

Regular Session, 2005

HOUSE BILL NO. 20

BY REPRESENTATIVE STRAIN

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

CONTROLLED SUBSTANCES: Prohibits the production, manufacture, and distribution of hallucinogenic plant products

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.

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

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

8 C. For the purposes of this Section:

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

13 (2) "Manufacture" means the production, preparation, propagation,
14 compounding, or processing of a material, compound, mixture, or preparation
15 intended for human consumption which contains a hallucinogenic plant either
16 directly or indirectly by extraction from substances of natural origin, or
17 independently by means of chemical synthesis, or by a combination of extraction and
18 chemical synthesis. Manufacturer includes any person who packages, repackages,
19 or labels any container holding a material, compound, mixture, or preparation
20 intended for human consumption which contains a hallucinogenic plant.

21 (3) "Production" includes the manufacture, planting, cultivation, growing,
22 or harvesting of a hallucinogenic plant.

23 (4) "Hallucinogenic plant" means any part or portion of any of the following:

24 (a) Brugmansia arborea.

25 (b) Amanita muscaria.

26 (c) Conocybe spp.

27 (d) Panaeolus spp.

28 (e) Psilocybe spp.

29 (f) Stropharia spp.

- 1 (g) Vinca rosea.
- 2 (h) Ipomoea violacea.
- 3 (i) Datura spp.
- 4 (j) Pancreatium trianthum.
- 5 (k) Kaempferia galanga.
- 6 (l) Olmedioperebea sclerophylla.
- 7 (m) Mesembryanthemum spp.
- 8 (n) Virola spp.
- 9 (o) Anadenanthera peregrina.
- 10 (p) Anadenanthera colubrina.
- 11 (q) Erythina spp.
- 12 (r) Genista canariensis.
- 13 (s) Mimosa hostilis.
- 14 (t) Rhynchosia spp.
- 15 (u) Sophora secundiflora.
- 16 (v) Peganum harmala.
- 17 (w) Banisteriopsis spp.
- 18 (x) Tetrapteris methystica.
- 19 (y) Heimia salicifolia.
- 20 (z) Tabernanthe iboga.
- 21 (aa) Prestonia amazonica.
- 22 (bb) Ipomoea violacea.
- 23 (cc) Rivea corymbosa.
- 24 (dd) Salvia divinorum.
- 25 (ee) Atropa belladonna.
- 26 (ff) Hyoscyamus niger.
- 27 (gg) Mandragora officinarum.
- 28 (hh) Brunfelsia spp.
- 29 (ii) Methysticodendron amesianum.

- 1 (jj) Latua pubiflora.
- 2 (kk) Calea Zacatechichi.
- 3 (ll) Physalis subglabrata.
- 4 (mm) Solanum carolinense.
- 5 (nn) Lagoehilus inebrians.
- 6 D. The provisions of this Section shall not apply to the possession, planting,
- 7 cultivation, growing, or harvesting of a hallucinogenic plant strictly for aesthetic,
- 8 landscaping, or decorative purposes.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Strain HB No. 20

Abstract: Creates the crime of unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant.

Present law provides criminal penalties for the unlawful production, manufacture, distribution, or dispensing of controlled dangerous substances.

Proposed law retains the provisions of present law and creates the crime of unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant.

Proposed law defines "production", "manufacture", and "distribute" and "hallucinogenic plant".

Proposed law provides penalties for unlawful production, manufacture, distribution, or possession with intent to manufacture, produce, or distribute a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant of imprisonment with or without hard labor for not less than two years nor more than 10 years and may, in addition, be sentenced to pay a fine of not more than \$20,000.

Proposed law provides penalties for unlawful possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant of a term of imprisonment with or without hard labor for not more than five years and may, in addition, be sentenced to pay a fine of not more than \$5,000.

(Adds R.S. 40:989.1)