

## RÉSUMÉ DIGEST

ACT 343 (SB 180)

2016 Regular Session

Mills

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

Prior law defined "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.

New law retains prior law and adds that the following persons are not subject to prosecution for possession or distribution of marijuana under prior 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 prior law relative to medical marijuana for a condition enumerated in prior law.
- (2) A caregiver as defined in prior 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 prior law for a condition enumerated in prior law pursuant to a legitimate medical marijuana prescription or recommendation.

New law provides that this defense must be raised in accordance with prior 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))