

# HOUSE BILL 1730

E1  
HB 612/17 – JUD

8lr3963

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By: **Delegate Impallaria**

Introduced and read first time: February 19, 2018

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distribution of Heroin or Fentanyl Resulting in Death**

3 FOR the purpose of prohibiting a person from distributing heroin or fentanyl, the use of  
4 which is a contributing cause of the death of another; establishing penalties for a  
5 violation of this Act; providing that it is not a defense under this Act that the  
6 defendant did not directly distribute the heroin or fentanyl to the decedent; providing  
7 that a person who, in good faith, seeks, provides, or assists with the provision of  
8 medical assistance for a person experiencing a medical emergency after using heroin  
9 or fentanyl shall be immune from criminal prosecution for a violation of this Act if  
10 the evidence for the criminal prosecution was obtained in a certain manner;  
11 providing that a sentence imposed under this Act shall be separate from and  
12 consecutive to a certain other sentence; and generally relating to distribution of  
13 controlled dangerous substances.

14 BY adding to

15 Article – Criminal Law

16 Section 5–602.1

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Criminal Law**

22 **5–602.1.**

23 **(A) A PERSON MAY NOT DISTRIBUTE HEROIN OR FENTANYL, THE USE OF**  
24 **WHICH IS A CONTRIBUTING CAUSE OF THE DEATH OF ANOTHER.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**  
2 **OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
3 **30 YEARS.**

4           **(C) IT IS NOT A DEFENSE UNDER THIS SECTION THAT THE DEFENDANT DID**  
5 **NOT DIRECTLY DISTRIBUTE THE HEROIN OR FENTANYL TO THE DECEDENT.**

6           **(D) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS WITH**  
7 **THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A MEDICAL**  
8 **EMERGENCY AFTER USING HEROIN OR FENTANYL SHALL BE IMMUNE FROM**  
9 **CRIMINAL PROSECUTION FOR A VIOLATION OF THIS SECTION IF THE EVIDENCE FOR**  
10 **THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE**  
11 **PERSON'S SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL**  
12 **ASSISTANCE.**

13           **(E) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM**  
14 **AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT**  
15 **ESTABLISHING A VIOLATION OF THIS SECTION.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2018.