

SENATE BILL NO. 70

BY SENATOR DONAHUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 40:639 and to enact R.S. 40:971.3, relative to controlled dangerous substances; to make the misbranding or adulteration of drugs with the intent to defraud or mislead a felony offense; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:639 is hereby amended and reenacted and R.S. 40:971.3 is hereby enacted to read as follows:

§639. Penalties

~~Whoever~~ **Except as provided in R.S. 40:971.3, whoever** violates any provision of this Part shall be fined, for the first offense, not more than one thousand dollars or imprisoned for not more than one year, or both. For the second or subsequent offense, he shall be fined not more than three thousand dollars or imprisoned for not more than two years, or both. But any person who violates the provisions of ~~Subsection C of~~ R.S. 40:625**(C)** shall only be fined not more than one thousand dollars for each violation if the violation does not involve gross deception or imminent danger to health, and is established by opinion evidence only.

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**§971.3. Misbranding or adulteration of drugs with intent to defraud or mislead**

**Any person who violates the provisions of R.S. 40:617 or R.S. 40:636 with respect to any drug, as defined in R.S. 40:602, and with the intent to**

1            defraud or mislead shall be imprisoned, with or without hard labor, for not  
2            more than five years, or fined not more than ten thousand dollars, or both.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_