

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). Healthcare facility shall not mean any freestanding or**
12 **distinct part unit of a hospital providing behavioral health services or any**
13 **emergency or outpatient department of a hospital.**

14 **(2) "Medical marijuana" means marijuana for therapeutic use produced**
15 **and recommended to a patient in accordance with R.S. 40:1046.**

16 **(3) "Patient" means a person who has a terminal and irreversible**
17 **condition as defined by R.S. 40:1151.1 and maintains a current recommendation**

1 to use medical marijuana.

2 B. A healthcare facility shall permit patient use of medical marijuana
3 and shall:

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

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

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

9 (4) Require a patient or a primary caregiver to be responsible for
10 acquiring, retrieving, administering, and removing medical marijuana.

11 (5) Subject to the policy adopted by the healthcare facility, require
12 medical marijuana to be stored securely at all times in a locked container
13 provided by the patient in the patient's room, other designated area, or with the
14 patient's primary caregiver.

15 (6) Prohibit health care professionals, healthcare facility staff, including
16 but not limited to physicians, nurses, and pharmacists, from administering,
17 storing, retrieving, or assisting the patient with the medical marijuana.

18 (7) Upon discharge, all remaining medical marijuana shall be removed
19 by the patient or patient's primary caregiver. If a patient cannot remove the
20 medical marijuana and does not have a primary caregiver that is available to
21 remove the medical marijuana, the medical marijuana shall be disposed of in
22 accordance with the health facility policy and procedure governing medical
23 marijuana.

24 (8) Develop, disseminate, and train health facility staff on the written
25 guidelines developed by the facility for patient use of medical marijuana within
26 the health care facility pursuant to this Section.

27 C. The provisions of this Section shall not require a healthcare facility
28 to provide a terminally ill patient with a recommendation to use medical
29 marijuana or include medical marijuana in a patient's discharge plan.

1 **D. Compliance with this Section shall not be a condition for obtaining,**
 2 **retaining, or renewing a license as a healthcare facility.**

3 **E. If a federal regulatory agency, the United States Department of**
 4 **Justice, or the Centers for Medicare and Medicaid Services takes one of the**
 5 **following actions against a healthcare facility, then all healthcare facilities may**
 6 **suspend compliance with the provisions of this Section until the federal**
 7 **regulatory agency, the United States Department of Justice, or the Centers for**
 8 **Medicare and Medicaid Services notifies the healthcare facility that it may**
 9 **resume allowing the use of medical marijuana within the facility:**

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

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

18 **F. A healthcare facility shall not prohibit a terminally ill patient's use of**
 19 **medical marijuana due solely to the fact that marijuana is a Schedule I drug**
 20 **pursuant to the federal Uniform Controlled Substances Act or other federal**
 21 **constraints on the use of medical marijuana that were in existence prior to the**
 22 **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 Engrossed

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 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 all healthcare facilities 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 any 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes the facility's requirements for acquiring, administering, storing, retrieving, and removing the patient's medical marijuana.