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- C. (1) (a) A licensed pharmacist shall dispense naloxone or another opioid antagonist prescribed, directly or by standing order, by a licensed medical practitioner pursuant to this Section.  
 (b) A licensed pharmacist may dispense naloxone or another opioid antagonist pursuant to a nonpatient-specific standing order as provided for in rules promulgated by the Louisiana Board of Pharmacy.  
*(Subparagraph (1)(b) added by Act 370 of 2016 Legislature, effective June 5, 2016)*  
 (2) A licensed pharmacist who, in good faith, dispenses naloxone or another opioid antagonist pursuant to this Subsection shall not, as a result of any act or omission, be subject to civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute.
- D. Notwithstanding any other provision of law or regulation, a person or organization acting pursuant to a standing order issued by a healthcare professional who is authorized to prescribe naloxone or another opioid antagonist may store naloxone or another opioid antagonist and may dispense naloxone or another opioid antagonist if such activities are performed without charge or compensation.  
*(Subsection D added by Act 370 of 2016 Legislature, effective June 5, 2016.)*
- E. Notwithstanding any other provision of law or regulation, any person may lawfully possess naloxone or another opioid antagonist.  
*(Subsection E added by Act 370 of 2016 Legislature, effective June 5, 2016.)*
- F. A person acting in good faith who, pursuant to the provisions of this Section, receives and administers naloxone or another opioid antagonist to a person reasonably believed to be undergoing an opioid-related drug overdose shall be immune from criminal and civil liability for the administration, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the drug.
- G. The department shall develop and promulgate a set of best practices for use by a licensed medical practitioner pursuant to this Section including but not limited to the training necessary to safely and properly administer naloxone or another opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose, the standards and procedures for the storage and administration of naloxone or another opioid antagonist, and emergency follow-up procedures.
- H. For the purposes of this Section the following definitions apply:
  - (1) "Department" means the Department of Health and Hospitals.
  - (2) "Licensed medical practitioner" means a physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.
  - (3) "Opioid-related drug overdose" means a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

*(Section added by Act 192 of 2015 Legislature, effective August 1, 2015)*

### **§978.3 Continuing education for the prescribing of controlled substances**

- A. The continuing education requirement established in this Section shall apply to all practitioners with prescriptive authority in Louisiana that have a controlled dangerous substance license in Louisiana.
- B. Each licensing board that regulates practitioners with prescriptive authority in Louisiana shall establish continuing education requirements as a prerequisite to license renewal. Each board shall develop continuing education criteria, to include drug diversion training, best practice prescribing of controlled substances, appropriate treatment for addiction, and any other matters regarding the prescribing of controlled dangerous substances that are deemed appropriate by the board. Rules and regulations to implement this Section shall be promulgated in accordance with the Administrative Procedures Act. Such rules shall include all of the following:
  - (1) Each practitioner with prescriptive authority in Louisiana who holds a controlled dangerous substance license shall obtain three credit hours of continuing education as a prerequisite to license renewal with their professional licensing board. Successful completion of this requirement shall satisfy the requirement in full.
  - (2) A practitioner with prescriptive authority in Louisiana who has a controlled dangerous substance license shall be exempt from the continuing education requirements for license renewal established in this Section if he completes and submits to his licensing board a certification form developed by his licensing board attesting that he has not prescribed, administered, or dispensed a controlled dangerous



substance during the entire applicable reporting period. The licensing board shall verify the attestation of the prescriber through the Prescription Monitoring Program.

- C. The licensing board shall provide its members with information on how to access the continuing education courses as required by this Section and shall retain annual compliance documentation that shall be submitted to the Senate and House committees on health and welfare to demonstrate aggregate prescriber compliance. No license shall be renewed for an individual who fails to comply with the provisions of this Section.
- D. The continuing education hours required by this Section shall be considered among the credit hours required of the prescriber by the licensing board on and after August 1, 2017, and shall not be considered an additional requirement to be met by a prescriber.

