

Regular Session, 2014

HOUSE BILL NO. 514

BY REPRESENTATIVE HENRY

CONTROLLED SUBSTANCES: Restricts the sale of dextromethorphan

1 AN ACT

2 To enact R.S. 40:962.1.2, relative to nonprescription products containing dextromethorphan;  
3 to prohibit the selling, purchasing, or attempting to purchase products containing  
4 dextromethorphan by minors; to provide for criminal penalties; to provide for  
5 preemption of local ordinances regulating the same matters; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:962.1.2 is hereby enacted to read as follows:

9 §962.1.2. Restriction on the sale and purchase of nonprescription products  
10 containing dextromethorphan, its salts or optical isomers, and salts of optical  
11 isomers

12 A.(1) It shall be unlawful to sell a nonprescription material, compound,  
13 mixture, or preparation containing any detectable quantity of dextromethorphan, its  
14 salts or optical isomers, or salts of optical isomers to any person under the age of  
15 eighteen.

16 (2) It shall be unlawful for any person under the age of eighteen to purchase  
17 or attempt to purchase a nonprescription material, compound, mixture, or preparation  
18 containing any detectable quantity of dextromethorphan, its salts or optical isomers,  
19 or salts of optical isomers.

20 B.(1) A nonprescription material, compound, mixture, or preparation  
21 containing any detectable quantity of dextromethorphan, its salts or optical isomers,  
22 or salts of optical isomers shall not be sold unless the purchaser submits a valid,  
23 current form of photo identification issued by the state of Louisiana, another state,

1 or the government of the United States, including but not limited to a driver's license,  
2 military identification card, state identification card, or passport.

3 (2) Each form of identification shall on its face establish the age of the  
4 person as eighteen years or older, and there must be no reason to doubt the  
5 authenticity or correctness of the identification. No form of identification shall be  
6 accepted as proof of age if it is expired, defaced, mutilated, or altered. If the state  
7 identification card or lawful identification submitted is a duplicate, the person shall  
8 submit additional information which contains the name, date of birth, and  
9 photograph of the person.

10 C. The provisions of this Section shall not apply to a compound, mixture, or  
11 preparation containing any detectable quantity of dextromethorphan which is  
12 dispensed pursuant to a valid prescription from a licensed practitioner with  
13 prescriptive authority.

14 D.(1) A person who violates the provisions of this Section by selling a  
15 nonprescription compound, mixture, or preparation containing any detectable  
16 quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers  
17 shall be fined not more than fifty dollars for the first violation. The penalties for  
18 subsequent violations shall include a fine of not more than one hundred dollars for  
19 the second violation and a fine of not more than one hundred fifty dollars for the  
20 third and any subsequent violation.

21 (2) A person who violates the provisions of this Section by purchasing or  
22 attempting to purchase a nonprescription compound, mixture, or preparation  
23 containing any detectable quantity of dextromethorphan, its salts or optical isomers,  
24 or salts of optical isomers shall be fined not more than fifty dollars for a first  
25 violation and not more than two hundred dollars for a second or subsequent  
26 violation.

27 E. The legislature hereby recognizes the need for uniformity in the sales of  
28 nonprescription compounds, mixtures, or preparations containing any detectable  
29 quantity of dextromethorphan, its salts or optical isomers, and salts of optical

1        isomers. Therefore, the provisions of this Section shall supersede and preempt any  
 2        rule, regulation, code, statute, or ordinance of any political subdivision or other unit  
 3        of local government that attempts to regulate the sale or purchase of nonprescription  
 4        compounds, mixtures, or preparations containing any detectable quantity of  
 5        dextromethorphan, its salts or optical isomers, and salts of optical isomers.

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#### 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)]

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Henry

HB No. 514

**Abstract:** Prohibits the sale and purchase of compounds containing dextromethorphan by minors.

Proposed law prohibits the sale, purchase, or attempt to purchase products containing dextromethorphan by minors.

Proposed law provides penalties for selling a product containing dextromethorphan as follows:

- (1) First offense - a fine of not more than \$50.
- (2) Second offense - a fine of not more than \$100.
- (3) Third offense and any subsequent offense - a fine of not more than \$150.

Provides that whoever violates proposed law by purchasing or attempting to purchase nonprescription products containing dextromethorphan, its salts or optical isomers, or salts of optical isomers shall be fined not more than \$50 for a first violation and not more than \$200 for a second or subsequent violation.

Provides that proposed law preempts any local ordinances regulating the sales of products containing dextromethorphan.

(Adds R.S. 40:962.1.2)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Reduced fine amounts.