The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 180 Original | 2016 Regular Session | Mills

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

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 a state-sponsored medical marijuana program in a state other than Louisiana, and possesses medical marijuana in a form permissible under present law relative to medical marijuana for a condition enumerated in present law.

(2) 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 out-of-state medical marijuana prescription.

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 a state-sponsored medical marijuana program.

Effective August 1, 2016.

(Adds R.S. 40:966(I))