Lopinto (HB 339) **Act No. 100**

Existing 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.

Existing 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.

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

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

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

New law repeals this provision of law.

Effective August 15, 2011.

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