The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Whitney Kauffeld.

DIGEST

SB 315 Engrossed   2022 Regular Session   Womack

Present law provides that it is illegal to produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense, fentanyl or a fentanyl analogue. Present law further provides that a person who violates present law is to be imprisoned at hard labor for not less than 5 years nor more than 40 years and may, in addition, be required to pay a fine of not more than $50,000.

Proposed law retains present law and provides for enhanced penalties if an individual knowingly misrepresented or knowingly marketed a mixture or substance containing fentanyl or a fentanyl analogue as another substance.

Present law provides that it is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug paraphernalia. Present law defines "drug paraphernalia".

Proposed law retains present law but provides that drug paraphernalia does not include rapid fentanyl test strips or any testing equipment that tests for fentanyl or its analogue.

Effective August 1, 2022.

(Amends R.S. 40:967(B)(4); adds R.S. 40:967(F) and 1024.1)

Summary of Amendments Adopted by Senate

    Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1.   Name proposed law relative to knowing misrepresentation "Millie's Law".

2.   Add exception for rapid fentanyl test strips to proposed law.

3.   Change the additional penalty for an individual who knowingly misrepresents or knowingly markets a mixture of substance containing fentanyl from three years to five years.

4.   Increase the maximum possible penalty from three years to five years.