

ACT No. 147

2020 Regular Session

HOUSE BILL NO. 418

BY REPRESENTATIVE LACOMBE

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AN ACT

To amend and reenact R.S. 40:966(F)(6) and to enact R.S. 40:966(F)(7) and (8), relative to immunity from prosecution for medical marijuana; to provide that certain facilities and physicians shall be exempt from prosecution for certain violations of the Uniform Controlled Dangerous Substances Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(F)(6) is hereby amended and reenacted and R.S. 40:966(F)(7) and (8) are hereby enacted 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

* * *

F. Immunity from prosecution.

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(6) Any facility that is licensed by the Louisiana Department of Health and has patients in its care using medical marijuana pursuant to R.S. 40:1046 shall be exempt from the prohibitions provided in this Section for possession and distribution of marijuana. This Paragraph shall not prohibit the arrest or prosecution of any person for diversion of medical marijuana or any other conduct outside the scope of the state-sanctioned medical marijuana program provided for in R.S. 40:1046.

(7) Any physician who provides information on marijuana for therapeutic use within a bona fide doctor-patient relationship or who issues a recommendation to a patient for marijuana for therapeutic use pursuant to R.S. 40:1046 shall be exempt from the prohibitions provided in this Section for possession and distribution of marijuana. This Paragraph shall not prohibit the arrest or prosecution of any

1 person for diversion of medical marijuana or any other conduct outside the scope of
2 the state-sanctioned medical marijuana program provided for in R.S. 40:1046.

3 (8)(a) The defenses in Paragraph (1) of this Subsection shall be raised by
4 reproducing a patient's medical records that have been created by his attending
5 physician, that contain the recommendation to possess marijuana for therapeutic use
6 in a form permissible under R.S. 40:1046.

7 (b) Notwithstanding any other provision of law to the contrary, except when
8 the person to be arrested has committed a felony, although not in the presence of the
9 officer, no peace officer may arrest any employee, board member, director, or agent
10 during the course and scope of his employment with the following, pursuant to R.S.
11 40:1046:

12 (i) A pharmacy licensed to dispense marijuana for therapeutic use.

13 (ii) A licensee of marijuana for therapeutic use or its subordinate licensed
14 contractor.

15 (iii) A testing laboratory of marijuana for therapeutic use, authorized to do
16 business.

17 (iv) A licensed researcher of marijuana for therapeutic use, performing his
18 official duties.

19 (c) The defendant shall bear the burden of proving that the possession,
20 manufacture, production, transportation, or distribution was in accordance with the
21 state-sponsored medical marijuana program, the Louisiana Board of Pharmacy rules
22 and regulations, or the Department of Agriculture and Forestry rules and regulation,
23 as applicable.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____