

**SB0539/498670/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 539  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Distribution of Opioids Resulting in Death” and substitute “Distribution of Controlled Dangerous Substances – Fentanyl”; strike beginning with “distributing” in line 3 down through “analogues” in line 17 and substitute “knowingly distributing a certain mixture of controlled dangerous substances; establishing certain penalties for a violation of this Act; requiring a sentence for the distribution of a mixture of certain controlled dangerous substances to be consecutive to any other sentence imposed; making this Act an emergency measure; and generally relating to controlled dangerous substances”; after line 17, insert:

“BY repealing and reenacting, without amendments,  
Article – Criminal Law  
Section 5–602  
Annotated Code of Maryland  
(2012 Replacement Volume and 2016 Supplement)”;

and in line 20, strike “5-602.1” and substitute “5-608.1”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 12 on page 3, inclusive, and substitute:

“5–602.

Except as otherwise provided in this title, a person may not:

- (1) distribute or dispense a controlled dangerous substance; or

(Over)

SB0539/498670/1 Judicial Proceedings Committee  
Amendments to SB 539  
Page 2 of 2

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

5-608.1.

(A) A PERSON MAY NOT KNOWINGLY VIOLATE § 5-602 OF THIS SUBTITLE WITH:

(1) A MIXTURE THAT CONTAINS HEROIN AND A DETECTABLE AMOUNT OF FENTANYL OR ANY ANALOGUE OF FENTANYL; OR

(2) FENTANYL OR ANY ANALOGUE OF FENTANYL.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OF THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

(C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED UNDER ANY OTHER PROVISION OF LAW.”.