

Regular Session, 2010

SENATE BILL NO. 179

BY SENATOR N. GAUTREAUX

CONTROL DANGER SUBSTANCE. Adds certain drugs to Schedule I of the Uniform Controlled Dangerous Substances Law. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(3), (E) and (F), and to enact R.S. 40:964(C)(32),
3 relative to the Uniformed Controlled Dangerous Substances Law; to add drugs to
4 Schedule I classification; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:966(B)(3), (E) and (F) are hereby amended and reenacted and
7 R.S. 40:964(C)(32) is hereby enacted to read as follows:

8 §964. Composition of schedules

9 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.
10 40:962, consist of the following drugs or other substances, by whatever official
11 name, common or usual name, chemical name, or brand name designated:

12 SCHEDULE I

13 * * *

14 C. Hallucinogenic substances. Unless specifically excepted or unless listed
15 in another schedule, any material, compound, mixture, or preparation, which
16 contains any quantity of the following hallucinogenic substances, or which contains
17 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 **(32) Spice cannabinoids**

6 **(a) HU-210 ((6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-**
7 **methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol))**

8 **(b) HU-211 ((dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-**
9 **3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol))**

10 **(c) CP 47, 497 and homologues (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-**
11 **methyloctan-2-yl)phenol)**

12 **(d) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole)**

13 **(e) JWH-073 (1-Butyl-3-(1-naphthoyl)indole)**

14 * * *

15 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
16 listed in Schedule I; possession of marijuana

17 * * *

18 B. Penalties for violation of Subsection A. Any person who violates
19 Subsection A with respect to:

20 * * *

21 (3) A substance classified in Schedule I which is marijuana,
22 tetrahydrocannabinols, ~~or~~ chemical derivatives of tetrahydrocanna-binols, **or spice**
23 **cannabinoids** shall upon conviction be sentenced to a term of imprisonment at hard
24 labor for not less than five nor more than thirty years, and pay a fine of not more than
25 fifty thousand dollars.

26 * * *

27 E. Possession of marijuana. (1) Except as provided in Subsections E and F
28 of this Section, on a first conviction for violation of Subsection C of this Section with
29 regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, **or spice**

1 **cannabinoids**, the offender shall be fined not more than five hundred dollars,
2 imprisoned in the parish jail for not more than six months, or both.

3 (2) Except as provided in Subsection F or G of this Section, on a second
4 conviction for violation of Subsection C of this Section with regard to marijuana,
5 tetrahydrocannabinol or chemical derivatives thereof, **or spice cannabinoids**, the
6 offender shall be fined not more than two thousand dollars, imprisoned with or
7 without hard labor for not more than five years, or both.

8 (3) Except as provided in Subsection F or G of this Section, on a third or
9 subsequent conviction for violation of Subsection C of this Section with regard to
10 marijuana, tetrahydrocannabinol or chemical derivatives thereof, **or spice**
11 **cannabinoids**, the offender shall be sentenced to imprisonment with or without hard
12 labor for not more than twenty years, and may, in addition, be sentenced to pay a fine
13 of not more than five thousand dollars.

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

19 (5) A conviction for the violation of any other statute or ordinance with the
20 same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or
21 possession with intent to distribute or dispense marijuana, of marijuana,
22 tetrahydrocannabinol, or chemical derivatives thereof, **spice cannabinoid**, shall be
23 considered as a prior conviction for the purposes of this Subsection relating to
24 penalties for second, third, or subsequent offenders.

25 F. Except as otherwise authorized in this Part:

26 (1) Any person who knowingly or intentionally possesses sixty pounds or
27 more, but less than two thousand pounds of marijuana, tetrahydrocannabinol; or
28 chemical derivatives thereof, **or spice cannabinoids**, shall be sentenced to serve a
29 term of imprisonment at hard labor of not less than five years, nor more than thirty

Proposed law criminalizes possession of spice cannabinoids and provides that possession of spice cannabinoids shall carry the same penalties as possession of marijuana.

Effective August 15, 2010.

(Amends R.S. 40:966(B)(3), (E) and (F); adds R.S. 40:964(C)(32))