*(Section added by Act 76 of 2017 Legislature, effective January 1, 2018.)*

### **§979. Attempt and conspiracy**

- A. Except as otherwise provided herein, any person who attempts or conspires to commit any offense denounced and or made unlawful by the provisions of this Part shall, upon conviction, be fined or imprisoned in the same manner as for the offense planned or attempted, but such fine or imprisonment shall not exceed one-half of the longest term of imprisonment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

*(Subsection A amended by Act 403 of 2001 Legislature)*

- B. Any person who attempts or conspires to distribute or possess with intent to distribute any substance classified in Schedule I, as provided for in R.S. 40:963 and R.S. 40:964, which is a narcotic drug (all substances in Schedule I preceded by an asterisk "\*") shall, upon conviction, be imprisoned at hard labor for not less than eight nor more than fifty years without benefit of parole, probation or suspension of sentence and may, in addition, be required to pay a fine of not more than ten thousand dollars.

*(Section amended by Act 632 of 1977 Legislature)*

### **§980. Additional penalties**

Any penalty imposed for violation of this Part shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

### **§981. Distribution to persons under age eighteen**

- A. Persons over twenty-five to persons under eighteen. Any person who is at least twenty-five years of age, or more, who violates R.S. 40:966 or R.S. 40:967 by distributing a substance, listed in Schedules I or II, which is a narcotic drug, to a person under eighteen years of age, shall, upon conviction, be punished by imprisonment at hard labor for not less than ten nor more than thirty years.
- B. Any person who is at least eighteen years of age who violates R.S. 40:966 or R.S. 40:967 by distributing a substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment of not less than five years nor more than thirty years.
- C. Any person who is at least eighteen years of age who violates R.S. 40:966 through R.S. 40:970 by distributing any other controlled dangerous substance listed in Schedules I, II, III, IV and V to a person under eighteen years of age who is at least three years his junior shall, upon conviction, be punished by a term of imprisonment up to one and one-half times the longest term of imprisonment authorized by R.S. 40:966 through R.S. 40:970 or by payment of not more than twice the fine authorized by R.S. 40:966 through R.S. 40:970, or both.

*(Section amended by Act 207 of 1973 Legislature and Act 403 of 2001 Legislature)*

#### **§981.1. Distribution to a student**

Any person who violates any provision of R.S. 40:966 through R.S. 40:970 by distributing any controlled dangerous substance listed in Schedules I, II, III, IV, and V to any student enrolled in any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution in Louisiana shall, upon conviction, be punished by a term of imprisonment of not more than one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through R.S. 40:970 or by payment of not more than twice the fine authorized by the applicable provisions of R.S. 40:966 through R.S. 40:970, or both.

*(Section added by Act 1051 of 1986 Legislature, amended by Act 403 of 2001 Legislature)*

## **§981.2. Soliciting minors to produce, manufacture, distribute, or dispense controlled dangerous substances**

- A. No person eighteen years of age or older shall solicit, procure, or counsel any person under eighteen years of age to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense in violation of any provision of R.S. 40:966 through R.S. 40:970, any controlled dangerous substance listed in Schedules I, II, III, IV, or V, or to distribute or attempt to distribute, in violation of R.S. 40:989, a chemical substance commonly known as "rush".  
*(Subsection A amended by Act 616 of 2012 Legislature)*
- B. Except as provided in Subsection C of this Section, any person who violates the provisions of this Section shall upon conviction be punished by a term of imprisonment of not more than one and one-half times the longest term of imprisonment authorized by the applicable provision of R.S. 40:966 through R.S. 40:970, or by a fine of not more than twice that authorized by such applicable provision, or both.  
*(Subsection B amended by Act 403 of 2001 Legislature)*
- C. Any person eighteen years of age or older who violates the provisions of this Section by soliciting, procuring, or counseling a person under eighteen years of age to distribute or to attempt to distribute cocaine, oxycodone, heroin, methamphetamine, or methadone in violation of R.S. 40:967(A) or (B) shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence.  
*(Subsection C amended by Act 403 of 2001 Legislature, Act 337 of 2005 Legislature, Act 68 of 2006 Legislature, Act 616 of 2012 Legislature)*

