

Louisiana marijuana laws have changed: Here's what's new starting August 1, 2022

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Louisiana is in the midst of a marijuana evolution that began accelerating with the first dispensing of legal medical cannabis to patients in 2019. It has continued with expansions to the medical program and new reforms to the state's criminal laws.

The Legislature was particularly active with marijuana bills during its 2022 Regular Session with many of them becoming law this week.

Among the new cannabis laws enacted Aug. 1 are an expansion of approved marijuana pharmacies designed to improve access and affordability for patients, barring police from searching someone's home based only on the smell of weed and making it illegal to drive while consuming cannabis.

Paul Armentano of National Organization for the Reform of Marijuana Laws (NORML) called most of the new laws "common sense reforms providing further and sorely needed protections and freedoms for patients and others."

Here's a rundown of Louisiana's new marijuana laws:

► Act 473 (House Bill 629) by Rep. Marcus Bryant, D–New Iberia, bars law enforcement from using marijuana odor as a pretext for searching someone's home without a warrant.

Bryant said searching a home because an officer claims to smell marijuana is a violation of the Fourth Amendment preventing unreasonable searches.

"Hopefully this law will bring peace of mind to medical marijuana patients, especially our military veterans, who will now know they are safer from police intrusions into their homes," Bryant said.

Peter Robins-Brown, executive director of the left-leaning Louisiana Progress, said the new law will "protect people from being victimized by the state."

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▶ Act 651 (House Bill 988) by Rep. Mandie Landry, D-New Orleans, prevents state workers from being discriminated against based solely on a positive drug test for marijuana if they are state-registered medical marijuana patients.

▶ Act 499 (House Bill 775) by Rep. Cedric Glover, D-Shreveport, legalizes equipment or devices used for the inhalation of marijuana for state-registered medical marijuana patients.

▶ Act 438 (House bill 135) by Rep. Joe Marino, I-Gretna, authorizes the dispensing of medical marijuana to visiting patients who are currently in another state's medical marijuana program.

▶ Act 439 (House Bill 137) by Marino provides immunity from criminal prosecution to qualifying out-of-state medical cannabis patients.

▶ Act 444 (House Bill 190) by Rep. Travis Johnson, D-Vidalia, adds nurse practitioners to those medical professionals who can recommend medical cannabis use.

Republican House Health and Welfare Committee Chair Larry Bagley of Stonewall praised Johnson's bill, saying, "We have no doctors in DeSoto Parish. We see nurse practitioners."

▶ Act 478 (House Bill 234) by Rep. Laurie Schlegel, R-Metairie, makes it illegal for a driver or passengers in a motor vehicle to smoke or vape any form of marijuana. Violators are subject to a \$100 fine, but police may only "enforce the provisions of this section as a secondary action when the law enforcement officer detains a driver for another violation."

▶ Act 491 (House Bill 697) by Republican Speaker Pro Tem Tanner Magee of Houma keeps the current number of medical marijuana pharmacists, but allows them to open satellite dispensaries within their regions when their patient count hits certain thresholds.

"This program has finally taken off," Magee said. "I'm just trying to work with all the stakeholders to increase access."

The number of medical marijuana patients increased 62% from 18,000 to 29,000 in the first quarter of this year when the raw, smokable product was added as an option for patients.

Magee's bill also shifts regulation of the state's medical marijuana program from the Louisiana Department of Agriculture to the Louisiana Department of Health, a change advocated by the industry.

It also adds the University of Louisiana Monroe to the institutions allowed to conduct research on the medicine's benefits.

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