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.

* * *

(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
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.

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

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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