

2019 Regular Session

HOUSE BILL NO. 452

BY REPRESENTATIVE TURNER

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

CONTROLLED SUBSTANCES: Provides relative to the Uniform Controlled Dangerous Substances Law

1 AN ACT

2 To enact R.S. 40:964(Schedule I)(G), (Schedule II)(G), (Schedule III)(H), (Schedule IV)(F),

3 and (Schedule V)(G) and to repeal R.S. 40:989.3, relative to the Uniform Controlled

4 Dangerous Substances Law; to add certain substances to the Uniform Controlled

5 Dangerous Substances Law; to repeal the crime of unlawful distribution of products

6 containing *Mitragyna speciosa* to a minor; to provide for special effective dates; and

7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:964(Schedule I)(G) is hereby enacted to read as follows: hereby

10 enacted to read as follows:

11 §964. Composition of schedules

12 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.

13 40:962, consist of the following drugs or other substances, by whatever official

14 name, common or usual name, chemical name, or brand name designated:

15 SCHEDULE I

16 \* \* \*

17 G. Miscellaneous. Unless specifically excepted or contained within a

18 pharmaceutical product approved by the United States Food and Drug

19 Administration, or unless listed in another schedule, any material, compound,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 mixture, or preparation which contains any quantity of the following substances  
2 including its salts, isomers, or salts of isomers, whenever the existence of such salts,  
3 isomers, or salts of isomers is possible within the specific chemical designation:

- 4 (1) Mitragynine
- 5 (2) 7-Hydroxy-mitragynine

6 \* \* \*

7 Section 2. R.S. 40:964(Schedule II)(G) is hereby enacted to read as follows:

8 §964. Composition of schedules

9 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
10 40:962, consist of the following drugs or other substances, by whatever official  
11 name, common or usual name, chemical name, or brand name designated:

12 \* \* \*

13 SCHEDULE II

14 \* \* \*

15 G. Miscellaneous. Unless specifically excepted or contained within a  
16 pharmaceutical product approved by the United States Food and Drug  
17 Administration, or unless listed in another schedule, any material, compound,  
18 mixture, or preparation which contains any quantity of the following substances  
19 including its salts, isomers, or salts of isomers, whenever the existence of such salts,  
20 isomers, or salts of isomers is possible within the specific chemical designation:

- 21 (1) Mitragynine
- 22 (2) 7-Hydroxy-mitragynine

23 \* \* \*

24 Section 3. R.S. 40:964(Schedule III)(H) is hereby enacted to read as follows:

25 §964. Composition of schedules

26 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
27 40:962, consist of the following drugs or other substances, by whatever official  
28 name, common or usual name, chemical name, or brand name designated:

29 \* \* \*

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SCHEDULE III

\* \* \*

H. Miscellaneous. Unless specifically excepted or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation:

- (1) Mitragynine
- (2) 7-Hydroxy-mitragynine

\* \* \*

Section 4. R.S. 40:964(Schedule IV)(F) is hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

\* \* \*

SCHEDULE IV

\* \* \*

F. Miscellaneous. Unless specifically excepted or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation:

- (1) Mitragynine
- (2) 7-Hydroxy-mitragynine

\* \* \*

1 Section 5. R.S. 40:964(Schedule V)(G) is hereby enacted to read as follows:

2 §964. Composition of schedules

3 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
4 40:962, consist of the following drugs or other substances, by whatever official  
5 name, common or usual name, chemical name, or brand name designated:

6 \* \* \*

7 SCHEDULE V

8 \* \* \*

9 G. Miscellaneous. Unless specifically excepted or contained within a  
10 pharmaceutical product approved by the United States Food and Drug  
11 Administration, or unless listed in another schedule, any material, compound,  
12 mixture, or preparation which contains any quantity of the following substances  
13 including its salts, isomers, or salts of isomers, whenever the existence of such salts,  
14 isomers, or salts of isomers is possible within the specific chemical designation:

15 (1) Mitragynine

16 (2) 7-Hydroxy-mitragynine

17 Section 6. R.S. 40:989.3 is hereby repealed in its entirety.

18 Section 7.(A) The provisions of Section 1 of this Act shall become effective if and  
19 when the Drug Enforcement Administration of the United States classifies Mitragynine as  
20 a Schedule I Controlled Dangerous Substance.

21 (B) The provisions of Section 2 of this Act shall become effective if and when the  
22 Drug Enforcement Administration of the United States classifies Mitragynine as a Schedule  
23 II Controlled Dangerous Substance.

24 (C) The provisions of Section 3 of this Act shall become effective if and when the  
25 Drug Enforcement Administration of the United States classifies Mitragynine as a Schedule  
26 III Controlled Dangerous Substance.

27 (D) The provisions of Section 4 of this Act shall become effective if and when the  
28 Drug Enforcement Administration of the United States classifies Mitragynine as a Schedule  
29 IV Controlled Dangerous Substance.

1 (E) The provisions of Section 5 of this Act shall become effective if and when the  
2 Drug Enforcement Administration of the United States classifies Mitragynine as a Schedule  
3 V Controlled Dangerous Substance.

4 Section 8. The provisions of Section 6 of this Act shall become effective if and when  
5 Section 1, 2, 3, 4, or 5 of this Act becomes effective.

6 Section 9. The provisions of this Section and Sections 7 and 8 of this Act shall  
7 become effective August 1, 2019.

### 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 452 Engrossed

2019 Regular Session

Turner

**Abstract:** Adds certain substances to the Uniform Controlled Dangerous Substances Law.

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law adds two substances (including mitragynine) to the Uniform Controlled Dangerous Substances Law, the schedule to which the substances will be added is dependent upon the classification of the substances as a controlled dangerous substance by the Drug Enforcement Administration of the U.S.

Present law provides for the crime of unlawful distribution of products containing *Mitragyna speciosa* to a minor.

Proposed law repeals this provision of present law.

(Adds R.S. 40:964(Schedule I)(G), (Schedule II)(G), (Schedule III)(H), (Schedule IV)(F) and (Schedule V)(G); Repeals R.S. 40:989.3)

#### Summary of Amendments Adopted by House

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

1. Add two substances to the Uniform Controlled Dangerous Substances Law, the schedule to which the substances will be added is dependent upon the classification of the substances as a controlled dangerous substance by the Drug Enforcement Administration of the U.S.