

2020 Regular Session

HOUSE BILL NO. 418

BY REPRESENTATIVE LACOMBE

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

1 AN ACT

2 To amend and reenact R.S. 40:966(F)(6) and to enact R.S. 40:966(F)(7), relative to
3 immunity from prosecution for medical marijuana; to provide that certain facilities
4 shall be exempt from prosecution for certain violations of the Uniform Controlled
5 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 is 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)(a) The defenses in Paragraph (1) of this Subsection shall be raised by
18 reproducing a patient's medical records that have been created by his attending
19 physician, that contain the recommendation to possess marijuana for therapeutic use
20 in a form permissible under R.S. 40:1046.

1 (b) Notwithstanding any other provision of law to the contrary, except when
2 the person to be arrested has committed a felony, although not in the presence of the
3 officer, no peace officer may arrest any employee, board member, director, or agent
4 during the course and scope of his employment with the following, pursuant to R.S.
5 40:1046:

6 (i) A pharmacy licensed to dispense marijuana for therapeutic use.

7 (ii) A licensee of marijuana for therapeutic use or its subordinate licensed
8 contractor.

9 (iii) A testing laboratory of marijuana for therapeutic use, authorized to do
10 business.

11 (iv) A licensed researcher of marijuana for therapeutic use, performing his
12 official duties.

13 (c) The defendant shall bear the burden of proving that the possession,
14 manufacture, production, transportation, or distribution was in accordance with the
15 state-sponsored medical marijuana program, the Louisiana Board of Pharmacy rules
16 and regulations, or the Department of Agriculture and Forestry rules and regulation,
17 as applicable.

18 * * *

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 Original

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 shall be exempt from prosecution for certain violations of the Uniform Controlled Dangerous Substances Law.

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

Proposed law retains present law and adds that any facility licensed by the La. Dept. of Health that has patients in its care using medical marijuana pursuant to present law (R.S. 40:1046) shall be exempt from prosecution for certain violations of present law (the Uniform Controlled Dangerous Substances Law).

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