

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 431

BY SENATOR WELD

[Originating in the Committee on the Judiciary; reported on January 25, 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 the phrase “engaged in the illegal use of a controlled substance
15 with another person” means being in the physical presence of a person engaged in illegal drug
16 use and participating with him or her in illegal drug use, or knowingly facilitating illegal drug abuse
17 by the other person so engaged.