

# ACT No. 159

HOUSE BILL NO. 20

BY REPRESENTATIVES STRAIN, SCHNEIDER, ARNOLD, BADON, BAUDOIN, CRAVINS, DANIEL, DARTEZ, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, GREENE, HAMMETT, HEBERT, JACKSON, JOHNS, KLECKLEY, MCDONALD, ODINET, T. POWELL, QUEZAIRE, RITCHIE, SCALISE, SMILEY, JACK SMITH, ST. GERMAIN, THOMPSON, WADDELL, AND WHITE AND SENATOR SCHEDLER

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

1 AN ACT

2 To enact R.S. 40:989.1, relative to controlled dangerous substances; to create the crime of  
3 the unlawful production, manufacture, distribution, or possession of a material,  
4 compound, mixture, or preparation intended for human consumption which contains  
5 a hallucinogenic plant; to provide for definitions; to provide for penalties; to provide  
6 for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:989.1 is hereby enacted to read as follows:

9 §989.1. Unlawful production, manufacture, distribution, or possession of  
10 hallucinogenic plants

11 A.(1) It shall be unlawful for any person knowingly or intentionally to  
12 produce, manufacture, distribute, or possess with intent to produce, manufacture, or  
13 distribute a material, compound, mixture, or preparation intended for human  
14 consumption which contains a hallucinogenic plant.

15 (2) Whoever violates the provisions of this Subsection shall be sentenced to  
16 a term of imprisonment with or without hard labor for not less than two years nor  
17 more than ten years and may, in addition, be sentenced to pay a fine of not more than  
18 twenty thousand dollars.

19 B.(1) It shall be unlawful for any person knowingly or intentionally to  
20 possess a material, compound, mixture, or preparation intended for human  
21 consumption which contains a hallucinogenic plant.

1                   (2) Any person who violates the provisions of this Subsection shall be  
 2                   sentenced to a term of imprisonment with or without hard labor for not more than  
 3                   five years and may, in addition, be sentenced to pay a fine of not more than five  
 4                   thousand dollars.

5                   C. For the purposes of this Section:

6                   (1) "Distribute" means to sell, lease, rent, barter, trade, furnish, supply, or  
 7                   otherwise transfer in exchange for anything of value a material, compound, mixture,  
 8                   or preparation intended for human consumption which contains a hallucinogenic  
 9                   plant.

10                  (2) "Hallucinogenic plant" means any part or portion of any of the following:

- 11                  (a) Brugmansia arborea.
- 12                  (b) Amanita muscaria.
- 13                  (c) Conocybe spp.
- 14                  (d) Panaeolus spp.
- 15                  (e) Psilocybe spp.
- 16                  (f) Stropharia spp.
- 17                  (g) Vinca rosea.
- 18                  (h) Ipomoea violacea.
- 19                  (i) Datura spp.
- 20                  (j) Pancreatium trianthum.
- 21                  (k) Kaempferia galanga.
- 22                  (l) Olmedioperebea sclerophylla.
- 23                  (m) Mesembryanthemum spp.
- 24                  (n) Virola spp.
- 25                  (o) Anadenanthera peregrina.
- 26                  (p) Anadenanthera colubrina.
- 27                  (q) Erythina spp.
- 28                  (r) Genista canariensis.
- 29                  (s) Mimosa hostilis.
- 30                  (t) Rhynchosia spp.

- 1                   (u) Sophora secundiflora.
- 2                   (v) Peganum harmala.
- 3                   (w) Banisteriopsis spp.
- 4                   (x) Tetrapteris methystica.
- 5                   (y) Heimia salicifolia.
- 6                   (z) Tabernanthe iboga.
- 7                   (aa) Prestonia amazonica.
- 8                   (bb) Lagoehilus inebrians.
- 9                   (cc) Rivea corymbosa.
- 10                  (dd) Salvia divinorum.
- 11                  (ee) Atropa belladonna.
- 12                  (ff) Hyoscyamus niger.
- 13                  (gg) Mandragora officinarum.
- 14                  (hh) Brunfelsia spp.
- 15                  (ii) Methysticodendron amesianum.
- 16                  (jj) Latua pubiflora.
- 17                  (kk) Calea Zacatechichi.
- 18                  (ll) Physalis subglabrata.
- 19                  (mm) Solanum carolinense.
- 20                  (3) "Homeopathic drug" means any drug labeled as being homeopathic  
 21                  which is listed in the Homeopathic Pharmacopeia of the United States, an addendum  
 22                  to it, or its supplements. The potencies of homeopathic drugs are specified in terms  
 23                  of dilution. Homeopathic drug products must contain diluents commonly used in  
 24                  homeopathic pharmaceuticals. Drug products containing homeopathic ingredients in  
 25                  combination with non-homeopathic active ingredients are not homeopathic drug  
 26                  products.
- 27                  (4) "Manufacture" means the production, preparation, propagation,  
 28                  compounding, or processing of a material, compound, mixture, or preparation  
 29                  intended for human consumption which contains a hallucinogenic plant either  
 30                  directly or indirectly by extraction from substances of natural origin, or

1 independently by means of chemical synthesis, or by a combination of extraction and  
 2 chemical synthesis. Manufacturer includes any person who packages, repackages,  
 3 or labels any container holding a material, compound, mixture, or preparation  
 4 intended for human consumption which contains a hallucinogenic plant.

5 (5) "Production" includes the manufacture, planting, cultivation, growing,  
 6 or harvesting of a hallucinogenic plant.

7 D. The provisions of this Section shall not apply to the possession, planting,  
 8 cultivation, growing, or harvesting of a hallucinogenic plant strictly for aesthetic,  
 9 landscaping, or decorative purposes.

10 E. The provisions of this Section shall not apply to any dosage form which  
 11 is legally obtainable from a retail establishment without a prescription and is  
 12 recognized by the Federal Food and Drug Administration as a homeopathic drug.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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