HLS 20RS-866 REENGROSSED

2020 Regular Session

HOUSE BILL NO. 418

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BY REPRESENTATIVE LACOMBE

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

AN ACT

2 To amend and reenact R.S. 40:966(F)(6) and to enact R.S. 40:966(F)(7) and (8), relative to 3 immunity from prosecution for medical marijuana; to provide that certain facilities 4 and physicians shall be exempt from prosecution for certain violations of the 5 Uniform Controlled Dangerous Substances Law; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 40:966(F)(6) is hereby amended and reenacted and R.S. 40:966(F)(7) 8 and (8) are hereby enacted to read as follows: 9 §966. Penalty for distribution or possession with intent to distribute narcotic drugs 10 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and 11 heroin 12 13 F. Immunity from prosecution. 14 15 (6) Any facility that is licensed by the Louisiana Department of Health that 16 has patients in its care using medical marijuana pursuant to R.S. 40:1046. 17 (7) Any physician who provides information on marijuana for therapeutic 18 use within a bona fide doctor-patient relationship or who issues a recommendation 19 to a patient for marijuana for therapeutic use pursuant to R.S. 40:1046.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	(8)(a) The defenses in Paragraph (1) of this Subsection shall be raised by
2	reproducing a patient's medical records that have been created by his attending
3	physician, that contain the recommendation to possess marijuana for therapeutic use
4	in a form permissible under R.S. 40:1046.
5	(b) Notwithstanding any other provision of law to the contrary, except when
6	the person to be arrested has committed a felony, although not in the presence of the
7	officer, no peace officer may arrest any employee, board member, director, or agent
8	during the course and scope of his employment with the following, pursuant to R.S.
9	40:1046:
10	(i) A pharmacy licensed to dispense marijuana for therapeutic use.
11	(ii) A licensee of marijuana for therapeutic use or its subordinate licensed
12	contractor.
13	(iii) A testing laboratory of marijuana for therapeutic use, authorized to do
14	business.
15	(iv) A licensed researcher of marijuana for therapeutic use, performing his
16	official duties.
17	(c) The defendant shall bear the burden of proving that the possession,
18	manufacture, production, transportation, or distribution was in accordance with the
19	state-sponsored medical marijuana program, the Louisiana Board of Pharmacy rules
20	and regulations, or the Department of Agriculture and Forestry rules and regulation,
21	as applicable.

## **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)]

HB 418 Reengrossed

2020 Regular Session

LaCombe

**Abstract:** Provides that any facility licensed by the La. Dept. of Health that has patients in its care using medical marijuana and certain physicians shall be exempt from prosecution for certain violations of the Uniform Controlled Dangerous Substances Law.

<u>Present law</u> provides that certain persons are exempt from prosecution for certain violations of <u>present law</u> (the Uniform Controlled Dangerous Substances Law).

<u>Proposed law</u> retains <u>present law</u> and adds that any facility licensed by the La. Dept. of Health that has patients in its care using medical marijuana pursuant to <u>present law</u> (R.S. 40:1046) and physicians who provide information on marijuana for therapeutic use within a bona fide doctor-patient relationship or who issue a recommendation to a patient for marijuana for therapeutic use pursuant to <u>present law</u> shall be exempt from prosecution for certain violations of <u>present law</u> (the Uniform Controlled Dangerous Substances Law).

(Amends R.S. 40:966(F)(6); Adds R.S. 40:966(F)(7) and (8))

Summary of Amendments Adopted by House

## The House Floor Amendments to the engrossed bill:

1. Exempt physicians who provide information on marijuana for therapeutic use within a bona fide doctor-patient relationship or who issue a recommendation to a patient for marijuana for therapeutic use pursuant to <u>present law</u> from prosecution for certain violations of <u>present law</u> (the Uniform Controlled Dangerous Substances Law).