

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 180

2016 Regular Session

Mills

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds a caregiver to the list of individuals not subject to prosecution for possession or distribution of marijuana.
2. Adds that the possession of marijuana can be by "recommendation" for a domiciliary parent who possess medical marijuana on behalf his minor child.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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

Present law defines "caregiver" as any person or persons, either temporarily or permanently, responsible for the care of a person who is aged or any adult with a physical or mental disability.

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) A caregiver as defined in present law.
- (3) 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 or recommendation.

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))

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