
SENATE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Senator Colomb to Engrossed Senate Bill No. 35 by Senator Colomb

AMENDMENT NO. 11 On page 1, line 12, delete "**arrest and**"**AMENDMENT NO. 2**2 On page 2, at the end of line 1, after "recommendation" insert "**issued by a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners**"**AMENDMENT NO. 3**3 On page 2, at the beginning of line 2, after "shall" delete the remainder of the line, delete line 3, and at the beginning of line 4 delete "**marijuana paraphernalia** under" and insert "**be exempt from the provisions of**"**AMENDMENT NO. 4**4 On page 2, at the beginning of line 10, after "**prevent the**" delete "**imposition of penalties**" and insert "**arrest or prosecution of any person**" and after "**marijuana**" insert "**or any of its derivatives**"**AMENDMENT NO. 5**5 On page 2, line 14, after "**40:1046, shall**" delete the remainder of the line and delete lines 15 and 16**AMENDMENT NO. 6**6 On page 2, at the beginning of line 17, delete "**paraphernalia under**" and insert "**be exempt from the provisions of**" and after "**Section**" delete the remainder of the line and insert the following:7 "**for possession of marijuana at a location designated by the Louisiana Board of Pharmacy rules and regulations, or distribution of marijuana in a form approved by the Louisiana Board of Pharmacy to a patient with a valid recommendation or prescription, in the state-sponsored medical marijuana program.**"**AMENDMENT NO. 7**8 On page 2, at the beginning of line 18, delete "**and prosecution.**" and after "**prevent the**" delete "**imposition of penalties**" and insert "**arrest or prosecution of any person**"**AMENDMENT NO. 8**9 On page 2, line 19, after "**marijuana**" insert "**or any of its derivatives**"**AMENDMENT NO. 9**10 On page 2, line 25, after "**40:1046, shall**" delete the remainder of the line and delete lines 26 through 29 and insert the following:

1 **"be exempt from prosecution under this Section for possession, production, or**
2 **manufacture of marijuana at the production facility designated by the**
3 **Department of Agriculture and Forestry or for the transportation of marijuana**
4 **or any of its derivatives in accordance with the Department of Agriculture and**
5 **Forestry rules and regulations. This Paragraph shall not"**

6 AMENDMENT NO. 10

7 On page 3, delete line 1, and insert "**prevent the arrest or prosecution of any person for**
8 **diversion of marijuana from the production facility designated by the Department of**
9 **Agriculture and Forestry"**

10 AMENDMENT NO. 11

11 On page 3, line 7, after "**40:1046, shall**" delete the remainder of the line and delete lines 8
12 through 10 and insert the following:

13 **"be exempt from prosecution under this Section for possession of marijuana or**
14 **any of its derivatives at a research laboratory designated by the Louisiana**
15 **Board of Pharmacy or for transportation of marijuana or any of its derivatives**
16 **in accordance with Louisiana Board of Pharmacy rules and regulations. This**
17 **Paragraph shall not prevent the arrest or prosecution of any person"**

18 AMENDMENT NO. 12

19 On page 3, line 11, after "**marijuana**" insert "**from a research laboratory designated by**
20 **the Louisiana Board of Pharmacy"**

21 AMENDMENT NO. 13

22 On page 3, line 16, after "**licensee shall**" delete the remainder of the line and delete lines 17
23 through 21 and insert the following:

24 **"be exempt from prosecution under this Section for the possession, production,**
25 **or manufacture of marijuana or any of its derivatives at the production facility**
26 **designated by the Department of Agriculture and Forestry or for the**
27 **transportation of marijuana or any of its derivatives in accordance with**
28 **Department of Agriculture and Forestry rules and regulations. This Paragraph**
29 **shall not prevent the arrest or prosecution of any person for diversion of**
30 **marijuana or any of its derivatives from the production facility designated by**
31 **the Department of Agriculture and Forestry or other conduct outside the"**

32 AMENDMENT NO. 14

33 On page 3, between lines 23 and 24, insert the following:

34 **"(6)(a) The defenses in Paragraph (1) of this Subsection shall be raised by**
35 **reproducing a patient's medical records that have been created by his attending**
36 **physician, that contain the recommendation to possess marijuana for**
37 **therapeutic use in a form permissible under R.S. 40:1046.**

38 **(b) Notwithstanding any other provision of law to the contrary, except when the**
39 **person to be arrested has committed a felony, although not in the presence of**
40 **the officer, no peace officer may arrest any employee, board member, director,**
41 **or agent during the course and scope of his employment with the following,**
42 **pursuant to R.S. 40:1046:**

- 43 **(i) A pharmacy licensed to dispense marijuana for therapeutic use.**
- 44 **(ii) A licensee of marijuana for therapeutic use or its subordinate licensed**
45 **contractor.**
- 46 **(iii) A testing laboratory of marijuana for therapeutic use, authorized to do**
47 **business.**

1 **(iv) A licensed researcher of marijuana for therapeutic use, performing his**
2 **official duties.**

3 **(c) The defendant shall bear the burden of proving that the possession,**
4 **manufacture, production, transportation, or distribution was in accordance**
5 **with the state-sponsored medical marijuana program, the Louisiana Board of**
6 **Pharmacy rules and regulations, or the Department of Agriculture and Forestry**
7 **rules and regulation, as applicable."**