

ACT No. 19

HOUSE BILL NO. 8

BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BACALA, BAGLEY, BAYHAM, BILLINGS, BOYER, BRAUD, BUTLER, CARLSON, ROBBY CARTER, CHENEVERT, COATES, COX, DAVIS, DEVILLIER, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FONTENOT, GADBERRY, HORTON, ILLG, MIKE JOHNSON, JACOB LANDRY, MCMAKIN, MYERS, OWEN, RISER, SCHAMERHORN, SELDERS, THOMPSON, VENTRELLA, VILLIO, WILDER, WILEY, AND WYBLE AND SENATORS MORRIS AND SEABAUGH

1 AN ACT

2 To enact R.S. 40:967.1, relative to controlled dangerous substances; to provide for the
3 unlawful distribution of fentanyl under certain circumstances; to provide for a
4 penalty; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:967.1 is hereby enacted to read as follows:

7 §967.1. Prohibited acts--Schedule II; distribution of fentanyl with certain
8 characteristics

9 A. Any person who violates the provisions of R.S. 40:967(A) in a manner
10 where there is reasonable appeal to a minor due to the shape, color, taste, or design
11 of the fentanyl or the fentanyl's packaging shall be imprisoned at hard labor for not
12 less than twenty-five years nor more than ninety-nine years without benefit of
13 probation, parole, or suspension of sentence.

14 B. For the purposes of this Section, the following definitions shall apply:

15 (1) "Fentanyl" shall mean a substance or mixture containing a detectable
16 amount of fentanyl or its analogues, or carfentanil or a mixture or substance
17 containing a detectable amount of carfentanil or its analogues.

1 (2) "Reasonable appeal" shall mean a design of the fentanyl or the fentanyl's
2 packaging, including but not to limited to a resemblance of any of the following:

3 (a) A noncontrolled substance that is primarily consumed by and marketed
4 to minors.

5 (b) The shape of an animal, vehicle, person, or character.

6 (c) Food or beverage that is attractive to minors and that is commonly sold
7 in retail establishments, regardless of whether the food or beverage is generic,
8 trademarked, or a branded product.

9 (d) Candy.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____