

2021 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVE NEWELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROLLED SUBSTANCES: Provides for the decriminalization of marijuana possession and distribution

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) and to repeal
3 R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F), relative to marijuana; to
4 remove criminal penalties associated with the possession, distribution, or dispensing
5 of marijuana; to provide for a contingent effective date; to provide for applicability;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) are hereby
9 amended and reenacted to read as follows:

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

13 * * *

14 B. Violations of Subsection A. Any person who violates Subsection A of this
15 Section with respect to:

16 * * *

17 (2) A substance classified in Schedule I which is ~~marijuana,~~
18 ~~tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or a~~
19 ~~synthetic cannabinoids~~ cannabinoid for an amount of:

20 * * *

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 243 Original

2021 Regular Session

Newell

Abstract: Decriminalizes the possession and distribution of marijuana contingent upon legislative enactment of a statutory regulatory system and establishment of a sales tax and provides relative to applicability.

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 removes those criminal penalties contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales.

Provides that proposed law shall not apply to the present law offense of operating a vehicle while intoxicated (R.S. 14:98(A)(1)(d)(i), (ii), and (e)(i)), shall not prohibit any employer from enforcing or adopting reasonable zero tolerance policies or drug free workplace policies, and shall not be construed to prohibit any school policy, pursuant to present law (R.S. 17:416(C)(2)) from being enforced or adopted relative to drug free zones.

(Amends R.S. 40:966(B)(2)(intro. para.) and (D)(1); Repeals R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F))