

SENATE BILL 464

E1

3lr1928

By: **Senators Folden and Gallion**

Introduced and read first time: February 3, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fentanyl and Fentanyl Analogues – Penalty**

3 FOR the purpose of altering the maximum term of imprisonment that may be imposed for
4 a violation of the prohibition against manufacturing, distributing, possessing with
5 intent to distribute, or dispensing certain controlled dangerous substances
6 containing fentanyl or an analogue of fentanyl; and generally relating to fentanyl.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 5–608.1

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2022 Supplement)

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

14 **Article – Criminal Law**

15 5–608.1.

16 (a) A person may not knowingly violate § 5–602 of this subtitle with:

17 (1) a mixture that contains heroin and a detectable amount of fentanyl or
18 any analogue of fentanyl; or

19 (2) fentanyl or any analogue of fentanyl.

20 (b) A person who violates this section is guilty of a felony and, in addition to any
21 other penalty imposed for a violation of § 5–602 of this subtitle, on conviction is subject to
22 imprisonment not exceeding [10] **20** years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) A sentence imposed under this section shall be consecutive to and not
2 concurrent with any other sentence imposed under any other provision of law.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.