

ACT No. 85

2024 Regular Session

HOUSE BILL NO. 720

BY REPRESENTATIVE SCHLEGEL

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.

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

21 (1) "Fentanyl" shall mean a substance or mixture containing a detectable
22 amount of fentanyl or its analogues, or carfentanil or a mixture or substance
23 containing a detectable amount of carfentanil or its analogues.

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

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

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

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

11 (d) Candy.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____