

# ACT No. 810

Regular Session, 2010

HOUSE BILL NO. 121

BY REPRESENTATIVE MILLS

1 AN ACT

2 To amend and reenact R.S. 40:964(Schedule III)(E)(9) and R.S. 40:966(B)(introductory  
3 paragraph) and (3), (E), and (F), to enact R.S. 40:964(Schedule I)(C)(13.1), (16.1),  
4 (32), (Schedule II)(A)(1)(s), (B)(28), and (C)(7), (Schedule III)(E)(12.1), (15.1), and  
5 (44.1), (Schedule IV)(B)(4.1) and (22.1), and (Schedule V)(D)(2), and to repeal R.S.  
6 40:964(Schedule IV)(B)(52), relative to the Uniform Controlled Dangerous  
7 Substances Law; to add certain drugs to Schedules I, II, III, IV, and V; to provide for  
8 technical changes; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:964(Schedule III)(E)(9) and R.S. 40:966(B)(introductory  
11 paragraph) and (3), (E), and (F) are hereby amended and reenacted and R.S.  
12 40:964(Schedule I)(C)(13.1), (16.1), (32), (Schedule II)(A)(1)(s), (B)(28), and (C)(7),  
13 (Schedule III)(E)(12.1), (15.1), and (44.1), (Schedule IV)(B)(4.1) and (22.1), and (Schedule  
14 V)(D)(2) are hereby enacted to read as follows:

15 §964. Composition of schedules

16 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
17 40:962, consist of the following drugs or other substances, by whatever official  
18 name, common or usual name, chemical name, or brand name designated:

19 SCHEDULE I

20 \* \* \*

21 C. Hallucinogenic substances. Unless specifically excepted or unless listed  
22 in another schedule, any material, compound, mixture, or preparation, which  
23 contains any quantity of the following hallucinogenic substances, or which contains  
24 any of their salts, isomers, or salts of isomers, whenever the existence of such salts,

1 isomers, or salts of isomers is possible within the specific chemical designation, for  
2 purposes of this Paragraph only, the term "isomer" includes the optical, position, and  
3 geometric isomers:

4 \* \* \*

5 (13.1) Alphamethyltryptamine

6 \* \* \*

7 (16.1) 5-methoxy-N, N-diisopropyltryptamine

8 \* \* \*

9 (32) Synthetic cannabinoids as follows:

10 (a) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also  
11 known as CP 47,497 and its C6, C7, C8, and C9 homologues}

12 (b) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
13 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}

14 (c) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1-  
15 Pentyl-3-(1-naphthoyl)indole or JWH-018}

16 (d) Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1-Butyl-  
17 3-(1-naphthoyl)indole or JWH-073}

18 \* \* \*

19 SCHEDULE II

20 A. Substances of vegetable origin or chemical synthesis. Unless specifically  
21 excepted or unless listed in another schedule, any of the following substances  
22 whether produced directly or indirectly by extraction from substances of vegetable  
23 origin, or independently by means of chemical synthesis, or by a combination of  
24 extraction and chemical synthesis:

25 (1) Opium and opiate, and any salt, compound, isomer, derivative, or  
26 preparation of opium or opiate, excluding apomorphine, thebaine-derived  
27 butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and  
28 their respective salts, but including the following:

29 \* \* \*



1                   (12.1) Boldione

2   \*       \*       \*

3                   (15.1) Desoxymethyltestosterone

4   \*       \*       \*

5                   (44.1) 19-nor-4, 9(10)-androstadienedione

6   \*       \*       \*

7   SCHEDULE IV

8   \*       \*       \*

9                   B. Depressants

10                   Unless specifically excepted or unless listed in another schedule, any  
11                   material, compound, mixture, or preparation containing any quantity of the following  
12                   substances, including its salts, isomers, and salts of isomers, whenever the existence  
13                   of such salts, isomers, and salts of isomers is possible within the specific chemical  
14                   designation:

