



Office of Alcohol Tobacco Control

Juana Lombard, Commissioner

HEMP DERIVED CBD PRODUCT RETAIL PERMIT INFORMATION

Who Must Complete an Application?

Any and all Persons, Corporations, Partnerships, Limited Liability Company (LLC) or other organizations shall be required to complete an application and obtain a permit before selling or engaging in the business of selling any products containing CBD produced from Hemp.

Permit Fees:

Retail Dealer Permit: \$175 per year

Hemp CBD Retail Dealer means “every dealer other than a “grower” or “processor of hemp” who sells or offers for sale Industrial hemp derived CBD products in accordance with the law. A retail permit shall be issued for each retail outlet where hemp or hemp-derived CBD products are sold or offered for sale.

Definition:

“**CBD**” means cannabidiol

“**Industrial 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 delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

“**Industrial hemp-derived CBD Products**” means any industrial hemp-derived products or hemp derived products that contains CBD intended for consumption or topical use.

“**Place of Business**” means the place where hemp or hemp derived CBD products orders are received or where the taxable CBD articles are sold or offered for sale.

Prohibited CBD Products

No person shall process or sell:

- (1) any part of the hemp plant or any hemp derived CBD products for inhalation;
- (2) any alcoholic beverage containing hemp or CBD; and
- (3) any food product containing hemp or CBD unless the United State Food and Drug Administration (FDA) approves CBD as a food additive.
- (4) any CBD product marketed as a dietary supplement

CBD Product Requirements

All hemp or hemp-derived CBD products that are manufactured, distributed, imported, or sold for use in Louisiana shall:

- (1) Be produced from hemp by a licensee authorized to grow hemp in accordance with a state plan or a pilot program approved by the United States Secretary of Agriculture.
- (2) Be registered with the State Food, Drug, and Cosmetic Law in accordance with La. R.S. 40:601 et. seq.
- (3) Be labeled in accordance with the State Food, Drug, and Cosmetic Law in accordance with La. R.S. 40:601 et. seq.
- (4) Not be marketed as a dietary supplement.
- (5) Meet all label requirements and receive approval from Louisiana Department of Health.

CBD Label Requirements

- (1) Label must contain: “This product has not been evaluated by the Food and Drug Administration and is not intended to diagnose, treat, cure, or prevent any disease.”
- (2) Label shall not contain any medical claim.
- (3) Label shall have a scannable code, QR code, or web address linked to a document or website that contains certification of analysis as provided in the law.

For additional information, please contact the Louisiana Department of Health, Food and Drug/Milk and Dairy Unit (FDU/MDU)
Contact FDU/MDU at (225) 342-7533



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HOW TO APPLY FOR A HEMP CBD PERMIT

I. New Applicants (including locations holding only tobacco permit)

- If applicant premise holds an alcohol permit, skip to section II.
- Obtain and fully complete an application for CBD retail permit at www.atc.la.gov.
- Attach a copy of Applicant's corporate documents including charter, articles of incorporation, management agreement, operating agreement, or other relevant documents, unless otherwise submitted with TB application.
- Completed Schedule A, F, and disposition (if applicable) for each owner, LLC member or manager, officer, director, or partner, unless otherwise submitted with TB application.
- Attach a color copy of driver's license of each person submitting Schedule A, unless otherwise submitted with TB application.
- Attach a copy of a bona-fide lease unless otherwise submitted with TB application.
- Attach proof of registration and good standing with Louisiana Secretary of State
- Attach Louisiana Tax Certificate
- Attach Louisiana Resale Certificate
- Attach Diagram of premise to be license and include entrances, exits, sale areas, patios, etc.
- Submit applicable fees of \$175.00

II. Applicants holding a current alcohol permit for premise to be licensed.

- Obtain and fully complete an application for CBD retail permit at www.atc.la.gov.
- Verify and confirm all ownership information are up to date with ATC.
- Verify and confirm no changes of premise since original application.
- Submit applicable fees of \$175.00

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APPLICATION FOR HEMP DERIVED CBD RETAIL PERMIT

NOTICE TO APPLICANT: Misstatement or Suppression of material facts in this application is **GROUNDS FOR DENIAL** or **REVOCAION** of any permit(s) issued thereafter. Additionally, filing false public records is a violation of Louisiana Revised Statute 14:133 and may result in imprisonment for not more than five (5) years with or without hard labor and/or fines of not more than \$5000.00.

