

2021 Regular Session

SENATE BILL NO. 107

BY SENATORS BOUDREAUX, BARROW AND MIZELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROL DANGER SUBSTANCE. Provides relative to the composition of the controlled dangerous substances schedules. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:961(27)(b)(iii) and to enact R.S. 40:962(I), relative to the
3 controlled dangerous substances schedules; to provide for definitions; to provide for
4 the removal of a substance from the controlled dangerous substances schedules; to
5 provide for rulemaking authority; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:961(27)(b)(iii) is hereby amended and reenacted and R.S.
9 40:962(I) is hereby enacted to read as follows:

10 §961. Definitions

11 As used in this Part, the following terms shall have the meaning ascribed to
12 them in this Section unless the context clearly indicates otherwise:

13 * * *

14 (27) * * *

15 (b) "Marijuana" shall not include the following:

16 * * *

17 (iii) ~~Cannabidiol~~ **Cannabinoids** when contained in a drug product approved

1 by the United States Food and Drug Administration.

2 * * *

3 §962. Authority to control

4 * * *

5 **I. The secretary may by rule delete any drug or other substance from**
6 **the schedules provided in R.S. 40:964 if the drug or other substance is no longer**
7 **classified as a controlled dangerous substance by the United States Drug**
8 **Enforcement Administration.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

SB 107 Engrossed DIGEST 2021 Regular Session Boudreaux

Present law provides for the scheduling of all controlled dangerous substances.

Present law defines "marijuana" as all parts of plants of the genus Cannabis, whether growing or not, the seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin but provides that marijuana shall not include cannabidiol when contained in a drug product approved by the United States Food and Drug Administration (FDA). Proposed law expands the exception for FDA-approved products to those containing any cannabinoids.

Present law provides that the secretary of the La. Dept. of Health shall add a substance to the schedules as a controlled dangerous substance if it is classified as a controlled dangerous substance by the U.S. Drug Enforcement Administration (DEA) or found to have a high potential for abuse. Present law further provides that the secretary may transfer a controlled substance from one schedule to another schedule upon the basis of a finding that the characteristics of the controlled substance are such that under the criteria in present law the controlled substances should be transferred or that a transfer of any substance should be made in order to conform with the schedule in which the drug is placed by the DEA. Proposed law adds authority for the secretary to delete any drug or other substance from the schedules provided in present law if the drug or other substance is no longer classified as a controlled dangerous substance by the DEA.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:961(27)(b)(iii); adds R.S. 40:962(I))