. Russo to explain what happens during the fifteen day waiting period for registering a product. Mr. Russo responded to Representative Johnson's question.

Speaker Schexnayder thanked Mr. Russo for his cooperation in resolving the issues surrounding the emergency rule. Speaker Schexnayder provided a historical overview of hemp legislation in Louisiana, and he also highlighted the positive economic impact hemp legislation has had on the state.

Representative Schlegel commented that according to the Drug Enforcement Administration (DEA), synthesized Delta-8 and Delta-9 are Schedule I illegal substances. She asked Mr. Russo to explain if those substances will be allowed under the emergency rule. Mr. Russo responded to Representative Schlegel's question.

Representative Moore asked if LDH has hired additional staff members. Mr. Russo stated that he was not aware of any recent hires.

Representative Dustin Miller asked when the emergency rule would go into effect. Mr. Russo said that the rule would go into effect after a final version has been drafted.

Representative Echols asked Mr. Russo to explain the primary rules and regulations stipulated by Act No. 498 of the 2022 Regular Session. Mr. Russo responded to Representative Echols' question.

Representative Echols asked for detailed information about the communication procedure between LDH and the Office of Alcohol and Tobacco Control (ATC).

Mike Vidrine, LDH, 3553 Grand Prairie Highway, Washington, LA 70589, (225) 226-8081, spoke for information only. Mr. Vidrine responded to Representative Echols' question.

Justin Gremillion, LDH, 628 North Fourth Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only. Mr. Gremillion responded to Representative Echols' question.

Representative Schlegel asked Mr. Vidrine if synthesized Delta-8 and Delta-9 THC will be allowed under the emergency rule. Mr. Vidrine stated that he will have to check before answering that question.

Speaker Schexnayder asked Mr. Vidrine if LDH has hired anyone to assist with the scanning process. Mr. Vidrine replied that the department is currently in the process of hiring additional people. Speaker Schexnayder followed up with a question about the status of the scanner. Mr. Vidrine said that LDH is working with a company to ensure that the barcode scanner will be in full working order by June 30, 2023.

Representative Larvadain asked Mr. Russo to explain how LDH plans to make sure all of the merchants are familiar with the rules. Mr. Russo responded to Representative Larvadain's question.

Representative C. Travis Johnson asked Mr. Russo if LDH plans to remove the grandfather clause for products that no longer conform with the rules. Mr. Russo confirmed that the department does plan to remove the clause.

Speaker Schexnayder addressed Representative Schlegel's concerns about the legality of synthetic Delta-8 and Delta-9 THC. He clarified that the DEA's statement about synthetic THC was specific to THC-O. Speaker Schexnayder emphasized that any hemp product sold in Louisiana must be naturally occurring.

Representative Dustin Miller characterized the hemp bill as loose-ended. Speaker Schexnayder disagreed with Representative Miller's statement, stating that both the legislation and its intent was crystal clear.

Eldon Rogillio, Hemp Industry, 3650 Morning Glory Avenue, Baton Rouge, LA 70808, (225) 921-9601, spoke for information only.

Jason Garsee, Gulf South Hemp Association (GSHA), 3009 Louisville Avenue, Monroe, LA 71201, (318) 557-4198, spoke for information only.

Raymond Jenkins, 73009 Highway 25, Suite A, Covington, LA 70435, (985) 400-5784, spoke for information only.

Eric Becker, Madison Joy Solutions, 2313 Washington Avenue, Harvey, LA 70124, (610) 564-5155, spoke for information only.

Crystal Grayson, GSHA, 103 Row 1, Lafayette, LA 70508, (337) 319-7232, spoke for information only.

D'Ondre Black, GSHA, 7950 Desiard Street, Monroe, LA 71203, (303) 588-3922, spoke for information only.

Troy Savanna, GSHA, 319 Yellow Pine Drive, Calhoun, LA 71225, (318) 732-9046, spoke for information only.

Alysha Hickman, The Goat Hippie, P.O. Box 846, Sun, LA 70463, (985) 630-8827, spoke for information only.

Bill Bingham, GSHA, 190 North Cities Service Highway, Suite 1, Sulphur, LA 70663, (337) 661-1835, spoke for information only.

Forrest Town, Happi LLC, 151 Kalmus Drive L3, Costa Mesa, CA 92626, (318) 381-0485, spoke for information only.

Veronica Dominach, Natural ReLeaf, 23123 Nick's Road, Mandeville, LA 70471, (985) 502-0237, spoke for information only.

Michael Courrege', Vibes Broussard LLC, 730 Albertson Parkway, Suite C, Broussard, LA 70518, (337) 252-7364, spoke for information only.

Blaine Jennings, Virgin Hemp Farms, P.O. Box 129, Milton, LA 70558, (337) 849-6481, spoke for information only.

