

2016 Regular Session

SENATE BILL NO. 180

BY SENATOR MILLS

CONTROL DANGER SUBSTANCE. Provides exemption from prosecution for anyone lawfully in possession of medical marijuana. (8/1/16)

1 AN ACT

2 To enact R.S. 40:966(I), relative to the Uniform Controlled Dangerous Substances Law; to
3 provide an exemption from prosecution under the Uniform Controlled Dangerous
4 Substances Law for a person lawfully in possession of medical marijuana; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:966(I) is hereby enacted 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 * * *

12 **I. Immunity from prosecution. Any person who is a patient of the**
13 **state-sponsored medical marijuana program in Louisiana, and who possesses**
14 **medical marijuana in a form permissible under R.S. 40:1046 for a condition**
15 **enumerated therein, or any person who is a domiciliary parent of a minor child**
16 **who possesses medical marijuana on behalf of his minor child in a form**
17 **permissible under R.S. 40:1046 for a condition enumerated therein pursuant to**

1 **a legitimate medical marijuana prescription, shall not be subject to prosecution**
 2 **for possession or distribution of marijuana under this Section for possessing**
 3 **medical marijuana or dispensing medical marijuana to his minor child who is**
 4 **a patient of the state-sponsored medical marijuana program. This defense must**
 5 **be raised in accordance with R.S. 40:991, and the defendant bears the burden**
 6 **of proof of establishing that the possession or distribution of the marijuana was**
 7 **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.