

HOUSE BILL 1398

E1
HB 1245/24 – JUD

5lr2605
CF SB 604

By: **Delegates Tomlinson, Bouchat, Guyton, Kaufman, Lopez, Mangione, Miller, Phillips, Rose, Spiegel, and Woorman**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily**
3 **Injury or Death**
4 **(Victoria, Scottie, Ashleigh, and Yader’s Law)**

5 FOR the purpose of prohibiting an individual from distributing heroin or fentanyl or a
6 chemical analogue of heroin or fentanyl, the use of which results in the death or
7 serious bodily injury of another; and generally relating to the distribution of
8 controlled dangerous substances.

9 BY adding to
10 Article – Criminal Law
11 Section 5–602.1
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2024 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 4–201(j)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2024 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) IN THIS SECTION, “DISTRIBUTE” DOES NOT INCLUDE THE SHARING OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR FENTANYL
2 WITHOUT REMUNERATION OR THE EXCHANGE OF GOODS OR SERVICES.

3 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
4 DISTRIBUTE HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR
5 FENTANYL WITHOUT THE LAWFUL AUTHORITY TO DO SO, THE USE OF WHICH
6 RESULTS IN THE DEATH OR SERIOUS BODILY INJURY OF ANOTHER.

7 (C) THIS SECTION APPLIES REGARDLESS OF WHETHER:

8 (1) THE DEATH OR SERIOUS BODILY INJURY TO ANOTHER OCCURRED
9 AS A RESULT OF USING HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF
10 HEROIN OR FENTANYL BY ITSELF OR COMBINED WITH ANY COMPOUND, MIXTURE,
11 DILUENT, OR OTHER SUBSTANCE;

12 (2) THE HEROIN OR FENTANYL OR THE CHEMICAL ANALOGUE OF
13 HEROIN OR FENTANYL IS MIXED OR COMBINED WITH ANY COMPOUND, MIXTURE,
14 DILUENT, OR OTHER SUBSTANCE AFTER THE VIOLATION OF SUBSECTION (A) OF THIS
15 SECTION OCCURS; OR

16 (3) THE DISTRIBUTION OF HEROIN OR FENTANYL OR THE CHEMICAL
17 ANALOGUE OF HEROIN OR FENTANYL IS MADE DIRECTLY TO THE PERSON WHO DIES
18 OR SUFFERS SERIOUS BODILY INJURY.

19 (D) IF POSSESSION OF HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE
20 OF HEROIN OR FENTANYL IS TRANSFERRED MORE THAN ONCE PRIOR TO THE
21 OCCURRENCE OF THE DEATH OR SERIOUS BODILY INJURY, EACH PERSON WHO
22 DISTRIBUTED OR DELIVERED THE HEROIN, FENTANYL, OR THE CHEMICAL
23 ANALOGUE OF HEROIN OR FENTANYL SHALL BE CONSIDERED TO HAVE VIOLATED
24 THIS SECTION.

25 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,
26 IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OF
27 THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20
28 YEARS.

29 (F) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE
30 TO AND NOT CONCURRENT WITH ANOTHER SENTENCE IMPOSED UNDER ANY OTHER
31 PROVISION OF LAW.

32 (G) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS WITH
33 THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A MEDICAL
34 EMERGENCY AFTER USING HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF

1 HEROIN OR FENTANYL SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A
2 VIOLATION OF THIS SECTION IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION
3 WAS OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR
4 ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

5 **Article – Criminal Procedure**

6 4–201.

7 (J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROSECUTION
8 OF A PERSON FOR A VIOLATION OF § 5–602.1 OF THE CRIMINAL LAW ARTICLE MAY
9 BE BROUGHT IN:

10 (1) THE COUNTY IN WHICH THE VIOLATION OCCURRED; OR

11 (2) THE COUNTY IN WHICH THE DEATH OR SERIOUS BODILY INJURY
12 OCCURRED.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2025.