

2022 Regular Session

HOUSE BILL NO. 1028

BY REPRESENTATIVE GLOVER

CONTROLLED SUBSTANCES: Provides relative to penalties for possession or use of marijuana drug paraphernalia

1 AN ACT

2 To amend and reenact R.S. 40:1025(A)(1), (B), (C), and (D) and to enact R.S. 40:1025(E),
3 relative to penalties for transactions in drug related objects; to reduce the penalty for
4 possession or use of marijuana drug paraphernalia; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1025(A)(1), (B), (C), and (D) are hereby amended and reenacted
7 and R.S. 40:1025(E) is hereby enacted to read as follows:

8 §1025. Penalties

9 A.(1) ~~The~~ Except as provided in Subsection E of this Section, the first
10 violation of or failure to comply with any provision of this Part shall subject the
11 offender to a fine not in excess of three hundred dollars, or imprisonment of not more
12 than fifteen days, or both.

13 * * *

14 B. On a second conviction, except as provided in Subsection E of this
15 Section, the offender shall be fined not more than one thousand dollars, or
16 imprisoned for not more than six months, or both.

17 C. On a third or subsequent conviction, except as provided in Subsection E
18 of this Section, the offender shall be fined not more than two thousand five hundred
19 dollars, or imprisoned, with or without hard labor, for not more than two years, or
20 both.

1 D. If the second or subsequent conviction is by any person licensed under
 2 the occupational license tax law, as provided in R.S. 47:341 et seq., or by such
 3 person's manager, agent, servant, or employee, then such person shall forfeit the right
 4 to any permit issued thereunder and such permit may be suspended or revoked. The
 5 provisions of this Subsection shall not apply to drug paraphernalia intended for or
 6 used solely for marijuana.

7 E. On a first conviction or any subsequent conviction for a violation of the
 8 provisions of this Part involving the use or possession of drug paraphernalia intended
 9 for the use of marijuana or used to store, contain, or package marijuana, or to ingest
 10 or inhale marijuana, the offender shall be fined not more than fifty dollars.

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 1028 Original

2022 Regular Session

Glover

Abstract: Reduces the penalty for possession or use of marijuana drug paraphernalia.

Present law provides for penalties for violations of law regarding the possession, sale, and use of drug paraphernalia.

Proposed law provides that on a first or subsequent conviction for a violation regarding the use or possession of drug paraphernalia for the use of marijuana or when used to store, contain, or package marijuana, or to ingest or inhale marijuana, the offender shall be fined not more than \$50.

(Amends R.S. 40:1025(A)(1), (B), (C), and (D); Adds R.S. 40:1025(E))