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 Engrossed | 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 the state-sponsored medical marijuana program in 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 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 the state-sponsored medical marijuana program.

Effective August 1, 2016.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change applicability of proposed law from patients possessing medical marijuana pursuant to an out-of-state medical marijuana program to patients possessing medical marijuana pursuant to the Louisiana medical marijuana program.