

HOUSE BILL 120

By Terry

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c)(1), is amended by deleting the subdivision and substituting instead the following:

(A) Cocaine or methamphetamine is a Class B felony if the amount involved is point five (0.5) grams or more of any substance containing cocaine or methamphetamine and, in addition, may be fined not more than one hundred thousand dollars (\$100,000);  
or

(B) Fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl, is a Class B felony if the amount involved is point one (0.1) grams or more but ten (10) grams or less of fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl and, in addition, may be fined not more than one hundred thousand dollars (\$100,000);

(C)

(i) Fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl, is a Class A felony if the amount involved is more than ten (10) grams of fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl;

(ii) In addition to the possible punishment for a Class A felony, a person convicted under this subdivision (c)(1)(C) may be fined not more than five hundred thousand dollars (\$500,000) and shall be required to serve at least one hundred percent (100%) of the minimum sentence for the defendant's

appropriate range of sentence. Any sentence reduction credits the defendant may be eligible for or earn shall not operate to permit or allow the release of the defendant prior to full service of the minimum sentence for the violation of this subdivision (c)(1)(C); and

SECTION 2. Tennessee Code Annotated, Section 39-17-417(c)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Any other Schedule II controlled substance, including cocaine or methamphetamine in an amount of less than point five (0.5) grams or fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl, in an amount of less than point one (0.1) grams, is a Class C felony and, in addition, may be fined not more than one hundred thousand dollars (\$100,000); provided, that if the offense involves less than point five (0.5) grams of a controlled substance containing cocaine or methamphetamine or less than point one (0.1) grams of fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl, but the defendant carried or employed a deadly weapon as defined in § 39-11-106, during commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a Class B felony.

SECTION 3. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following new subsection:

( ) Except for a violation of subdivision (c)(1)(C), a violation of this section with respect to a substance that is the combination of fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl, and any other controlled substance shall be punished one (1) classification higher than provided in subsections (b)-(i).

SECTION 4. Tennessee Code Annotated, Section 39-17-417(n)(1), is amended by deleting the language "methamphetamine" and substituting instead the language "methamphetamine, fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl".

SECTION 5. Tennessee Code Annotated, Section 39-17-418(c)(2), is amended by deleting the language "methamphetamine" and substituting instead the language "methamphetamine, fentanyl, or an equipotent amount of carfentanil, sufentanil, or the analogues of fentanyl".

SECTION 6. Tennessee Code Annotated, Section 39-17-454(g), is amended by deleting subdivisions (g)(1) and (g)(2), substituting instead the following, and redesignating the subsequent subdivisions accordingly:

(1) A violation of subsection (c) shall be punished in the same manner as a violation of § 39-17-417 involving the controlled substance of which the substance is an analogue as defined by subdivision (a)(1).

SECTION 7. This act shall take effect July 1, 2019, the public welfare requiring it.