*(Section added by Act 885 of 1988 Legislature; amended by Act 372 of 1989 Legislature; Act 837 of 1991 Legislature)*

## **§981.3. Violation of Uniform Controlled Dangerous Substances Law; drug free zone**

- A. (1) Any person who violates a provision of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law while on any property used for school purposes by any school, within two thousand feet of any such property, or while on a school bus, shall, upon conviction, be punished in accordance with Subsection E of this Section.  
*(Paragraph 1 amended by Act 168 of 2006 Legislature, Act 506 of 2010 Legislature)*
- (2) Any person who violates a provision of R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A) while on property used as a drug treatment facility or within two thousand feet of any such property, when included within an area marked as a drug free zone pursuant to R.S. 40:1058.10 shall, upon conviction, be punished in accordance with Subsection E of this Section.  
*(Paragraph 2 amended by Act 168 of 2006 Legislature, Act 506 of 2010 Legislature)*
- (3) (a) Any person who violates a provision of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law while on any religious building property, public housing authority property, child day care center property, or within two thousand feet of any such property, if the area is posted as a drug free zone, shall, upon conviction, be punished in accordance with Subsection E of this Section.  
*(Subparagraph (3)(a) amended by Act 253 of 1999 Legislature, Acts 142 and 168 of 2006 Legislature, Act 506 of 2010 Legislature)*
- (b) In order for the provisions of this Section to apply to religious buildings, public housing authority property, or child day care property, the building must be posted as a drug free zone as provided herein. The design and posting of the signs shall be at the discretion of the entity that owns or has authority over the religious building, public housing authority property, or child day care center property. In order to post the area as a drug free zone, the signs shall be located in a visible manner on or near each religious building, public housing authority property, or child day care center property indicating that such area is a drug free zone, that such zone extends for a distance of two thousand feet, and that a violation of the Uniform Controlled Dangerous Substances Law will subject the offender to severe penalties under law.  
*(Subparagraph (3)(b) amended by Act 253 of 1999 Legislature, Acts 142 and 168 of 2006 Legislature, Act 506 of 2010 Legislature)*
- (Paragraph 3 added by Act 355 of 1997 Legislature)*
- B. Lack of knowledge that the prohibited act occurred on or within two thousand feet of school or drug treatment facility property shall not be a defense.  
*(Subsection B amended by Act 506 of 2010 Legislature)*
- C. For purposes of this Section:
- (1) *School* means any public or private elementary, secondary, vocational-technical school, or any public or private college or university in Louisiana.

- (2) *School property* means all property used for school purposes, including but not limited to school playgrounds, as well as any building or area owned by the state or by a political subdivision and used or operated as a playground or recreational facility and all parks and recreational areas administered by the office of state parks.
  - (3) *Drug treatment facility* means all property used for diagnostic, treatment, and rehabilitative services to patients and their families with problems related to alcohol, drug, or substance abuse.
  - (4) *Religious building property* means property on which is located any church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose.  
(Paragraph 4 added by Act 355 of 1997 Legislature)
  - (5) *Public housing authority property* means all property owned or operated by a public housing authority or agency created by state law or by any ordinance enacted by a local governing authority.  
(Paragraph 5 added by Act 253 of 1999 Legislature)
  - (6) *Child day care center property* means property on which is located a facility licensed as a day care center under the provisions of the Child Care Facility and Child-Placing Agency Licensing Act (R.S. 46:1401 *et seq.*) or licensed as a group child day care home under the provisions of the Child Care Registration Law (R.S. 46:1441 *et seq.*).  
(Paragraph 6 added by Act 142 of 2006 Legislature)
- D. [Previous content amended by Act 355 of 1997 Legislature, Act 253 of 1999 Legislature, Act 142 of 2006 Legislature, Act 506 of 2010 Legislature, then repealed by Act 265 of 2014 Legislature.]
- (1) Whoever violates a provision of this Section shall be punished by the imposition of the maximum fine and be imprisoned for not more than one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through 970.  
(Paragraph 1 amended by Act 403 of 2001 Legislature)
  - (2) A sentence imposed for a violation of the provisions of this Section shall not be subject to parole, probation, or suspension of sentence to the extent that the minimum sentence for a violation of a felony provision of R.S. 40:966 through 970 is not subject to parole, probation, or suspension of sentence.  
(Paragraph 2 added by Act 820 of 2004 Legislature)
- E. (Subsection E repealed by Act 289 of 2014 Legislature)
- (Section added by Act 171 of 1989 Legislature; amended by Act 293 of 1990 Legislature, effective July 5, 1990; Act 1027 of 1990 Legislature, effective July 26, 1990; Act 46 of 1994 Legislature)

