

Regular Session, 2014

HOUSE BILL NO. 839

BY REPRESENTATIVE HONORE

CONTROLLED SUBSTANCES: Changes the designation of marijuana from a Schedule I to a Schedule II controlled dangerous substance

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(3), (E)(1), (2)(a), (3), (4), and (5), (F)(1), (2), and (3)  
3 and 967(B)(5), and (C), to enact R.S. 40:964(Schedule II)(A)(7) and 967(B)(6) and  
4 (F)(4), and to repeal R.S. 40:964(Schedule I)(C)(19) and (27), relative to the  
5 Uniform Controlled Dangerous Substances Law; to redesignate marijuana,  
6 tetrahydrocannabinol, or chemical derivatives thereof as Schedule II controlled  
7 dangerous substances; to provide with respect to penalty provisions; to retain  
8 synthetic cannabinoids as Schedule I controlled dangerous substances; and to provide  
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:966(B)(3), (E)(1), (2)(a), (3), (4), and (5), (F)(1), (2), and (3) and  
12 967(B)(5) and (C) are hereby amended and reenacted and R.S. 40:964(Schedule II)(A)(7)  
13 and 967(B)(6) and (F)(4) are hereby enacted to read as follows:

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 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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SCHEDULE II

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

\* \* \*

(7) Marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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



1 years, and to pay a fine of not less than fifty thousand dollars nor more than one  
2 hundred thousand dollars.

3 (2) Any person who knowingly or intentionally possesses two thousand  
4 pounds or more, but less than ten thousand pounds of ~~marijuana,~~  
5 ~~tetrahydrocannabinol or chemical derivatives thereof,~~ or synthetic cannabinoids shall  
6 be sentenced to serve a term of imprisonment at hard labor of not less than ten years  
7 nor more than forty years, and to pay a fine of not less than one hundred thousand  
8 dollars nor more than four hundred thousand dollars.

9 (3) Any person who knowingly or intentionally possesses ten thousand  
10 pounds or more of ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof,~~  
11 ~~or~~ synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard  
12 labor of not less than twenty-five years, nor more than forty years and to pay a fine  
13 of not less than four hundred thousand dollars nor more than one million dollars.

14 \* \* \*

15 §967. Prohibited acts--Schedule II, penalties; possession of marijuana

16 \* \* \*

17 B. Penalties for violation of Subsection A. Except as provided in Subsection  
18 F, any person who violates Subsection A with respect to:

19 \* \* \*

20 (5) A substance classified in Schedule II which is marijuana,  
21 tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols shall upon  
22 conviction be sentenced to a term of imprisonment at hard labor for not less than five  
23 nor more than thirty years, and a fine of not more than fifty thousand dollars.

24 (6) Any other controlled dangerous substance classified in Schedule II  
25 except pentazocine, amphetamine, methamphetamine, cocaine, oxycodone, or  
26 methadone shall be sentenced to a term of imprisonment at hard labor for not more  
27 than ten years, and in addition may be sentenced to pay a fine of not more than  
28 fifteen thousand dollars.

1 C. Possession. It is unlawful for any person knowingly or intentionally to  
2 possess a controlled dangerous substance as classified in Schedule II unless such  
3 substance was obtained directly or pursuant to a valid prescription or order from a  
4 practitioner, as provided in R.S. 40:978 while acting in the course of his professional  
5 practice, or except as otherwise authorized by this Part. Any person who violates  
6 this Subsection with respect to:

7 (1) ~~Any person who violates this Subsection with respect to pentazocine~~  
8 Pentazocine shall be imprisoned with or without hard labor for not less than two  
9 years and for not more than five years and, in addition, may be sentenced to pay a  
10 fine of not more than five thousand dollars.

11 (2)(a) Marijuana, tetrahydrocannabinol, or chemical derivatives thereof  
12 except as provided in Subsections F and G of this Section, on a first conviction the  
13 offender shall be fined not more than five hundred dollars, imprisoned for not more  
14 than six months, or both.

15 (b) Except as provided in Subsections F and G of this Section, on a second  
16 conviction for violation of this Subsection with regard to marijuana,  
17 tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be fined not  
18 less than two hundred fifty dollars nor more than two thousand dollars, imprisoned  
19 with or without hard labor for not more than five years, or both.

20 (c) Except as provided in Subsections F and G of this Section, on a third or  
21 subsequent conviction for violation of this Subsection with regard to marijuana,  
22 tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be  
23 sentenced to imprisonment with or without hard labor for not more than twenty  
24 years, and may, in addition, be fined not more than five thousand dollars.

25 (d) A conviction for the violation of any other statute or ordinance with the  
26 same elements as Subsection C of this Section prohibiting the possession of  
27 marijuana, tetrahydrocannabinol, or chemical derivatives thereof shall be considered  
28 a prior conviction for the purposes of this Subsection relating to penalties for second,  
29 third, or subsequent offenses.



