1 AN ACT

2 To amend and reenact R.S. 40:966(I), relative to the Uniform Controlled Dangerous
3 Substances Law; to provide exemptions from arrest and prosecution under the
4 Uniform Controlled Dangerous Substances Law to persons and other entities
5 lawfully in possession of medical marijuana; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

11 I. Immunity from prosecution. (1) Any person who is a patient of the
12 state-sponsored medical marijuana program in Louisiana, and who possesses medical
13 marijuana in a form permissible under R.S. 40:1046 for a condition enumerated
14 therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary
15 parent of a minor child who possesses medical marijuana on behalf of his minor
16 child in a form permissible under R.S. 40:1046 for a condition enumerated therein
17 pursuant to a legitimate medical marijuana prescription or recommendation issued
18 by a physician licensed by and in good standing with the Louisiana State Board
19 of Medical Examiners, shall not be subject to prosecution for possession or
20 distribution of marijuana under be exempt from the provisions of this Section for
21 possessing medical marijuana or dispensing medical marijuana to his minor child
22 who is a patient of the state-sponsored medical marijuana program. This defense
23 must be raised in accordance with R.S. 40:991, and the defendant bears the burden

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
of proof of establishing that the possession or distribution of the marijuana was in accordance with the state-sponsored medical marijuana program. 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.

(2) Any pharmacy licensed to dispense marijuana pursuant to R.S. 40:1046, and any employee, board member, director, or agent of a pharmacy licensed to dispense marijuana pursuant to R.S. 40:1046, shall be exempt from the provisions of this Section for possession of marijuana at a location designated by the Louisiana Board of Pharmacy rules and regulations, or distribution of marijuana in a form approved by the Louisiana Board of Pharmacy to a patient with a valid recommendation or prescription, in the state-sponsored medical marijuana program. 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 or for violations of Louisiana Board of Pharmacy rules and regulations.

(3) Any licensee or its subordinate contractor licensed by the Department of Agriculture and Forestry to produce marijuana pursuant to R.S. 40:1046, and any employee, board member, director, or agent of a marijuana licensee or its subordinate contractor licensed pursuant to R.S. 40:1046, shall be exempt from prosecution under this Section for possession, production, or manufacture of marijuana at the production facility designated by the Department of Agriculture and Forestry or for the transportation of marijuana or any of its derivatives in accordance with the Department of Agriculture and Forestry rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana from the production facility designated by the Department of Agriculture and Forestry outside the scope of the state-sponsored medical marijuana program or for violations of Department of Agriculture and Forestry rules and regulations.
(4) Any laboratory that tests marijuana or marijuana preparations produced and distributed under the state-sponsored medical marijuana program, and any employee, board member, director, or agent of a testing laboratory pursuant to R.S. 40:1046, shall be exempt from prosecution under this Section for possession of marijuana or any of its derivatives at a research laboratory designated by the Louisiana Board of Pharmacy or for transportation of marijuana or any of its derivatives in accordance with Louisiana Board of Pharmacy rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana from a research laboratory designated by the Louisiana Board of Pharmacy or other conduct outside the scope of the state-sponsored medical marijuana program or for violations of Board of Pharmacy rules and regulations.

(5) Any person conducting research as the licensee pursuant to R.S. 40:1046 and any employee, board member, director, agent, or any person conducting research in partnership with the licensee shall be exempt from prosecution under this Section for the possession, production, or manufacture of marijuana or any of its derivatives at the production facility designated by the Department of Agriculture and Forestry or for the transportation of marijuana or any of its derivatives in accordance with Department of Agriculture and Forestry rules and regulations. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives from the production facility designated by the Department of Agriculture and Forestry or other conduct outside the scope of the state-sponsored medical marijuana program or for violations of Department of Agriculture and Forestry rules and regulations.

(6)(a) The defenses in Paragraph (1) of this Subsection shall be raised by reproducing a patient’s medical records that have been created by his attending physician, that contain the recommendation to possess marijuana for therapeutic use in a form permissible under R.S. 40:1046.

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

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

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

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

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

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

Section 2. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.