

2025 Regular Session

SENATE BILL NO. 78

BY SENATOR MYERS

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

CONTROL DANGER SUBSTANCE. Provides relative to drug paraphernalia. (gov sig)

AN ACT

To amend and reenact R.S. 40:1021(B), relative to drug paraphernalia; to provide for exemptions from the definition of drug paraphernalia; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1021(B) is hereby amended and reenacted to read as follows:

§1021. Definitions

* * *

B.(1) Notwithstanding any provision of law to the contrary, the term "drug paraphernalia" shall not include rapid fentanyl test strips ~~(FTS)~~ or any testing equipment or devices solely used, intended for use, or designed to determine if a substance contains ~~fentanyl or its analogues~~. **any controlled dangerous substance or chemical compound that can cause physical harm or death. Testing equipment may include, but is not limited to, the following:**

(a) Rapid fentanyl test strips.

(b) Portable drug testing kits certified by the FDA or the National Institute of Justice.

(c) Laboratory-based analytical devices, such as gas chromatograph-mass spectrometers used by laboratories accredited by the American Society of Crime Laboratory Directors.

(2) No device listed in Paragraph (1) of this Subsection shall be used to facilitate either the manufacture or distribution of controlled substances.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 78 Reengrossed

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Myers

Present law defines "drug paraphernalia" and exempts rapid fentanyl test strips or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues from the definition.

Proposed law expands the definition to include any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains any controlled dangerous substance or chemical compound that can cause physical harm or death.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1021(B))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make a technical change from "chemical or compound" to "chemical compound".

Senate Floor Amendments to engrossed bill

1. Provide examples of testing equipment that will be exempt from proposed law definition of "drug paraphernalia".

2. Provide that an exempted device will be deemed drug paraphernalia if it is used to facilitate either the manufacture or distribution of controlled dangerous substances.