

# HOUSE BILL 1386

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CF SB 906

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By: **Delegates Tomlinson, Bouchat, Buckel, Guyton, Hornberger, Kaufman, Lopez, Miller, Phillips, Pippy, Rose, Schindler, Spiegel, and Woorman**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distribution of Heroin or Fentanyl Causing Death or Serious**  
3 **Bodily Injury**  
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 of or  
7 serious bodily injury to 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 2025 Supplement)

14 BY adding to

15 Article – Criminal Procedure  
16 Section 4–201(j)  
17 Annotated Code of Maryland  
18 (2025 Replacement Volume)

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**

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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.

3 (B) (1) THIS SECTION APPLIES ONLY TO A PERSON WHO HAS PREVIOUSLY  
4 BEEN CONVICTED OF A VIOLATION OF § 5-602 OR § 5-603 OF THIS SUBTITLE.

5 (2) THIS SECTION APPLIES REGARDLESS OF WHETHER:

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

10 (II) THE HEROIN OR FENTANYL OR THE CHEMICAL ANALOGUE  
11 OF HEROIN OR FENTANYL IS MIXED OR COMBINED WITH ANY COMPOUND, MIXTURE,  
12 DILUENT, OR OTHER SUBSTANCE AFTER THE VIOLATION OF SUBSECTION (C) OF THIS  
13 SECTION OCCURS; OR

14 (III) THE DISTRIBUTION OF HEROIN OR FENTANYL OR THE  
15 CHEMICAL ANALOGUE OF HEROIN OR FENTANYL IS MADE DIRECTLY TO THE PERSON  
16 WHO DIES OR SUFFERS SERIOUS BODILY INJURY.

17 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT  
18 DISTRIBUTE HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR  
19 FENTANYL WITHOUT THE LAWFUL AUTHORITY TO DO SO, THE USE OF WHICH  
20 RESULTS IN THE DEATH OF OR SERIOUS BODILY INJURY TO ANOTHER.

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

27 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND,  
28 IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OR §  
29 5-603 OF THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
30 EXCEEDING 20 YEARS.

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