Business Information	
1. Type of Ownership: <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____	
2. Owner/Entity Legal Name: (Name of individual, LLC, or Corporation)	
3. Trade Name (D/B/A):	
4. Business Physical Address: (Street address, City, Zip code)	
5. Are you within City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No	6. Parish:
7. Mailing Address: (If different from physical address) <input type="checkbox"/> Not Applicable	
8. Primary Business Email Address:	9. Business Contact Number: <input type="checkbox"/> Cell <input type="checkbox"/> Business
10. Federal Employee Identification No. (FEIN)	11. Louisiana State Identification No.
12. Does Business consent to receive ATC communications, administrative notices, and/or administrative decisions in electronic format via email? If YES, provide email:	<input type="checkbox"/> YES <input type="checkbox"/> NO Initials:

Ownership Structure			
If the applicant is not an individual (sole proprietorship), list the name, title, and percentage of ownership of each person. All partners, stockholders, officers, directors, members or managers of LLCs, and/or any person owning more than 5% must submit suitability documents. Said Requirement shall be waived if applicant currently holds a valid alcohol or tobacco permit issued to same location by ATC and person has previously submitted the required forms to the ATC. *			
Name of Individual & Affiliation	SSN	Type of interest **	% of Interest

** owner, officer, director, stockholder, trustee, beneficiary, managing member, member, partner, financial backer, manager**

Management Information	
13. Is applicant's business to be conducted wholly or partly by one or more managers, agents, or other representatives? If YES, complete below and submit a completed Schedule A (Form SA-01) and Schedule F (SA-02) for each person, if applicable and attach a colored copied of manager's driver's license.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Manager's Full Name	Title

Business Location	
14. Does Applicant rent or own the premise to be license? Attached proof.	<input type="checkbox"/> Rent <input type="checkbox"/> Own

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Business Location	
15. List method Applicant intends to sell or offer for sale hemp or hemp derived CBD products. Check all that applies. If Other, explain.	<input type="checkbox"/> Physical Store <input type="checkbox"/> Online Website
16. Does applicant sell or offer for sale hemp or hemp derived CBD products online through a website? If Yes, provide website address.	<input type="checkbox"/> YES <input type="checkbox"/> NO
17. Does applicant hold a valid state alcohol or tobacco permit(s) issued for the premise to be licensed? If Yes, provide permit number(s).	<input type="checkbox"/> YES <input type="checkbox"/> NO
18. If Yes, does applicant certify that there are no changes to the ownership structure or owners, officers, directors, or managers/members of LLC previously submitted to the ATC?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA Initials:
19. Has applicant or any person, owner, LLC manager or member, director, or officer been arrested or convicted of any felony conviction since submission of original application? If Yes, explain.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA Initials:
20. Does Applicant understand it MUST HOLD EXCLUSIVE control of the entire licensed premises and any arrangement that surrenders such control of the employees, premises or business operations, including profit and losses, to any person other than the permitholder is unlawful?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA Initials:

CBD Products	
21. Applicant attest it shall only sell or offer for sale CBD products produced by hemp that is grown in accordance with federal and state law.	<input type="checkbox"/> YES <input type="checkbox"/> NO
22. Applicant attest it shall not sell or offer for sale any part of the hemp plant or hemp for inhalation.	<input type="checkbox"/> YES <input type="checkbox"/> NO
23. Applicant attest it shall not sell or offer for sale any alcoholic beverage containing hemp or CBD.	<input type="checkbox"/> YES <input type="checkbox"/> NO
24. Applicant attest it shall not sell or offer for sale any food product or beverages containing CBD unless FDA approved as a food additive.	<input type="checkbox"/> YES <input type="checkbox"/> NO
25. Applicant attest all CBD products sold for use in Louisiana shall be registered with the Louisiana Department of Health in accordance with La. R.S. 40:601 et seq.	<input type="checkbox"/> YES <input type="checkbox"/> NO
26. Applicant attest all CBD products sold or offered for sale shall contain labels approved by Louisiana Department of Health in accordance with La. R.S. 40:601 et seq.	<input type="checkbox"/> YES <input type="checkbox"/> NO
27. Applicant attest business shall not sell or offer for sale hemp or hemp derived CBD products marketed as dietary supplement.	<input type="checkbox"/> YES <input type="checkbox"/> NO
28. Applicant attest business shall not sell or offer for sale any CBD products containing any medical claims.	<input type="checkbox"/> YES <input type="checkbox"/> NO
29. Applicant understand business shall be responsible to ensure it complies with all federal and state laws and regulations related to hemp products and/or hemp derived CBD products.	<input type="checkbox"/> YES <input type="checkbox"/> NO
30. Does applicant intend to manufacture, process, produce or add hemp or hemp derived CBD products to products it intends to sell or offer for retail sale purposes?	<input type="checkbox"/> YES <input type="checkbox"/> NO
31. If Yes, does applicant understand applicant may be required to register its product with the Louisiana Department of Health, Food and Drug Unit/Milk and Dairy Unit (FDU/MDU) at 225-342-7533.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA

