

SENATE BILL NO. 180

BY SENATOR MILLS

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AN ACT

To enact R.S. 40:966(I), relative to the Uniform Controlled Dangerous Substances Law; to provide an exemption from prosecution under the Uniform Controlled Dangerous Substances Law for a person lawfully in possession of medical marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(I) is 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, possession of synthetic cannabinoids, possession of heroin

* * *

I. Immunity from prosecution. Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and who possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation, shall not be subject to prosecution for possession or distribution of marijuana under this Section for possessing medical marijuana or dispensing medical marijuana to his minor child who is a patient of the state-sponsored medical marijuana program. This defense must be raised in accordance with R.S. 40:991, and the defendant bears the burden

1 of proof of establishing that the possession or distribution of the marijuana was
2 in accordance with the state-sponsored medical marijuana program.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____