2020 Regular Session

HOUSE BILL NO. 546

BY REPRESENTATIVE JAMES

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

1   AN ACT

2   To amend and reenact R.S. 40:966(B)(2)(introductory paragraph) and (D)(1), to enact R.S.

3   40:989.4, and to repeal R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F),

4   relative to marijuana; to provide for a proposition election regarding the

5   decriminalization of marijuana; to remove criminal penalties associated with the

6   possession, distribution, or dispensing of marijuana contingent upon the outcome of

7   that election; to provide for a contingent effective date; and to provide for related

8   matters.

9   Be it enacted by the Legislature of Louisiana:

10   Section 1.   R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) are hereby

11   amended and reenacted to read as follows:

12   §966. Penalty for distribution or possession with intent to distribute narcotic drugs

13   listed in Schedule I; possession of ~~marijuana,~~ synthetic cannabinoids~~,~~ and

14   heroin

15   *   *   *

16   B. Violations of Subsection A. Any person who violates Subsection A of this

17   Section with respect to:

18   *   *   *

19   (2)   A substance classified in Schedule I which is ~~marijuana,~~

20   ~~tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or~~ a

21   synthetic ~~cannabinoids~~ cannabinoid for an amount of:

22   *   *   *

1   D. If a person knowingly or intentionally possesses a controlled substance

2   as classified in Schedule I, unless such substance was obtained directly or pursuant

3   to a valid prescription or order from a practitioner, as provided in R.S. 40:978, while

4   acting in the course of his professional practice, where the amount of the controlled

5   substance is equal to or above the following weights, it shall be considered a

6   violation of Subsection A of this Section:

7   (1) For ~~marijuana, tetrahydrocannabinol,~~ synthetic cannabinoids, or chemical

8   derivatives thereof, two and one-half pounds.

9   *   *   *

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

11   §989.4. Decriminalization of marijuana; election; ballot language

12   A.(1)   At the statewide election occurring on November 3, 2020, a

13   proposition shall appear on the ballot in every parish to determine whether the

14   possession, distribution, or dispensing of marijuana, tetrahydrocannabinols, or

15   chemical derivatives thereof shall be legal for persons twenty-one years of age or

16   older.

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

18   "PROPOSITION ON DECRIMINALIZATION OF MARIJUANA

19   Shall   the   possession,   distribution,   or   dispensing   of   marijuana,

20   tetrahydrocannabinols, or chemical derivatives thereof by persons twenty-one years

21   of age or older no longer be a criminal offense in the state of Louisiana?"

22   B.(1) If a majority of the qualified electors of the election area voting on the

23   proposition approve the proposition, then the possession, distribution, or dispensing

24   of marijuana, tetrahydrocannabinols, or chemical derivatives thereof by persons

25   twenty-one years of age or older shall no longer be a criminal offense.

26   (2) If a majority of the qualified electors of the election area voting on the

27   proposition vote against such proposition, then the possession, distribution, or

28   dispensing of marijuana, tetrahydrocannabinols, or chemical derivatives thereof shall

29   remain illegal as provided by law.

1   C. The secretary of state shall prepare the ballot for the election.

2   D. Except as otherwise provided, the election required pursuant to this

3   Section shall be conducted in accordance with the Louisiana Election Code.

4   E. Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs

5   of the election required pursuant to this Section shall be borne by the state.

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

7   in their entirety.

8   Section 4. This Section and Sections 2 and 5 of this Act shall become effective on

9   August 1, 2020.

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

11   following occur:

12   1. At an election conducted on November 3, 2020, a majority of the electors approve

13   the proposition to decriminalize marijuana.

14   2. The legislature provides for a statutory regulatory system for the legal sale and

15   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.