

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2819

1 AN ACT TO AMEND SECTION 41-29-146, MISSISSIPPI CODE OF 1972,
2 TO CREATE A FELONY OFFENSE OF SALE, MANUFACTURE, DISTRIBUTION OR
3 POSSESSION OF A SUBSTANCE MISREPRESENTED AS A CONTROLLED
4 SUBSTANCE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 41-29-146, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-146. (1) It shall be unlawful for any person to sell,
9 produce, manufacture or possess with the intent to sell, produce,
10 manufacture, distribute or dispense any substance which is falsely
11 represented to be a controlled substance or which is * * * a
12 counterfeit substance as defined in Section 41-29-105.

13 (2) The provisions of this section shall not apply to a law
14 enforcement officer acting in the course and scope of his
15 employment or to a medical practitioner, pharmacist or other
16 person authorized to dispense or administer controlled substances.

17 (3) Any person who violates this section shall, upon
18 conviction, be guilty of a felony and may be punished by
19 confinement in the custody of the Department of Corrections for
20 not more than five (5) years or by a fine of not more than Five
21 Thousand Dollars (\$5,000.00) or * * * both.

22 **SECTION 2.** This act shall take effect and be in force from
23 and after July 1, 2006.