15   \*       \*       \*

16                   (4.1) Carisoprodol

17   \*       \*       \*

18                   (22.1) Fospropofol

19   \*       \*       \*

20   SCHEDULE V

21   \*       \*       \*

22                   D. Depressants. Unless specifically exempted or excluded or unless listed  
23                   in another schedule, any material, compound, mixture, or preparation which contains  
24                   any quantity of the following substances having a depressant effect on the central  
25                   nervous system, including its salts:

26   \*       \*       \*

27                   (2) Lacosamide

28   \*       \*       \*

1           §966. Penalty for distribution or possession with intent to distribute narcotic drugs  
2                           listed in Schedule I; possession of marijuana, possession of synthetic  
3                           cannabinoids

4   \*       \*       \*

5                           B. Penalties for violation of Subsection A of this Section. Any person who  
6           violates Subsection A of this Section with respect to:

7   \*       \*       \*

8                           (3) A substance classified in Schedule I which is marijuana,  
9                           tetrahydrocannabinols, or chemical derivatives of tetrahydrocanna-binols, or  
10                          synthetic cannabinoids shall upon conviction be sentenced to a term of imprisonment  
11                          at hard labor for not less than five nor more than thirty years, and pay a fine of not  
12                          more than fifty thousand dollars.

13   \*       \*       \*

14                          E. Possession of marijuana, or synthetic cannabinoids. (1) Except as  
15                          provided in Subsections E and F of this Section, on a first conviction for violation  
16                          of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol, or  
17                          chemical derivatives thereof, or synthetic cannabinoids the offender shall be fined  
18                          not more than five hundred dollars, imprisoned in the parish jail for not more than  
19                          six months, or both.

20                          (2) Except as provided in Subsection F or G of this Section, on a second  
21                          conviction for violation of Subsection C of this Section with regard to marijuana,  
22                          tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids the  
23                          offender shall be fined not more than two thousand dollars, imprisoned with or  
24                          without hard labor for not more than five years, or both.

25                          (3) Except as provided in Subsection F or G of this Section, on a third or  
26                          subsequent conviction for violation of Subsection C of this Section with regard to  
27                          marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic  
28                          cannabinoids the offender shall be sentenced to imprisonment with or without hard  
29                          labor for not more than twenty years, and may, in addition, be sentenced to pay a fine  
30                          of not more than five thousand dollars.

1 (4) A conviction for the violation of any other statute or ordinance with the  
2 same elements as R.S. 40:966(C) prohibiting the possession of marijuana,  
3 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall  
4 be considered as a prior conviction for the purposes of this Subsection relating to  
5 penalties for second, third, or subsequent offenders.

6 (5) A conviction for the violation of any other statute or ordinance with the  
7 same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or  
8 possession with intent to distribute or dispense marijuana, of marijuana,<sup>1</sup>  
9 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall  
10 be considered as a prior conviction for the purposes of this Subsection relating to  
11 penalties for second, third, or subsequent offenders.

12 F. Except as otherwise authorized in this Part:

13 (1) Any person who knowingly or intentionally possesses sixty pounds or  
14 more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or  
15 chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve  
16 a term of imprisonment at hard labor of not less than five years, nor more than thirty  
17 years, and to pay a fine of not less than fifty thousand dollars nor more than one  
18 hundred thousand dollars.

19 (2) Any person who knowingly or intentionally possesses two thousand  
20 pounds or more, but less than ten thousand pounds of marijuana,  
21 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall  
22 be sentenced to serve a term of imprisonment at hard labor of not less than ten years  
23 nor more than forty years, and to pay a fine of not less than one hundred thousand  
24 dollars nor more than four hundred thousand dollars.

25 (3) Any person who knowingly or intentionally possesses ten thousand  
26 pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof,  
27 or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard

1 labor of not less than twenty-five years, nor more than forty years and to pay a fine  
2 of not less than four hundred thousand dollars nor more than one million dollars.

3 \* \* \*

4 Section 2. R.S. 40:964(Schedule IV)(B)(52) is hereby repealed in its entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_