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HOUSE FLOOR AMENDMENTS

2023 Regular Session

Amendments proposed by Representative Marcelle to Engrossed House Bill No. 90 by Representative Stefanski

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" and before "relative to" change "R.S. 40:967(B)(4)(a) and
3 (E)(1)," to "R.S. 40:967(B)(4)(a) and (b)(i) and (C)(4)(introductory paragraph),"

4 AMENDMENT NO. 2

5 On page 1, line 6, after "more;" delete the remainder of the line and at the beginning of line
6 7, delete "probation;" and insert the following:

7 "to provide relative to fentanyl or fentanyl base or carfentanil or carfentanil base;"

8 AMENDMENT NO. 3

9 On page 1, line 9, change "R.S. 40:967(B)(4)(a) and (E)(1)" to "R.S. 40:967(B)(4)(a) and
10 (b)(i) and (C)(4)(introductory paragraph)"

11 AMENDMENT NO. 4

12 On page 1, line 16, after "(4)(a)" delete the remainder of the line and delete lines 17 and 18
13 in their entirety and insert the following:

14 "Fentanyl or fentanyl base or a mixture or substance containing a ~~detectable amount~~
15 ~~of~~ fentanyl or its analogues, or carfentanil or carfentanil base or a mixture or
16 substance containing a ~~detectable amount~~ of carfentanil or its analogues, upon
17 conviction for any an amount;"

18 AMENDMENT NO. 5

19 On page 2, at the end of line 4, delete "sentenced", delete line 5 in its entirety, and on line
20 6, delete "of sentence," and insert the following:

21 "imprisoned at hard labor for not less than five years nor more than fifty years"

22 AMENDMENT NO. 6

23 On page 2, between lines 7 and 8 insert the following:

24 "(b)(i) If the offender unlawfully distributes or dispenses fentanyl or fentanyl
25 base or a mixture or substance containing a ~~detectable amount~~ of fentanyl or its
26 analogues, or carfentanil or carfentanil base or a mixture or substance containing a
27 ~~detectable amount~~ of carfentanil or its analogues, which is the direct cause of serious
28 bodily injury to the person who ingested or consumed the substance, the offense shall
29 be classified as a crime of violence, and the offender shall be imprisoned at hard
30 labor for not less than five years nor more than forty years. At least five years of the
31 sentence of imprisonment shall be imposed without benefit of probation, parole, or

1 suspension of sentence. In addition, the offender may be required to pay a fine of not
2 more than fifty thousand dollars."

3 AMENDMENT NO. 7

4 On page 2, delete lines 9 through 19 in their entirety and insert the following:

5 "C. Possession. It is unlawful for any person knowingly or intentionally to
6 possess a controlled dangerous substance as classified in Schedule II unless such
7 substance was obtained directly or pursuant to a valid prescription or order from a
8 practitioner, as provided in R.S. 40:978 while acting in the course of his professional
9 practice, or except as otherwise authorized by this Part. Any person who violates
10 this Subsection with respect to:

11 * * *

12 (4) Fentanyl or fentanyl base or a mixture or substance containing a
13 ~~detectable amount of~~ fentanyl or its analogues, or carfentanil or carfentanil base or
14 a mixture or substance containing a ~~detectable amount of~~ carfentanil or its analogues,
15 upon conviction for an amount of:"