

2023 Regular Session

HOUSE BILL NO. 351

BY REPRESENTATIVES LANDRY AND TRAVIS JOHNSON

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

MEDICAL MARIJUANA: Provides relative to a recommendation of medical marijuana in employment

1 AN ACT

2 To enact R.S. 23:1081.1 and 1601.1 and to repeal R.S. 40:1046(J), relative to medical  
3 marijuana recommendations in employment; to prohibit disqualification from certain  
4 employee benefits; to allow an exception to the disqualification of unemployment  
5 benefits for a recommendation for medical marijuana; to allow an exception to the  
6 defenses allowed for workers' compensation claims for a recommendation for  
7 medical marijuana; to provide definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:1081.1 and 1601.1 are hereby enacted to read as follows:

10 §1081.1. Defenses; exceptions

11 A. For the purposes of this Section, the following terms have the meanings  
12 ascribed to them:

13 (1) "Qualifying medical marijuana patient" means an individual who has  
14 been clinically diagnosed as suffering from a debilitating medical condition and an  
15 authorized clinician has recommended marijuana for therapeutic use by the  
16 individual in accordance with R.S. 40:1046.

17 (2) "Recommendation" means a recommendation for medical marijuana, as  
18 defined by R.S. 40:1046, and which shall be considered a legitimate medical purpose  
19 and equivalent to a medical prescription.

1           B. Notwithstanding any other provision of law to the contrary, a qualifying  
2           medical marijuana patient who receives a recommendation shall not be disqualified  
3           from receiving compensation.

4           §1601.1. Disqualification of benefits; exceptions

5           A. For the purposes of this Section, the following terms have the meanings  
6           ascribed to them:

7                   (1) "Qualifying medical marijuana patient" means an individual who has  
8                   been clinically diagnosed as suffering from a debilitating medical condition and an  
9                   authorized clinician has recommended marijuana for therapeutic use by the  
10                  individual in accordance with R.S. 40:1046.

11                   (2) "Recommendation" means a recommendation for medical marijuana, as  
12                  defined by R.S. 40:1046, and which shall be considered a legitimate medical purpose  
13                  and equivalent to a medical prescription.

14           B. Notwithstanding any other provision of law to the contrary, a qualifying  
15           medical marijuana patient who receives a recommendation shall not be disqualified  
16           for unemployment benefits.

17           Section 2. R.S. 40:1046(J) is hereby repealed in its entirety.

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 351 Original

2023 Regular Session

Landry

**Abstract:** Provides relative to a recommendation of medical marijuana in employment.

Proposed law defines "qualifying medical marijuana patient" and "recommendation".

Proposed law provides that a qualifying medical marijuana patient who receives a recommendation from an authorized clinician to use marijuana for a therapeutic use shall not be disqualified from filing a claim for workers' compensation.

Proposed law provides that a qualifying medical marijuana patient who receives a recommendation from an authorized clinician to use marijuana for a therapeutic use shall not be disqualified for unemployment compensation benefits.

Proposed law repeals the provision of law (R.S. 40:1046(J)) that provides that an employer and their workers' compensation insurer are not required to pay for medical marijuana in claims arising under present law.

(Adds R.S. 23:1081.1 and 1601.1; Repeals R.S. 40:1046(J))