

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**Senate Bill 431**

BY SENATOR WELD

[Originating in the Committee on the Judiciary;

reported on January 27, 2022]



1 A BILL to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended,  
2 relating generally to the Uniform Controlled Substances Act; defining and clarifying the  
3 phrase “engaged in the illegal use of a controlled substance with another person”; and  
4 establishing criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-416. Drug delivery resulting in death; failure to render aid.**

1 (a) Any person who knowingly and willfully delivers a controlled substance or counterfeit  
2 controlled substance in violation of ~~the provisions of~~ §60A-4-401 of this code for an illicit purpose  
3 and the use, ingestion, or consumption of the controlled substance or counterfeit controlled  
4 substance alone, or in combination with one or more other controlled substances, proximately  
5 causes the death of a person using, ingesting, or consuming the controlled substance, is guilty of  
6 a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a  
7 determinate sentence of not less than three nor more than 15 years.

8 (b) Any person who, while engaged in the illegal use of a controlled substance with another  
9 person, ~~who~~ knowingly fails to seek medical assistance for such other person when the other  
10 person suffers an overdose of the controlled substance or suffers a significant adverse physical  
11 reaction to the controlled substance and the overdose or adverse physical reaction proximately  
12 causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be  
13 imprisoned in a state correctional facility for not less than one year nor more than five years.

14 (c) As used in this section:

15 (1) The phrase “engaged in the illegal use of a controlled substance with another person”  
16 means being in the physical presence of a person engaged in illegal drug use and participating  
17 with him or her in illegal drug use, or knowingly facilitating illegal drug abuse by the other person  
18 so engaged.

19           (2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison  
20 control facility, any type of first responder, a medical facility or medical professional capable of  
21 treating an overdose and in the case of an opioid overdose to administer or cause the  
22 administration of a commercially produced and medically recognized opioid antagonist.