
DIGEST

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HB 509 Original

2019 Regular Session

Bagneris

Abstract: Legalizes and regulates adult consumption of marijuana.

Present law provides for the regulation of controlled dangerous substances, and prohibits the possession, distribution, dispensing, or possession with intent to distribute or dispense marijuana.

Proposed law defines "board", "consumer", "department", "marijuana", "marijuana accessories", "marijuana cultivation facility", "marijuana facility", "marijuana product manufacturing facility", "marijuana products", "marijuana testing facility", and "retail marijuana store".

Proposed law allows licensed entities to possess, distribute, dispense, and distribute and dispense marijuana.

Proposed law allows individuals over the age of 21 to consume marijuana and to possess up to one ounce of marijuana.

Proposed law requires the Dept. of Agriculture and Forestry to develop and issue licenses for the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities.

Proposed law requires the Board of Pharmacy to develop and issue licenses for the operation of retail marijuana stores.

Proposed law requires the Dept. of Agriculture and Forestry and the Board of Pharmacy to adopt rules by Jan. 1, 2020 for the implementation of proposed law and to begin issuing licenses by Feb. 1, 2020.

Proposed law creates a 15% excise tax to be levied on marijuana and marijuana products for personal use to be collected from the first dealer who handles the marijuana in La.

Proposed law authorizes the secretary of the Dept. of Revenue to promulgate rules to collect and remit the tax.

Proposed law creates the Marijuana Fund and provides that all excise taxes shall be deposited into the fund.

Proposed law provides for disbursement of money from the Marijuana Fund to the MFP, TOPS,

Transportation Trust Fund, and the state general fund.

Proposed law creates the Marijuana Enforcement Fund and appropriates money to the fund to be used solely for grants to law enforcement for marijuana enforcement related activities.

Proposed law provides that a local sales tax of 6% will be levied on all marijuana and marijuana products and will be collected at the retail level.

Proposed law provides that the parishes will retain 50% of the sales tax and the municipalities of the parish will receive 50% to be divided among the municipalities.

Proposed law creates the Marijuana Advisory Board to study the social and health effects of marijuana legalization and make recommendations for future statutory and regulatory changes.

Present law provides that a person may file for expungement if the conviction was set aside or dismissed or more than five years have passed since the person completed the sentence.

Proposed law adds that a person who was convicted of marijuana possession or possession with intent to distribute one ounce or less of marijuana or using or possessing with intent to use drug paraphernalia may file for expungement.

Proposed law updates the motion for expungement form to include the additional reasons for expungement of records.

(Amends R.S. 40:966(A)(intro. para.), (C)(intro. para.), and (D)(intro. para.) and C.Cr.P. Art. 977(A)(intro. para.) and (D)(1) and 989; Adds R.S. 14:98(H), R.S. 40:1050.1-1050.8, and C.Cr.P. Art. 977(A)(3) and (4))