CONTROL DANGER SUBSTANCE. Provides exemption from prosecution for anyone lawfully in possession of medical marijuana. (8/1/16)
a legitimate medical marijuana prescription, shall not be subject to prosecution
for possession or distribution of marijuana under this Section for possessing
medical marijuana or dispensing medical marijuana to his minor child who is
a patient of the state-sponsored medical marijuana program. This defense must
be raised in accordance with R.S. 40:991, and the defendant bears the burden
of proof of establishing that the possession or distribution of the marijuana was
in accordance with the state-sponsored medical marijuana program.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST
SB 180 Engrossed 2016 Regular Session Mills

Present law prohibits the distribution or possession with intent to distribute certain narcotic
drugs, marijuana, and synthetic cannabinoids.

Proposed law retains present law and adds that the following persons are not subject to
prosecution for possession or distribution of marijuana under present law:

(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 present law
relative to medical marijuana for a condition enumerated in present law.

(2) 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 condition enumerated in present law pursuant to a legitimate medical marijuana
prescription.

Proposed law provides that this defense must be raised in accordance with present law
relative to valid prescriptions for controlled dangerous substances, and the defendant bears
the burden of proof of establishing that the possession or distribution of the marijuana in
question was in accordance with the state-sponsored medical marijuana program.

Effective August 1, 2016.

(Adds R.S. 40:966(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the
original bill

1. Change applicability of proposed law from patients possessing medical
marijuana pursuant to an out-of-state medical marijuana program to patients
possessing medical marijuana pursuant to the Louisiana medical marijuana
program.