Regular Session, 2011

HOUSE BILL NO. 339

BY REPRESENTATIVE LOPINTO

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

DRUGS/CONTROLLED: Provides with respect to imitation controlled dangerous substances

AN ACT

To amend and reenact R.S. 40:971.1(A) and to repeal R.S. 40:617.1, relative to imitation controlled dangerous substances; to prohibit possession with intent to distribute or dispense an imitation controlled dangerous substance; to repeal the crime of distribution of imitation controlled dangerous substances to a person under eighteen; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:971.1(A) is hereby amended and reenacted to read as follows:

§971.1. Prohibited acts; false representation

A. It shall be unlawful for any person to produce, manufacture, distribute, dispense, transport, ~~or~~ deliver, or possess with intent to distribute or dispense any substance which is represented to be a controlled dangerous substance and which is an imitation controlled dangerous substance, or any controlled dangerous substance which is a counterfeit controlled dangerous substance.

* * *

Section 2. R.S. 40:617.1 is hereby repealed in its entirety.

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

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)]

Lopinto HB No. 339

Abstract: Adds possession with intent to distribute or dispense an imitation controlled dangerous substance to the crime of prohibited acts involving imitation controlled dangerous substances.

Present law provides that it shall be unlawful for any person to produce, manufacture, distribute, dispense, transport, or deliver any substance which is represented to be a controlled dangerous substance and which is an imitation controlled dangerous substance, or any controlled dangerous substance which is a counterfeit controlled dangerous substance.

Present law defines "imitation controlled dangerous substance" as a noncontrolled substance which by appearance or operation, including color, shape, size, markings, or packaging, or by representations made, or by its pharmacological effect, would lead a reasonable person to believe that the substance is a controlled dangerous substance.

Present law provides for penalties including imprisonment with or without hard labor for not more than five years and a maximum fine of $5,000.

Proposed law retains these provisions of present law and adds possession with intent to distribute or dispense an imitation controlled dangerous substance to the unlawful present law activity.

Present law provides for the crime of distribution of imitation controlled dangerous substances to a person under 18.

Proposed law repeals this provision of law.

(Amends R.S. 40:971.1(A); Repeals R.S. 40:617.1)

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