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Now in Effect: Louisiana Medical Marijuana Law Shields Patients and Caregivers from Prosecution

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BATON ROUGE, La.

(Aug 5, 2016) – On Monday, a Louisiana law specifically exempting medical marijuana patients and caregivers from state prosecution goes into effect.

Along with another

measure that was signed into law earlier this year, this gives Louisiana a basis for a functional medical marijuana program, setting the foundation to nullify federal prohibition in effect.

Sen. Fred Mills Jr. (R-St. Martinville) introduced Senate Bill 180 ([SB180](#)) on Mar. 14. It contains simple and straight-forward language making it clear that medical marijuana patients and providers will not be subject to criminal penalties under Louisiana state law as long as they abide by the existing rules and regulations set forth by the legislature. It reads, in part:

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Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and who possesses medical marijuana..., a caregiver..., or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child... 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.

SB180 passed the Senate initially on Apr. 18 by a [24-10 vote](#). It then moved to the House where it was passed with amendments on May 24 by a [67-22 vote](#). The Senate concurred with the amendments on the following day by a [29-7 vote](#). Gov. Edwards signed on the measure on Jun. 2,

SB180 is the second measure signed into law this year to create an operational medical marijuana system in Louisiana. Senate Bill 271 ([SB271](#)) was introduced to allow doctors to “recommend” medical marijuana to eligible patients instead of “prescribing” the drug. This language is important because with federal prohibition still in effect, “prescribing” cannabis could expose physicians to legal trouble. A written “recommendation” carries no such legal consequences for the individual doctors.

SB271 was signed into law by Gov. Edwards on May 19 and went into immediate effect. These two measures, combined, correct many of the problems inherent in existing medical marijuana program in the state. The Louisiana legislature legalized medical marijuana last year, but the program never got off the ground due to a poorly worded statute. Because of these two new laws, certain patients will have access to a proven option to treat their illnesses.

“It simply is unacceptable to tell parents of kids especially that if they want to make available to their kids the medicine that is being recommended by their doctors in order to achieve some better quality of life, some reduction in pain or other symptoms, that they have to move,” Edwards said when he signed SB271.

Officials estimate it will take between 12 and 18 months to get the medical marijuana system fully up and running.

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EFFECT ON FEDERAL PROHIBITION

Louisiana's medical marijuana program removes one layer of laws prohibiting the possession and use of marijuana, but federal prohibition remains in place.

Of course, the federal government lacks any constitutional authority to ban or regulate marijuana within the borders of a state, despite the opinion of the politically connected lawyers on the Supreme Court. If you doubt this, ask yourself why it took a constitutional amendment to institute federal alcohol prohibition.

While Louisiana law does not alter federal law, it takes a step toward nullifying in effect the federal ban. FBI statistics show that law enforcement makes approximately 99 of 100 marijuana arrests under state, not federal law. By easing state prohibition, Louisiana essentially sweeps away part of the basis for 99 percent of marijuana arrests.

Furthermore, figures indicate it would take 40 percent of the DEA's yearly-budget just to investigate and raid all of the dispensaries in Los Angeles – a single city in a single state. That doesn't include the cost of prosecution. The lesson? The feds lack the resources to enforce marijuana prohibition without state assistance.

Louisiana joins a growing number of states simply ignoring federal prohibition. Colorado, Washington state and Alaska have all legalized both recreational and medical marijuana, and more than 2-dozen states now allow cannabis for medical use. With half the country legalizing marijuana, the feds find themselves in a position where they simply can't enforce prohibition any more. The feds need state cooperation to fight the "drug war," and that has rapidly evaporated in the last few years with state legalization, practically nullifying the ban.

"The lesson here is pretty straight forward. When enough people say, 'No!' to the federal government, and enough states pass laws backing those people up, there's not much the feds can do to shove their so-called laws, regulations or mandates down our throats," Tenth Amendment Center founder and executive director Michael Boldin said.

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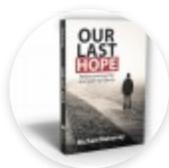
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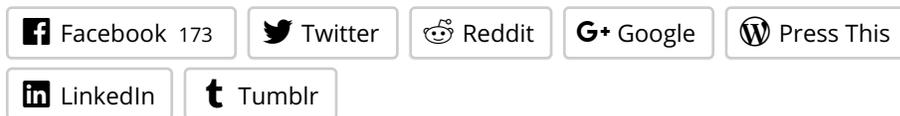
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Michael Maharrey [[send him email](#)] is the Communications Director for the Tenth Amendment Center. He proudly resides in the original home of the Principles of '98 - Kentucky. See his blog archive [here](#) and his article archive [here](#). He is the author of the book, **Our Last Hope: Rediscovering the Lost Path to Liberty**. You can visit his personal website at [MichaelMaharrey.com](#) and like him on Facebook [HERE](#)

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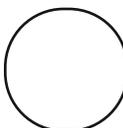
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