2022 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE MARINO

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

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

Be it enacted by the Legislature of Louisiana:

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

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

*   *   *

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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
shall be exempt from the provisions of this Section. This Paragraph shall not prevent
the arrest or prosecution of any person for diversion of marijuana or any of its
derivatives or other conduct outside the scope of the state-sponsored medical
marijuana program.

Section 2. This Act shall take effect and become operative if and when the Act
which originated as House Bill No. 135 of this 2022 Regular Session of the Legislature is
enacted and becomes effective.

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 137 Engrossed 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. 135 of this 2022 R.S. is enacted and becomes effective.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of
Criminal Justice to the original bill:

1. Provide that proposed law is effective if and when House Bill No. 135 of this
2022 R.S. is enacted and becomes effective.

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