
The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

SB 315 Reengrossed

DIGEST
2022 Regular Session

Womack

Present law provides that it is illegal to produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense, fentanyl or a fentanyl analogue. Present law further provides that a person who violates present law is to be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law retains present law and provides for enhanced penalties if an individual knowingly misrepresented or knowingly marketed a mixture or substance containing fentanyl, a fentanyl analogue, carfentanil, or a carfentanil analogue as another substance.

Present law provides that it is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug paraphernalia. Present law defines "drug paraphernalia".

Proposed law retains present law but provides that drug paraphernalia does not include rapid fentanyl test strips or any testing equipment that tests for fentanyl or its analogue.

Present law provides for a crime of violence and lists offenses included as a crime of violence.

Proposed law retains present law and adds the distribution of fentanyl or carfentanil to the offenses included as a crime of violence.

Effective August 1, 2022.

(Amends R.S. 40:967(B)(4); adds R.S. 14:2(B)(8) and R.S. 40:967(F) and 1024.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Name proposed law relative to knowing misrepresentation "Millie's Law".
2. Add exception for rapid fentanyl test strips to proposed law.
3. Change the additional penalty for an individual who knowingly misrepresents or knowingly markets a mixture of substance containing fentanyl from three years to five years.

4. Increase the maximum possible penalty from three years to five years.

Senate Floor Amendments to engrossed bill

1. Adds distribution and dispensing fentanyl or carfentanil or mixtures thereof as crime of violence with enhanced penalties.
2. Makes technical corrections.
3. Clarifies the enhanced penalties for knowingly misrepresents or knowingly markets a mixture of substance containing fentanyl.
4. Adds the distribution of fentanyl or carfentanil to the list of offenses designated as a crime of violence.