

2026 Regular Session

SENATE BILL NO. 270

BY SENATOR JACKSON-ANDREWS

HEALTH CARE. Provides for access to medical marijuana for terminally ill patients in a healthcare facility. (8/1/26)

1 AN ACT

2 To enact R.S. 40:1046.5, relative to medical marijuana; to allow for the use of medical

3 marijuana by a terminally ill patient in a healthcare facility; to provide for

4 requirements; to provide for prohibitions; to provide for applicability; and to provide

5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046.5 is hereby enacted to read as follows:

8 **§1046.5. Access to medical marijuana in a healthcare facility**

9 **A. As used in this Section the following definitions shall apply:**

10 **(1) "Healthcare facility" means a healthcare facility licensed pursuant**

11 **to R.S. 40:2006(A)(2).**

12 **(2) "Medical marijuana" means marijuana for therapeutic use produced**

13 **and recommended to a patient in accordance with R.S. 40:1046.**

14 **(3) "Terminally ill" means a medical condition resulting in a prognosis**

15 **of life of one year or less, if the disease follows its natural course.**

16 **B. A healthcare facility shall permit a terminally ill patient to use**

17 **medical marijuana and shall:**

1 (1) Prohibit smoking or vaping as methods to use medical marijuana.

2 (2) Include the use of medical marijuana within the patient's medical
3 records.

4 (3) Require a patient to provide a copy of the patient's recommendation
5 for medical marijuana pursuant to R.S. 40:1046.

6 (4) Reasonably restrict the manner in which a patient stores and uses
7 medical marijuana, including requiring the medical marijuana to be stored in
8 a locked container to ensure the safety of other patients, guests, and employees
9 of the healthcare facility, compliance with other state laws, and the safe
10 operations of the healthcare facility.

11 (5) Develop and disseminate written guidelines for the use of medical
12 marijuana within the healthcare facility pursuant to this Section.

13 C. The provisions of this Section shall not apply to a terminally ill patient
14 receiving emergency services and care or to the emergency department of a
15 healthcare facility while the patient is receiving emergency services and care.

16 D. Notwithstanding the classification of medical marijuana as a Schedule
17 I drug and any other law, healthcare facilities shall comply with drug and
18 medication requirements applicable to Schedule II, III, and IV drugs and shall
19 be subject to enforcement actions by the Louisiana Department of Health.

20 E. The provisions of this Section shall not require a healthcare facility
21 to provide a terminally ill patient with a recommendation to use medical
22 marijuana or include medical marijuana in a patient's discharge plan.

23 F. Compliance with this Section shall not be a condition for obtaining,
24 retaining, or renewing a license as a healthcare facility.

25 G. If a federal regulatory agency, the United States Department of
26 Justice, or the Centers for Medicare and Medicaid Services takes one of the
27 following actions, a healthcare facility may suspend compliance with the
28 provisions of this Section until the federal regulatory agency, the United States
29 Department of Justice, or the Centers for Medicare and Medicaid Services

1 notifies the healthcare facility that it may resume allowing the use of medical
2 marijuana within the facility:

3 (1) A federal regulatory agency or the United States Department of
4 Justice initiates enforcement action against a healthcare facility related to the
5 facility's compliance with a state-regulated medical marijuana program.

6 (2) A federal regulatory agency, the United States Department of Justice,
7 or the Centers for Medicare and Medicaid Services issues a rule or otherwise
8 provides notification to the healthcare facility that expressly prohibits the use
9 of medical marijuana in healthcare facilities or otherwise prohibits compliance
10 with a state-regulated medical marijuana program.

11 H. A healthcare facility shall not prohibit a terminally ill patient's use of
12 medical marijuana due solely to the fact that marijuana is a Schedule I drug
13 pursuant to the federal Uniform Controlled Substances Act or other federal
14 constraints on the use of medical marijuana that were in existence prior to the
15 enactment of this Section.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 270 Original

2026 Regular Session

Jackson-Andrews

Present law authorizes an authorized clinician to recommend medical marijuana for therapeutic use for any patient with a debilitating medical condition provided for in proposed law.

Proposed law requires healthcare facilities to permit a terminally ill patient to use medical marijuana that has been recommended to the patient pursuant to present law.

Proposed law requires the facility to take certain measures to document the patient's medical marijuana use and ensure proper storage of the medical marijuana.

Proposed law does not apply to a patient receiving emergency services or care or to the emergency department of a healthcare facility.

Proposed law provides that healthcare facilities shall comply with drug and medication requirements applicable to Schedule II, III, and IV drugs and shall be subject to enforcement actions by the La. Dept. of Health.

Proposed law provides that a healthcare facility is not required to provide a patient with a medical marijuana recommendation or to include medical marijuana in a patient's discharge

plan.

Proposed law provides that compliance with proposed law shall not be a condition for obtaining, retaining, or renewing a healthcare facility license.

Proposed law authorizes a healthcare facility to suspend compliance with the provisions of proposed law if a federal regulatory agency, the U.S. Department of Justice, or the Centers for Medicare and Medicaid Services (CMS) initiates an enforcement action against the healthcare agency or issues a rule or notification to the facility that prohibits compliance with proposed law.

Proposed law provides that a healthcare facility shall not prohibit a terminally ill patient's use of medical marijuana due solely to the fact that marijuana is a Schedule I drug.

Effective August 1, 2026.

(Adds R.S. 40:1046.5)