DIGEST

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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)