****New applicants shall be required to submit the following documentation unless otherwise submitted.**

Submission of Required Documents & Forms	
32. Is Form Schedule A – Personal Disclosure Form (SA-01) completed by all EACH PERSON, new owner, officer, director, member, partner, stockholder, shareholder, or any other person as required under La. R.S. 26:80 & 26:280 and is each completed copy attached? Not Required if previously submitted.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
33. Is a colored copy of driver's license attached for EACH PERSON , Owner, Member, Director, Officer or any other person as required by law? Not Required if previously submitted with a current alcohol or tobacco permit issued for same location.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
34. Is a copy of Applicant's Corporate Documents attached including Articles of Incorporation or Article of Organization as obtained from Secretary of State, notarized partnership agreement, or any other agreement or forms filed with the Secretary of State? Not Required if previously submitted.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
35. Has Applicant attached proof of registration and good standing with the Louisiana Secretary of State? Not Required if previously submitted with a current alcohol or tobacco permit issued for same location.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required

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Submission of Required Documents & Forms	
36. Has Applicant attached a copy of its bonafide lease or management agreement that is signed and dated by an authorized representative listed in application? Not Required if previously submitted with a current alcohol or tobacco permit issued for same location.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
37. Has Applicant attached a copy of its Louisiana Tax Clearance certificate as issued by the Louisiana Department of Revenue? Not Required if previously submitted with a current alcohol or tobacco permit issued for same location.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
38. Has Applicant attached a copy of its Louisiana Resale Certificate as applied with the Louisiana Department of Revenue?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
39. Has Applicant obtained all required occupational and health licenses, including local and state permits?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
40. Has Applicant attached a current diagram or drawing of the premises to be licensed which depicts the location of all entrances, exits, restrooms, shelves, etc.? **Diagram Must be legible and at least 8 1/2" x 11" (letter size)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required
41. Has Applicant attached all applicable Application Fees as listed below? Failure to submit fees may result in denial or significant delays in the application process.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Application Fees
<input type="checkbox"/> Hemp-CBD retail dealer permit annual fee (\$175)
Application fees may be paid with personal or business checks, cashier checks, money orders, or credit card. <b style="color: red;">Application fees are non-refundable once submitted to the ATC.

WARNING & SIGNATURE: Applications may only be signed by the Applicant as listed below. Applications signed by a person other than listed below may result in denial of application.

If Applicant is:	Must sign:
Individual or Sole proprietor	Individual owner(s)
Partnership	Any Partner
Limited Liability Corporation (LLC)	Member, managing member, director, or officer
Corporation	Officer or Director

BY SIGNING BELOW, YOU ARE SWEARING, UNDER OATH, that you have read each of the questions in this application and that all answers are true and correct to the best of your knowledge, that you meet all the qualifications and that you understand your obligations as a Hemp CBD retail dealer permit including understanding any laws and regulations related to the products, the products label and registration requirements. For additional information, see www.atc.la.gov.

Print Name (Applicant)

Signature of Applicant

Title

Date

Notary Use Only		
<i>Sworn to and subscribed to me on this _____ day of _____, 20_____, in the parish/county of _____, State of _____</i>		
_____ Name of Notary Public	_____ Signature of Notary Public	
Office Use Only	Permit No.	Processed By & Date:
		Issued by & Date:

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Affidavit

Applicant, _____ (“Owner’s Name”) on behalf of _____ (“Business Name”) attest that he/she is an authorized representative of the named business and is responsible for business decisions and implementation of business policies and procedures related to the retail sale of hemp or hemp derived CBD products.

Applicant attest that he/she understands that Business shall be required to registered any and all hemp or hemp derived CBD products and obtain labels approval from the Louisiana Department of Health (“LDH”) , Food and Drug Unit/Milk and Dairy Unit (FDU/MDU) on or before January 31, 2020. Failure to submit proof may result in denial of its CBD permit upon request to issue annual permit. **Contact the FDU/MDU at 225-342-7533 for additional details.**

Applicant attest he/she understands that pending approval of hemp and hemp-derived CBD products from LDH, business may be granted a temporary permit from the ATC and shall be required to submit proof of registration with LDH including a list of approved labels are provided to the ATC on or before February 29, 2020 or applicant shall not be granted an annual permit

Applicant attest he/she understands its permit shall be issued on an annual basis and shall expired based upon the parish where business is located. Said permit shall be required to be publicly display and shall contain in print expiration date.

Applicant attest he/she shall maintain any and all records or invoices of purchases for resale purposes of hemp or hemp-derived CBD products business sells or intends to offer for sale and shall have such record available for review upon request of the ATC.

Applicant attest he/she understands any hemp or hemp-derived CBD products sold or offered for sale that which are not registered or approved by the LDH after February 29, 2020 may result in denial of its permit or monetary penalties, suspension or revocation of business’ permit issued thereafter.

Applicant attest he/she understands rules and regulation related to the retail sale of hemp or hemp-derived CBD products are currently in progress and business shall be responsible to ensure compliance once promulgated as well as any federal or state law therein. Updates shall be available at www.atc.la.gov.

Print Name

Signature

Title

Date

Sworn to and subscribed to me on this _____ day of _____, 20_____, in the parish/county of _____, State of _____

Name of Notary Public

Signature of Notary Public