**§981.4. Drug-traffic loitering**

(Section added by Act 1067 of 1995 Legislature; repealed by Act 512 of 2014 Legislature, effective August 1, 2014)

**§982. Second or subsequent offenses**

- A. Any person convicted of any offense under this part, if the offense is a second or subsequent offense, shall be sentenced to a term of imprisonment that is twice that otherwise authorized or to payment of a fine that is twice that otherwise authorized, or both. If the conviction is for an offense punishable under R.S. 40:966(B), R.S. 40:967(B), R.S. 40:968(B) or R.S. 40:969(B), and if it is the offender's second or subsequent offense, the court may impose in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.
- B. For purposes of this Section, an offense shall be considered a second or subsequent offense, if, prior to the commission of such offense, the offender had at any time been convicted of any violation of this state, the United States, any other state of or any foreign country, relating to the unlawful use, possession, production, manufacturing, distribution, or dispensation of any narcotic drug, marijuana, depressant, stimulant, or hallucinogenic drugs.

(Section amended by Act 207 of 1973 Legislature)

**§983. Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties.**

- A. Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance is any of the following:
  - (1) The purchase, sale, distribution, or possession of any material, compound, mixture, preparation, supplies, equipment, or structure with the intent that it be used for the unlawful manufacture of a controlled dangerous substance.
  - (2) The transportation or arranging for the transportation of any material, compound, mixture,

- preparation, supplies, or equipment with the intent that such material, compound, mixture, preparation, supplies, or equipment be used for the unlawful manufacture of a controlled dangerous substance.
- (3) The distribution of any material, compound, mixture, preparation, equipment, supplies, or products, which material, compound, mixture, preparation, equipment, supplies, or products have been used in, or produced by, the unlawful manufacture of a controlled dangerous substance.
  - (4) The disposal of any material, compound, mixture, preparation, equipment, supplies, products, or byproducts, which material, compound, mixture, preparation, equipment, supplies, products, or byproducts have been used in, or produced by, the unlawful manufacture of a controlled dangerous substance.
- B. It shall be unlawful for any person to knowingly or intentionally create or operate a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance.
  - C. Whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance shall be sentenced to imprisonment at hard labor for not less than five years nor more than fifteen years; and may, in addition, be sentenced to pay a fine of not more than twenty-five thousand dollars.
  - D. In addition to the penalty provided in Subsection C of this Section, a person convicted under the provisions of this Section may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substance. The court may order that such amount be paid directly to the governmental agency or agencies that actually incurred the cleanup expense.

*(Section added by Act 1051 of 2003 Legislature)*

### **§983.1 Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property.**

- A. Any person who creates or operates a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance in violation of the provisions of R.S. 40:983 while on any property used for school purposes by any school or within one thousand feet of any such property shall, upon conviction, be punished in accordance with Subsection D of this Section.
- B. Lack of knowledge that the prohibited act occurred on or within one thousand feet of school property shall not be a defense.
- C. For purposes of this Section:
  - (1) *School* means any public or private elementary, secondary, vocational-technical school, or any public or private college or university in Louisiana.
  - (2) *School property* means all property used for school purposes, including but not limited to school playgrounds, as well as any building or area owned by the state or by a political subdivision and used or operated as a playground or recreational facility and all parks and recreational areas administered by the office of state parks.
- D. Whoever violates the provisions of this Section shall be imprisoned at hard labor for not less than five nor more than fifteen years; and may, in addition, be sentenced to pay a fine of not more than twenty-five thousand dollars. At least three years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- E. The sentence imposed pursuant to the provisions of this Section shall be served consecutively with the sentence imposed pursuant to the provisions of R.S. 40:983.

