

2023 Regular Session

HOUSE BILL NO. 645 (Substitute for House Bill No. 106 by Representative Dustin Miller)

BY REPRESENTATIVES DUSTIN MILLER AND WHEAT

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

CONTROLLED SUBSTANCES: Creates the crime of unlawful production, manufacturing, distribution, or possession of Xylazine

1 AN ACT

2 To enact R.S. 40:989.4, relative to the Uniform Controlled Dangerous Substances Law; to  
3 create the crime of unlawful production, manufacturing, distribution, or possession  
4 of Xylazine; to provide relative to criminal penalties; to provide relative to  
5 exceptions; to provide for a definition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:989.4 is hereby enacted to read as follows:

8 §989.4. Unlawful production, manufacturing, distribution, or possession of Xylazine

9 A.(1) It shall be unlawful for any person to knowingly or intentionally  
10 produce, manufacture, distribute, or possess with intent to produce, manufacture, or  
11 distribute Xylazine.

12 (2) Whoever violates the provisions of this Subsection shall be imprisoned,  
13 with or without hard labor, for not less than one year nor more than ten years and,  
14 in addition, may be required to pay a fine of not more than fifteen thousand dollars.

15 B.(1) It shall be unlawful for any person to knowingly or intentionally  
16 possess Xylazine.

17 (2) Whoever violates the provisions of this Subsection shall be imprisoned  
18 for not more than six months and, in addition, may be required to pay a fine of not  
19 more than five hundred dollars.

20 C. The provisions of this Section shall not apply to the following:

1           (a) The production, manufacturing, distribution, or possession of Xylazine  
2           in the course of a legitimate veterinary practice.

3           (b) The production, manufacturing, distribution, or possession of a Xylazine  
4           bulk chemical for pharmaceutical compounding by a licensed pharmacist or  
5           veterinarian.

6           (c) The possession of Xylazine pursuant to a valid prescription from a  
7           licensed veterinarian.

8           D. As used in this Section, "Xylazine" means Xylazine and any salt, sulfate,  
9           isomer, homologue, analogue, or other preparation of Xylazine, and any salt, isomer,  
10          compound, derivative, precursor, homologue, analogue, or other preparation thereof  
11          that is substantially chemically equivalent or identical to Xylazine.

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 645 Reengrossed

2023 Regular Session

Dustin Miller

**Abstract:** Creates the crime of unlawful production, manufacturing, distribution, or possession of Xylazine.

Proposed law provides that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute Xylazine.

Proposed law provides that whoever violates proposed law shall be imprisoned, with or without hard labor, for not less than one year nor more than 10 years and, in addition, may be required to pay a fine of not more than \$15,000.

Proposed law provides that it is unlawful for any person to knowingly or intentionally possess Xylazine.

Proposed law provides that whoever violates proposed law shall be imprisoned for not more than six months and, in addition, may be required to pay a fine of not more than \$500.

Provides that the proposed law crime of unlawful production, manufacturing, distribution, or possession of Xylazine shall not apply to the following:

- (1) The production, manufacturing, distribution, or possession of Xylazine in the course of a legitimate veterinary practice.
- (2) The production, manufacturing, distribution, or possession of a Xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian.

- (3) The possession of Xylazine pursuant to a valid prescription from a licensed veterinarian.

Proposed law defines "Xylazine" as Xylazine and any salt, sulfate, isomer, homologue, analogue, or other preparation of Xylazine, and any salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof that is substantially chemically equivalent or identical to Xylazine.

(Adds R.S. 40:989.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add the production, manufacturing, distribution, or possession of a Xylazine bulk chemical for pharmaceutical compounding by licensed pharmacists or veterinarians to the proposed law exceptions to which the proposed law crime does not apply.