

2018 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVE MARINO

DRUGS: Reduces criminal penalties for certain offenses involving legend drugs

1 AN ACT

2 To amend and reenact R.S. 40:1060.13 and 1060.15(B), relative to criminal offenses
3 involving legend drugs; to reduce criminal penalties for certain offenses involving
4 legend drugs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1060.13 and 1060.15(B) are hereby amended and reenacted to
7 read as follows:

8 §1060.13. Sale, distribution, or possession of legend drug without prescription or
9 order prohibited; exceptions; penalties

10 A. It shall be unlawful for any person to sell, deliver, or possess any legend
11 drug except upon the order or prescription of a physician or licensed health care
12 practitioner as defined in R.S. 40:961(31). This Section shall not apply to sale,
13 delivery, or possession by drug wholesalers or drug manufacturers, or their agents
14 or employees, or to any practitioner acting within the scope of his license, or to a
15 common or contract carrier or warehouseman, or any employee thereof, whose
16 possession of any legend drug is in the usual course of business or employment.

17 ~~C.B.~~ Any person who violates the provisions of this Section shall be
18 ~~imprisoned, with or without hard labor, for not more than five years and may be~~
19 ~~sentenced to pay a fine of not more than five thousand dollars~~ fined not more than
20 five hundred dollars, imprisoned for not more than six months, or both.

21 * * *

1 §1060.15. Obtaining legend drugs by misrepresentation or fraud; penalties

2 * * *

3 B. Any person who violates the provisions of this Section shall be
4 ~~imprisoned, with or without hard labor, for not more than five years and may be~~
5 ~~sentenced to pay a fine of not more than five thousand dollars~~ fined not more than
6 five hundred dollars, imprisoned for not more than six months, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 224 Original

2018 Regular Session

Marino

Abstract: Reduces criminal penalties for certain offenses involving drugs which are not controlled substances but require a prescription (legend drugs).

Present law defines a "legend drug" as any drug bearing a label required by the FDA which states: "Caution: Federal law prohibits dispensing without prescription."

Present law provides that it shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician or licensed health care practitioner.

Present law provides that it shall be unlawful for any person knowingly or intentionally to acquire or obtain possession of a legend drug by misrepresentation, fraud, forgery, deception or subterfuge.

Proposed law retains these present law crimes.

Present law provides penalties for the commission of these offenses including imprisonment, with or without hard labor, for not more than five years and a fine of not more than \$5,000.

Proposed law reduces these penalty provisions to include imprisonment for not more than six months, a fine of not more than \$500, or both.

(Amends R.S. 40:1060.13 and 1060.15(B))