# 2019 Regular Session

HOUSE BILL NO. 138

# BY REPRESENTATIVE CONNICK

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

## CONTROLLED SUBSTANCES: Provides relative to certain substances in the Uniform Controlled Dangerous Substances Law

1	AN ACT
2	To amend and reenact R.S. 40:961(26) and 964(Schedule I)(C)(27) and to enact R.S.
3	40:961(45) and 964(Schedule I)(A)(62) through (67) and (C)(65), relative to the
4	Uniform Controlled Dangerous Substances Law; to amend the definition of
5	marijuana to exclude hemp; to provide for a definition of hemp; to add certain
6	substances to Schedule I; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 40:961(26) and 964(Schedule I)(C)(27) are hereby amended and
9	reenacted and R.S. 40:961(45) and 964(Schedule I)(A)(62) through (67) and (C)(65) are
10	hereby enacted to read as follows:
11	§961. Definitions
12	As used in this Part, the following terms shall have the meaning ascribed to
13	them in this Section unless the context clearly indicates otherwise:
14	* * *
15	(26)(a) "Marijuana" means all parts of plants of the genus Cannabis, whether
16	growing or not; the seeds thereof; the resin extracted from any part of such plant; and
17	every compound, manufacture, salt, derivative, mixture, or preparation of such plant,
18	its seeds or resin <del>,</del> .
19	but (b) "Marijuana" shall not include the following:
20	(i) Hemp.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(ii) The mature stalks of such plant plants of the genus Cannabis, fiber
2	produced from such stalks, oil or cake made from the seeds of such plant, any other
3	compound, manufacture, salt, derivative, mixture, or preparation of such mature
4	stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed
5	of such plant which is incapable of germination, or.
6	(iii) cannabidiol Cannabidiol when contained in a drug product approved by
7	the United States Food and Drug Administration.
8	* * *
9	(45) "Hemp" means the plant Cannabis sativa and any part of that plant,
10	including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids,
11	and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol
12	concentration of not more than 0.3 percent on a dry weight basis.
13	* * *
14	§964. Composition of schedules
15	Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.
16	40:962, consist of the following drugs or other substances, by whatever official
17	name, common or usual name, chemical name, or brand name designated:
18	SCHEDULE I
19	A. Opiates. Unless specifically excepted or unless listed in another schedule,
20	any of the following opiates, including their isomers, esters, ethers, salts, or salts of
21	isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers,
22	or salts is possible within the specific chemical designation:
23	* * *
24	(62) Methoxyacetylfentanyl (2-methoxy-N-[1-(2-phenylethyl)piperidin-4-
25	yl)-N-phenylacetamide)
26	(63) Para-fluorobutyrylfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)
27	piperidin-4-yl]butanamide)
28	(64) Tetrahydrofuranylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-
29	yl]tetrahydrofuran-2-carboxamide)

1	(65) U-49900 (3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-
2	benzamide)
3	(66) U-51754 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-
4	benzeneacetamide)
5	(67) U-48800 (2,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-
6	benzeneacetamide)
7	* * *
8	C. Hallucinogenic substances. Unless specifically excepted or unless listed
9	in another schedule, any material, compound, mixture, or preparation, which
10	contains any quantity of the following hallucinogenic substances, or which contains
11	any of their salts, isomers, or salts of isomers, whenever the existence of such salts,
12	isomers, or salts of isomers is possible within the specific chemical designation, for
13	purposes of this Paragraph only, the term "isomer" includes the optical, position, and
14	geometric isomers:
15	* * *
16	(27) Tetrahydrocannabinols, including synthetic equivalents and derivatives,
17	except for tetrahydrocannabinols in hemp
18	* * *
19	(65) Deschloro-N-ethyl-ketamine (2-(ethylamino)-2-phenylcyclohexane-1-
20	<u>one)</u>
21	* * *
22	Section 2. The Louisiana State Law Institute is hereby authorized and directed to
23	renumber the terms defined in R.S. 40:961 to ensure that such terms are in alphabetical
24	order.

#### 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 138 Original	2019 Regular Session	Connick
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Abstract: Amends the definition of "marijuana" to exclude hemp, adds a definition of "hemp", and adds certain substances to Schedule I of the Uniform Controlled Dangerous Substances Law.

<u>Present law</u> provides for a definition of "marijuana" which means all parts of plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

<u>Present law</u> further provides that the term "marijuana" does not include the mature stalks of plants of the genus Cannabis, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the U.S. Food and Drug Administration.

Proposed law adds hemp as an exception to the present law definition of "marijuana".

<u>Proposed law</u> defines "hemp" as the plant Cannabis sativa and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

<u>Present law</u> provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law retains present law.

<u>Proposed law</u> adds Methoxyacetylfentanyl, Para-fluorobutyrylfentanyl, Tetrahydrofuranylfentanyl, U-49900, U-51754, U-48800, and Deschloro-N-ethyl-ketamine to Schedule I.

(Amends R.S. 40:961(26) and 964(Schedule I)(C)(27); Adds R.S. 40:961(45) and 964(Schedule I)(A)(62) through (67) and (C)(65))