

2023 Regular Session

HOUSE BILL NO. 90

BY REPRESENTATIVE STEFANSKI

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

DRUGS/CONTROLLED: Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil

1 AN ACT

2 To amend and reenact R.S. 40:967(B)(4)(a) and (E)(1), relative to the Uniform Controlled  
3 Dangerous Substances Law; to provide relative to penalties for fentanyl or  
4 carfentanil; to provide for penalties for an aggregate weight of less than twenty-eight  
5 grams; to provide for penalties for an aggregate weight of twenty-eight grams or  
6 more; to provide relative to treatment for fentanyl or carfentanil as a condition of  
7 probation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:967(B)(4)(a) and (E)(1) are hereby amended and reenacted to read  
10 as follows:

11 §967. Prohibited acts - Schedule II; penalties

12 \* \* \*

13 B. Violations of Subsection A. Any person who violates Subsection A of  
14 this Section with respect to:

15 \* \* \*

16 (4)(a) Fentanyl or a mixture or substance containing a detectable amount of  
17 fentanyl or its analogues, or carfentanil or a mixture or substance containing a  
18 detectable amount of carfentanil or its analogues, upon conviction for ~~any~~ an amount;  
19 of:



Proposed law provides that upon conviction of present law for an aggregate weight of less than 28 grams, the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law further provides that upon conviction of an aggregate weight of 28 grams or more, the offender shall be sentenced to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law authorizes the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute fentanyl or carfentanil or possession of fentanyl or carfentanil.

Proposed law retains present law for possession with intent to distribute fentanyl or carfentanil of an aggregate weight of less than 28 grams, distribution which causes serious bodily injury, and possession of fentanyl or carfentanil.

(Amends R.S. 40:967(B)(4)(a) and (E)(1))