

2024 Regular Session

HOUSE BILL NO. 720

BY REPRESENTATIVE SCHLEGEL

CONTROLLED SUBSTANCES: Provides relative to distribution of fentanyl under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 40:967.1, relative to controlled dangerous substances; to provide
3 for the unlawful distribution of fentanyl under certain circumstances; to provide for
4 a penalty; 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 amended and reenacted to read as follows:

7 §967.1. Prohibited acts--Schedule II; distribution of fentanyl with certain
8 characteristics

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

15 B. Any person who violates the provisions of R.S. 40:967(A) with respect
16 to fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble
17 branded prescription medication or its generic equivalent, shall be imprisoned at hard
18 labor for not less than ten years nor more than forty years without benefit of
19 probation, parole, or suspension of sentence.

1 C. For the purposes of this Section, the following definitions shall apply:

2 (1) "Fentanyl" shall mean a substance or mixture containing a detectable
3 amount of fentanyl or its analogues, or carfentanil or a mixture or substance
4 containing a detectable amount of carfentanil or its analogues.

5 (2) ~~"Reasonable appeal"~~ "Reasonably appeals to a minor" shall mean a
6 design of the fentanyl or the fentanyl's packaging, ~~including that, due to the shape,~~
7 color, taste, or design, includes but is not ~~to~~ limited to a resemblance of any of the
8 following:

9 (a) A noncontrolled substance that is primarily consumed by and marketed
10 to minors.

11 (b) The shape of an animal, vehicle, person, or character.

12 (c) Food or beverage that is attractive to minors and that is commonly sold
13 in retail establishments, regardless of whether the food or beverage is generic,
14 trademarked, or a branded product.

15 (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 720 Reengrossed

2024 Regular Session

Schlegel

Abstract: Provides relative to distribution of fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble branded prescription medication or its generic equivalent, and provides for penalties.

Present law provides for the crime of distribution of fentanyl with certain characteristics and provides for penalties.

Proposed law retains present law.

Proposed law provides that any person who violates the provisions of present law (R.S. 40:967(A)) with respect to fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble branded prescription medication or its generic equivalent, shall be imprisoned at hard labor for not less than 10 years nor more than 40 years without benefit of probation, parole, or suspension of sentence.

(Amends R.S. 40:967.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Changes present law term ~~from~~ "Reasonably appeals" to "Reasonably appeals to a minor" and clarify the definition of this term.