

2022 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE MARINO

CONTROLLED SUBSTANCES: Provides relative to immunity from prosecution for medical marijuana

1 AN ACT

2 To amend and reenact R.S. 40:966(F)(1), relative to immunity from prosecution for medical  
3 marijuana; to provide that visiting qualifying patients shall be exempt from  
4 prosecution for certain violations of the Uniform Controlled Dangerous Substances  
5 Law; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:966(F)(1) is hereby amended and reenacted to read as follows:

8 §966. Penalty for distribution or possession with intent to distribute narcotic drugs  
9 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and  
10 heroin

11 \* \* \*

12 F. Immunity from prosecution. (1) Any person who is a patient of the  
13 state-sponsored medical marijuana program in Louisiana, and possesses medical  
14 marijuana in a form permissible under R.S. 40:1046 for a condition enumerated  
15 therein, a caregiver as defined in R.S. 15:1503, ~~or~~ any person who is a domiciliary  
16 parent of a minor child who possesses medical marijuana on behalf of his minor  
17 child in a form permissible under R.S. 40:1046 for a condition enumerated therein  
18 pursuant to a legitimate medical marijuana prescription or recommendation issued  
19 by a physician licensed by and in good standing with the Louisiana State Board of  
20 Medical Examiners, or any visiting qualifying patient as defined in R.S. 40:1046.1

1 shall be exempt from the provisions of this Section. This Paragraph shall not prevent  
2 the arrest or prosecution of any person for diversion of marijuana or any of its  
3 derivatives or other conduct outside the scope of the state-sponsored medical  
4 marijuana program.

5 \* \* \*

6 Section 2. This Act shall take effect and become operative if and when the Act  
7 which originated as House Bill No. \_ of this 2022 Regular Session of the Legislature is  
8 enacted and becomes effective.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 137 Original

2022 Regular Session

Marino

**Abstract:** Provides that visiting qualifying patients shall be exempt from prosecution for certain violations of the Uniform Controlled Dangerous Substances Law.

Present law provides that any person who is a patient of the state-sponsored medical marijuana program, and possesses medical marijuana in a form permissible under present law (R.S. 40:1046) for a qualifying condition, a caregiver, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under present law for a qualifying condition pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the La. State Board of Medical Examiners shall be exempt from prosecution for certain violations of present law (the Uniform Controlled Dangerous Substances Law).

Proposed law retains present law and adds that visiting qualifying patients shall also be exempt from prosecution for certain violations of present law (the Uniform Controlled Dangerous Substances Law).

Effective if and when House Bill No. \_ of this 2022 R.S. is enacted and becomes effective.

(Amends R.S. 40:966(F)(1))