

1 HOUSE BILL NO. 1455

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee for Courts of Justice

4 on February 3, 2023)

5 (Patron Prior to Substitute--Delegate Anderson)

6 A BILL to amend the Code of Virginia by adding a section numbered 18.2-248.05, relating to selling,
7 giving, or distributing a substance containing fentanyl; penalties.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That the Code of Virginia is amended by adding a section numbered 18.2-248.05 as follows:**

10 **§ 18.2-248.05. Selling, giving, or distributing a substance containing fentanyl to another**
11 **without such person's knowledge that the substance contains fentanyl; penalties.**

12 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who sells, gives,
13 or distributes a substance he knows contains two micrograms or more of any mixture or substance
14 containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers,
15 to another person without such person's knowledge that the substance sold, given, or distributed contains
16 any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers,
17 salts, and salts of isomers, is guilty of attempted murder of the first degree by poison pursuant to §§ 18.2-
18 26 and 18.2-32. If such sale, gift, or distribution of two micrograms or more of any mixture or substance
19 containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers,
20 to another person without such person's knowledge that the substance sold, given, or distributed contains
21 any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers,
22 salts, and salts of isomers, results in the death of such other person from his use of such substance, the
23 person who sold, gave, or distributed the mixture or substance containing a detectable amount of fentanyl,
24 including its isomers, esters, ethers, salts, and salts of isomers, to such person is guilty of murder of the
25 first degree by poison pursuant to § 18.2-32.

26 B. A violation of this section shall constitute a separate and distinct offense. The provisions of this
27 section shall not preclude prosecution under any other statute.

28 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
29 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
30 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
31 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**
32 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
33 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
34 **periods of commitment to the custody of the Department of Juvenile Justice.**

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