

2024 Second Extraordinary Session

HOUSE BILL NO. 8

BY REPRESENTATIVES SCHLEGEL, BACALA, COX, HORTON, AND MIKE JOHNSON AND SENATOR MORRIS AND REPRESENTATIVES ADAMS, AMEDEE, BAGLEY, BAYHAM, BILLINGS, BOYER, BRAUD, BUTLER, CARLSON, ROBBY CARTER, CHENEVERT, COATES, DAVIS, DEVILLIER, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FONTENOT, GADBERRY, ILLG, JACOB LANDRY, MCMAKIN, MYERS, OWEN, RISER, SCHAMERHORN, SELDERS, THOMPSON, VENTRELLA, VILLIO, WILDER, WILEY, WYBLE, AND DEWITT

CONTROLLED SUBSTANCES: Provides relative to distribution of fentanyl under certain circumstances (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 under certain circumstances; to provide for a
4 penalty; to provide for 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 of fentanyl with certain
8 characteristics

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

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

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

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

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

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

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

12 (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 Reengrossed

2024 Second Extraordinary Session

Schlegel

Abstract: Prohibits the distribution of fentanyl with certain characteristics.

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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical bureau changes.
2. Make technical changes to the title and heading to provide clarification of proposed law.