

HOUSE BILL 612

E1
HB 222/15 – JUD

7lr1942

By: **Delegates Impallaria, Lisanti, Malone, McComas, and McDonough**
Introduced and read first time: January 30, 2017
Assigned to: Judiciary

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 2016 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.**

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, 2017.