*(Section added by Act 875 of 2004 Legislature)*

### **§984. Powers of enforcement personnel**

The Board of Pharmacy's authorized employees may:

- (1) Carry firearms;
- (2) Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state;
- (3) Make arrests without warrant for any offense under this Part on the same basis as provided in Code of Criminal Procedure Article 213; and
- (4) Make seizures of property pursuant to the authority granted under the provisions of this Part.

*(Section amended by Act 786 of 1978 Legislature, effective July 17, 1978; and Act 834 of 2006 Legislature)*

## **§985. Search warrants**

A search warrant relating to offenses involving controlled dangerous substances may be authorized to be served at any time of the day or night if the judge or magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant.

## **§986. Administrative inspections and warrants**

- A. Issuance and execution of administrative inspection warrants shall be as follows:
- (1) Any judge of a state court of record, or any state magistrate of any court of record may, within his jurisdiction, and upon proper oath or affirmation after being satisfied there is probable cause to believe that legal grounds exist for the issuance of such warrant, issue warrants for the purpose of conducting administrative inspections authorized by this part or regulations thereunder, and may authorize seizure of property related to such inspections.
  - (2) A warrant shall issue only upon an affidavit of any law enforcement officer or employee designated in R.S. 40:984 having knowledge of the facts alleged, sworn to before a judge or magistrate of any court of record and establishing the grounds for issuing the warrant. If the judge or magistrate of any court of record is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall also identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized by R.S. 40:984 to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purposes specified, and, where appropriate, shall also direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate of any court of record to whom it shall be returned.
  - (3) A search warrant issued pursuant to this section must be executed and returned within ten days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken. The judge or magistrate of any court of record, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.
  - (4) The judge or magistrate of any court of record who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the state court for the judicial district in which the inspection was made.
- B. The Board of Pharmacy is authorized to make administrative inspections of controlled premises in accordance with the following provisions:
- (1) For purposes of this Section only, "controlled premises" means:
    - (a) Places where persons licensed or exempted from licensing requirements under this Part are required to keep records; and
    - (b) Places including factories, warehouses, establishments, and conveyances where persons licensed or exempted from licensing requirements under this part are permitted to possess, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.
  - (2) When so authorized by an administrative inspection warrant issued pursuant to Subsection A of this Section a law enforcement officer or an employee as designated in R.S. 40:984 hereof, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting such an administrative inspection.
  - (3) When so authorized by an administrative inspection warrant, a law enforcement officer or an employee as designated in R.S. 40:984 hereof shall have the right:
    - (a) To inspect and copy records required by this Part to be kept;
    - (b) To inspect, within reasonable limits and in a reasonable manner, the controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and except as provided in Paragraph (B)(5) of this Section, all other things therein including records, files, papers, processes, controls, and facilities subject to regulation and control by the provisions of this Part or by regulations promulgated by the Board of Pharmacy; and
    - (c) To inventory any stock of any controlled dangerous substance therein and obtain samples of any





















H. Except as specifically provided for in this Section, the rule shall be adopted pursuant to the provisions of the Administrative Procedure Act.

*(Section added by Act 347 of 2012 Legislature, effective August 1, 2012)*

#### **§996.6 Violations**

A. It is unlawful for any person to sell, distribute, manufacture, or dispense a dangerous substance following the adoption of a dangerous substance stop order.

B. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or may be imprisoned for not more than two years in the parish jail, or both.

C. Each day of continued violation shall constitute a separate offense.

*(Section added by Act 347 of 2012 Legislature, effective August 1, 2012)*

#### **§996.7 Pesticide law not affected**

The provisions of R.S. 40:996.1 *et seq.* shall not be construed to apply to any substance regulated by the provisions of the Louisiana Pesticide Law.

*(Section added by Act 347 of 2012 Legislature, effective August 1, 2012)*

**§1002.** *(Section added by Act 1051 of 2003 Legislature; repealed by Act 875 of 2004 Legislature)*

(end of Part X of Chapter 4)