

2024 Second Extraordinary Session

HOUSE BILL NO. 8

BY REPRESENTATIVES SCHLEGEL, BACALA, COX, HORTON, AND MIKE JOHNSON AND SENATOR MORRIS

CONTROLLED SUBSTANCES: Provides relative to distribution of fentanyl to minors (Item #24)

1 AN ACT

2 To enact R.S. 40:967.1, relative to controlled dangerous substances; to provide for the  
3 unlawful distribution of fentanyl to minors; to provide for a penalty; to provide for  
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:967.1 is hereby enacted to read as follows:

7 §967.1. Prohibited acts--Schedule II; distribution to minors

8 A. Any person who violates the provisions of R.S. 40:967(A) in a manner  
9 where there is reasonable appeal to a minor due to the shape, color, taste, or design  
10 of the fentanyl or the fentanyl's packaging shall be imprisoned at hard labor for not  
11 less than twenty-five years nor more than ninety-nine years without benefit of  
12 probation, parole, or suspension of sentence.

13 B. For the purposes of this Section, the following definitions shall apply:

14 (1) "Fentanyl" shall mean a substance or mixture containing a detectable  
15 amount of fentanyl or its analogues, or carfentanil or a mixture or substance  
16 containing a detectable amount of carfentanil or its analogues.

17 (2) "Reasonable appeal" shall mean a design of the fentanyl or the fentanyl's  
18 packaging, including but not to limited to a resemblance of any of the following:

- 1           (a) A noncontrolled substance that is primarily consumed by and marketed
- 2           to minors.
- 3           (b) The shape of an animal, vehicle, person, or a character.
- 4           (c) Food or beverage that is attractive to minors and that is commonly sold
- 5           in retail establishments, regardless of whether the food or beverage is generic,
- 6           trademarked, or a branded product.
- 7           (d) Candy.

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 8 Engrossed

2024 Second Extraordinary Session

Schlegel

**Abstract:** Prohibits the distribution of fentanyl to minors.

Proposed law provides that any person who violates the provisions of present law (R.S. 40:967(A)) in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging shall be imprisoned at hard labor for not less than 25 years nor more than 99 years without benefit of probation, parole, or suspension of sentence.

Proposed law defines the terms "fentanyl" and "reasonable appeal".

(Adds R.S. 40:967.1)