

SENATE BILL 570

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9lr1671

By: **Senators Bailey, Carozza, Cassilly, Gallion, Hershey, Jennings, Reilly, and Salling**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Distribution of Fentanyl Resulting in Death**

3 FOR the purpose of prohibiting a person from distributing fentanyl, any structural
4 variation of fentanyl, or any analogue of fentanyl, the use of which is a contributing
5 cause of the death of another; establishing penalties for a violation of this Act;
6 providing that an individual who lawfully prescribes or administers fentanyl to an
7 individual shall be immune from criminal prosecution for a violation of this Act; and
8 generally relating to the distribution of controlled dangerous substances.

9 BY adding to

10 Article – Criminal Law

11 Section 5–602.1

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 **5–602.1.**

18 **(A) A PERSON MAY NOT DISTRIBUTE FENTANYL, ANY STRUCTURAL**
19 **VARIATION OF FENTANYL, OR ANY ANALOGUE OF FENTANYL, THE USE OF WHICH IS**
20 **A CONTRIBUTING CAUSE OF THE DEATH OF ANOTHER.**

21 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**
22 **OF THE FELONY OF MURDER IN THE SECOND DEGREE AND ON CONVICTION IS**
23 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 40 YEARS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) AN INDIVIDUAL WHO LAWFULLY PRESCRIBES OR ADMINISTERS**
2 **FENTANYL TO AN INDIVIDUAL SHALL BE IMMUNE FROM CRIMINAL PROSECUTION**
3 **FOR A VIOLATION OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.