Jonathan Wasielewski, Attorney representing Rashad Hamideh, 829 Baronne Street, New Orleans, LA 70113, (504) 345-8595, spoke for information only.

Linda Pham, Louisiana Office of Alcohol and Tobacco Control (ATC), 7979 Independence Boulevard, Suite 1 D, Baton Rouge, LA 70806, (225) 925-6345, spoke for information only. She provided information to the committee regarding ATC's role in enforcing rules in the sale of hemp.

Paige Melancon, Louisiana Hemp Extractors, 2742 Oscar Rivette Road, Arnaudville, LA 70512, (337) 418-9498, spoke for information only.

Daryl Schouest, Louisiana Hemp Extractors, P.O. Box 390, Leonville, LA 70551, (397) 418-9290, spoke for information only.

Jacob Sedberry, Indigo, 7526 Cardiff Avenue, Baton Rouge, LA 70808, (225) 337-6268, spoke for information only.

Rashad Hamideh, RMH Distro LLC, 6214 Coty Drive, Alexandria, LA 71303, (909) 560-5560, spoke for information only.

Witness cards submitted by individuals who did not speak are as follows: 16 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 5 for information only. Copies of these statements are included in the committee records.

Action was taken by the committee on this agenda item at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions.

Discussion of the Resolution to Regulate the Processing and Sale of Intoxicating Hemp Extracts Such as Delta-8 THC by the Drug Policy Board.

Chairman Bagley asked if anyone from the Drug Policy Board was present. No one from the Drug Policy Board came forward.

Speaker Schexnayder addressed the recent meeting the Drug Policy Board held to discuss hemp without extending an invitation to any of the authors of hemp bills in Louisiana. Speaker Schexnayder also stated that the Drug Policy Board passed a resolution that contains a significant amount of information that does not pertain to Louisiana.

Witness cards submitted by individuals who did not speak are as follows: 4 for information only. Witness cards are included in the committee records.

Discussion of the emergency rule adopted by the Louisiana Department of Health, Office of Public Health, on January 20, 2023, relative to LAC 49:I.Chapter 5 - Registration of Foods, Drugs, Cosmetics, and Prophylactic Devices.

This is a continuation of the discussion of the first agenda item from earlier in the meeting. Please check for the prior discussion to complete the record of discussion and motions.

Representative Turner offered a motion to defer action on the emergency rule. Without objection, the motion passed by a vote of 13 yeas and 0 nays. Representatives Bagley, Adams, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Schlegel, Selders, Stagni, and Turner voted yea.

Discussion of continuing access to telehealth services offered by mental health providers regulated by the Louisiana Department of Health, Office of Behavioral Health.

Karen Stubbs, Louisiana Department of Health (LDH), 628 North Fourth Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only. She stated that she had an opportunity to speak with Representative Pressly, who had a particular interest in this agenda item but was unable to attend this meeting, and that she was able to answer Representative Pressly's questions.

Katie Corkern, Louisiana Rural Mental Health Alliance, P.O. Box 1048, Amite, LA 70422, (905) 474-0624, spoke for information only. She stated that she wanted to share with the committee how telehealth has changed some of the Mental Health Rehabilitation, or MHR, services over the past three years. She stated that she especially wanted to address the issues that developed as a result of Act No. 189 of the 2022 Regular Session. She said that Community Psychiatric Supportive Treatment (CPST) and Psychosocial Rehabilitation (PSR) have been added as providers for telehealth, but that the Office of Behavioral Health removed the face-to-face requirement from CPST but not from PSR. Ms. Corkern expressed her hope that this requirement will be removed from PSR as well.

Representative Echols asked why the department would remove the requirement from CPST and not PSR. Karen Stubbs responded to Representative Echols' question.

Robyn McDermott, LDH, 628 North Fourth Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only. She explained in further detail the differences between CPST and PSR and why they are subject to different rules.

Representative Schlegel asked the panel if they had any data or information about issues with providing PSR via telehealth. Karen Stubbs responded to Representative Schlegel's question.

Representative Stagni asked about the process for authorizing CPST and PSR services. Karen Stubbs addressed Representative Stagni's question.

Representative Turner asked for more information on Act No. 189 and for information on the credentialing process of PSR providers. Karen Stubbs responded to Representative Turner's questions.

Representative Selders asked for clarity on the licensing process of the CPST and PSR services. Karen Stubbs responded to Representative Selders' question.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

Chairman Bagley announced that the House Health and Welfare Committee will meet at a later date per the motion made earlier by Representative Turner to defer action on the emergency rule.

V. ADJOURNMENT

Representative Stagni offered a motion to adjourn. Without objection, the motion passed by a vote of 8 yeas and 0 nays. Representatives Bagley, Echols, Moore, Robert Owen, Schlegel, Selders, Stagni, and Turner voted yea.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Chairman Lawrence A. "Larry" Bagley
House Committee on Health and Welfare

Date adopted: April 20, 2023