

2020 Regular Session

HOUSE BILL NO. 646

BY REPRESENTATIVE JORDAN

CONTROLLED SUBSTANCES: Provides for the decriminalization of marijuana possession and distribution

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(2)(introductory paragraph) and (D)(1) and to repeal  
3 R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F), relative to marijuana; to  
4 remove criminal penalties associated with the possession, distribution, or dispensing  
5 of marijuana; to provide for a contingent effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

13 \* \* \*

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

16 \* \* \*

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

20 \* \* \*

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 R.S. 40:964(Schedule I)(C)(19) and 966(C)(2) and (F) are hereby repealed  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

12 Section 3. This Act shall become effective if the legislature provides for a statutory  
 13 regulatory system for the legal sale and distribution of marijuana and establishes a sales tax  
 14 on those sales.

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#### 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)]

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HB 646 Original

2020 Regular Session

Jordan

**Abstract:** Decriminalizes the possession and distribution of marijuana contingent upon legislative enactment of a statutory regulatory system and establishment of a sales tax.

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 removes those criminal penalties contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales.

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