

2021 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVES NEWELL AND MARCELLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROLLED SUBSTANCES: Provides for the decriminalization of marijuana possession and distribution

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) and to repeal
3 R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F), relative to marijuana; to
4 remove criminal penalties associated with the possession, distribution, or dispensing
5 of marijuana; to provide for a contingent effective date; to provide for applicability;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) are hereby
9 amended and reenacted to read as follows:

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

13 * * *

14 B. Violations of Subsection A. Any person who violates Subsection A of this
15 Section with respect to:

16 * * *

17 (2) A substance classified in Schedule I which is ~~marijuana,~~
18 ~~tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or a~~
19 ~~synthetic cannabinoids~~ cannabinoid for an amount of:

20 * * *

1 D. If a person knowingly or intentionally possesses a controlled substance
 2 as classified in Schedule I, unless such substance was obtained directly or pursuant
 3 to a valid prescription or order from a practitioner, as provided in R.S. 40:978, while
 4 acting in the course of his professional practice, where the amount of the controlled
 5 substance is equal to or above the following weights, it shall be considered a
 6 violation of Subsection A of this Section:

7 (1) For ~~marijuana, tetrahydrocannabinol~~, synthetic cannabinoids, or chemical
 8 derivatives thereof, two and one-half pounds.

9 * * *

10 Section 2. R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F) are hereby repealed
 11 in their entirety.

12 Section 3. This Act shall become effective if the legislature provides for a statutory
 13 regulatory system for the legal sale and distribution of marijuana and establishes a sales tax
 14 on those sales.

15 Section 4. The provisions of this Act shall not apply to the offense of operating a
 16 vehicle while intoxicated, as provided for in R.S. 14:98(A)(1)(d)(i), (ii), and (e)(i).

17 Section 5.(A) The provisions of this Act shall not be construed to prohibit any
 18 employer from enforcing or adopting reasonable zero tolerance policies or drug free
 19 workplace policies, or workplace policies concerning the drug testing, smoking, consuming,
 20 storing, or using marijuana in the work place or while an employee is designated as being
 21 on-call.

22 (B) The provisions of this Act shall not prohibit an employer from disciplining or
 23 terminating an employee for violating an employer's employment policy or workplace drug
 24 policy, provided that such policies are nondiscriminatory.

25 Section 6. The provisions of this Act shall not be construed to prohibit any school
 26 policy, pursuant to R.S. 17:416(C)(2), from being enforced or adopted relative to drug free
 27 zones.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 243 Engrossed

2021 Regular Session

Newell

Abstract: Decriminalizes the possession and distribution of marijuana contingent upon legislative enactment of a statutory regulatory system and establishment of a sales tax and provides relative to applicability.

Present law provides for the regulation of controlled dangerous substances, and prohibits the possession, distribution, dispensing, or possession with intent to distribute or dispense marijuana.

Proposed law removes those criminal penalties contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales.

Provides that proposed law shall not apply to the present law offense of operating a vehicle while intoxicated (R.S. 14:98(A)(1)(d)(i), (ii), and (e)(i)), shall not prohibit any employer from enforcing or adopting reasonable zero tolerance policies or drug free workplace policies, and shall not be construed to prohibit any school policy, pursuant to present law (R.S. 17:416(C)(2)) from being enforced or adopted relative to drug free zones.

(Amends R.S. 40:966(B)(2)(intro. para.) and (D)(1); Repeals R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F))