2020 Regular Session

HOUSE BILL NO. 546

BY REPRESENTATIVE JAMES

CONTROLLED SUBSTANCES: Provides for a proposition election regarding the decriminalization of marijuana

AN ACT

To amend and reenact R.S. 40:966(B)(2)(introductory paragraph) and (D)(1), to enact R.S. 40:989.4, and to repeal R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F), relative to marijuana; to provide for a proposition election regarding the decriminalization of marijuana; to remove criminal penalties associated with the possession, distribution, or dispensing of marijuana contingent upon the outcome of that election; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

*          *          *

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

*          *          *

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

*          *          *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
D. If a person knowingly or intentionally possesses a controlled substance as classified in Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978, while acting in the course of his professional practice, where the amount of the controlled substance is equal to or above the following weights, it shall be considered a violation of Subsection A of this Section:

(1) For marijuana, tetrahydrocannabinols, synthetic cannabinoids, or chemical derivatives thereof, two and one-half pounds.

Section 2. R.S. 40:989.4 is hereby enacted to read as follows:

§989.4. Decriminalization of marijuana; election; ballot language

A.(1) At the statewide election occurring on November 3, 2020, a proposition shall appear on the ballot in every parish to determine whether the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof shall be legal for persons twenty-one years of age or older.

(2) The ballot for the election shall state as follows:

"PROPOSITION ON DECRIMINALIZATION OF MARIJUANA

Shall the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof by persons twenty-one years of age or older no longer be a criminal offense in the state of Louisiana?"

B.(1) If a majority of the qualified electors of the election area voting on the proposition approve the proposition, then the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof by persons twenty-one years of age or older shall no longer be a criminal offense.

(2) If a majority of the qualified electors of the election area voting on the proposition vote against such proposition, then the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof shall remain illegal as provided by law.
C. The secretary of state shall prepare the ballot for the election.

D. Except as otherwise provided, the election required pursuant to this Section shall be conducted in accordance with the Louisiana Election Code.

E. Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs of the election required pursuant to this Section shall be borne by the state.

Section 3. R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F) are hereby repealed in their entirety.

Section 4. This Section and Sections 2 and 5 of this Act shall become effective on August 1, 2020.

Section 5. Sections 1 and 3 of this Act shall become effective if both of the following occur:

1. At an election conducted on November 3, 2020, a majority of the electors approve the proposition to decriminalize marijuana.

2. The legislature provides for a statutory regulatory system for the legal sale and distribution of marijuana and establishes a sales tax on those sales by July 1, 2021.

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 546 Original 2020 Regular Session James

Abstract: Authorizes a proposition election to determine if the possession, distribution, or dispensing of marijuana should be decriminalized.

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 provides for a proposition election to be held on Nov. 3, 2020, to determine whether the possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof by persons 21 years of age or older should no longer be a criminal offense in the state of La.

Proposed law provides that if a majority of the electors approve the proposition, then the possession, distribution, or dispensing of marijuana by persons 21 years of age or older shall no longer be a criminal offense. If the electors do not approve the proposition, then marijuana remains illegal as provided for in present law.

(Amends R.S. 40:966(B)(2)(intro. para.) and (D)(1); Adds R.S. 40:989.4; Repeals R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F))

CODING: Words in struck through type are deletions from existing law; words underscored are additions.