



Jeff Landry
Governor

State of Louisiana
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August 27, 2026

Cade Brumley
Superintendent
Department of Education
1201 North Third Street
Baton Rouge, LA 70802

RE: Act 305 of the 2026 Regular Session; new criminal penalties for marijuana on and near elementary and secondary school campuses, effective August 1, 2026

Dear Superintendent Brumley:

Act 305 of the 2026 Regular Session took effect on August 1, 2026. It raised the penalty for possessing or using marijuana on or near a school campus from a fine to a term of imprisonment. I am asking you to communicate that change to Louisiana's public schools grades now, at the start of the school year, and to request that these schools post the enclosed flyer where students will see it.

What Changed

Act 305 amended La. R.S. 40:981.3, Louisiana's drug free zone statute, and enacted a new Subsection E. A person who violates that Section by an act that also violates La. R.S. 40:966(C)(2), the marijuana possession statute, "shall be punished by imprisonment, with or without hard labor, for not more than one year and may, in addition, be required to pay a fine of not more than one thousand dollars."

Subsection A of that statute reaches any violation of the Uniform Controlled Dangerous Substances Law committed on property used for school purposes, within two thousand feet of that property, or on a school bus. Act 305 also enacted Paragraph (A)(4), which extends the statute to a person who commits such a violation "while smoking, vaping, or otherwise abusing such controlled dangerous substance" in those same locations. On school campuses it includes a student using a THC vape pen in a restroom, in a parking lot, or on a bus.

Prior law treated the same conduct as a fine-only offense. Under La. R.S. 40:966(C)(2)(a)(i), a person who possessed fourteen grams or less of marijuana was fined not more than one hundred dollars, and that provision is enforced by summons rather than custodial arrest. On or near a campus, that conduct now carries up to one year of imprisonment and a fine of up to one thousand dollars. Because the sentence may be imposed at hard labor, the offense falls within the definition of a felony in R.S. 14:2(4).

The zone extends two thousand feet past the property line, so it covers streets, sidewalks, bus stops, parks, and places that students do not think of as school property.

La. R.S. 40:981.3(B) provides that “[l]ack of knowledge that the prohibited act occurred on or within two thousand feet of school or drug treatment facility property shall not be a defense.”

The criminal penalty and discipline obligations are set by different statutes, and for marijuana they no longer line up. Louisiana Revised Statute 17:416(C)(2)(a)(i) requires that a student in grades six through twelve found guilty of possessing a controlled substance on school property, on a school bus, or at a school-sponsored event be expelled for a minimum of two complete school semesters and be referred to the district attorney. Item (ii) of that Subparagraph carves marijuana out of that requirement. A student found guilty of possessing “marijuana, tetrahydrocannabinol, or any chemical derivative thereof shall not be subject to the provisions of Item (i) of this Subparagraph unless it is the second or subsequent occurrence.” On a first occurrence, Subparagraph (b) provides that the student “may be recommended for expulsion,” which leaves the decision with the school system.

A first marijuana offense can now support a felony-level criminal charge while school discipline remains discretionary. Please make sure your principals and expulsion hearing officers understand which track they are on, and that a decision not to recommend expulsion does not resolve or reduce the criminal exposure.

What I am asking of you

Tell state school systems and schools directly what the law now says. A policy handbook will not reach them. Announcements, advisory periods, assemblies, and messages to parents will. Please request that the schools send the message to families as well, because the consequence now falls on the student and the household together.

Post the enclosed flyer where students gather, including hallways, cafeterias, gymnasiums, locker rooms, and athletic facilities. You may reproduce and distribute it without restriction, and you may add your own institutional contact information.

The people who will handle these types of incidents should be briefed. Principals, assistant principals, school resource officers, bus operators, and athletic staff should understand the new penalty before they encounter it, because an arrest for conduct that was a citable offense last spring now exposes a student to a felony sentence.

Thank you for moving quickly on this matter.

For Louisiana,

A handwritten signature in black ink, appearing to read "Jeff Landry", with a stylized, flowing script.

Jeff Landry
Governor

Enclosure: Marijuana at School Is a Crime (posting flyer)