

SB219 CC 3-7

90 Days

Smith 7883

Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Senate Bill No. 219**, Relating to the Uniform Controlled Substances Act.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill 741 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions and agree to an amendment as follows:

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

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

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

(b) Any person who, while engaged in the illegal use of a controlled substance with another person, ~~who~~ knowingly fails to seek medical assistance for such other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical

reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than five years.

(c) As used in this section:

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

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

Respectfully submitted,

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David Kelly

*Chair.*

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Ryan W. Weld

*Chair.*

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Brandon Steele

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Vince Deeds

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Joey Garcia

*Conferees on the part of the House  
of Delegates.*

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Mike Woelfel

*Conferees on the part of the Senate.*