

By: Representative Shanks

To: Judiciary B

HOUSE BILL NO. 967

1 AN ACT TO AMEND SECTION 41-29-139.1, MISSISSIPPI CODE OF
2 1972, TO EXTEND THE DATE OF THE REPEALER ON PARKER'S LAW, WHICH
3 CREATES THE CRIME OF FENTANYL DELIVERY RESULTING IN DEATH; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 41-29-139.1, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-139.1. (1) A person who delivers or causes the
9 delivery of fentanyl with knowledge of the fentanyl commits the
10 crime of "fentanyl delivery resulting in death" when as a result
11 of the unlawful delivery of fentanyl in exchange for anything of
12 value to another person, death to a person results from the
13 proximate cause of injection, oral ingestion or inhalation of the
14 fentanyl. Upon conviction for violating the provisions of this
15 section, the person shall be sentenced to imprisonment no less
16 than twenty (20) years to a term of life in the custody of the
17 Mississippi Department of Corrections.

18 (2) For purposes of this section only, any person * * * who,
19 in good faith, without malice and in the absence of evidence of an



20 intent to defraud, seeks medical assistance for someone
21 experiencing a fentanyl overdose shall not be charged or
22 prosecuted for a violation of this section, if the evidence for
23 the charge was gained as a result of the seeking of medical
24 assistance.

25 (3) For purposes of this section:

26 (a) "Fentanyl" means fentanyl and any fentanyl-related
27 substances, to include fentanyl analogs, as set forth in Article
28 3, Chapter 29 of Title 41 of the Mississippi Code of 1972.

29 (b) "In exchange for anything of value" does not apply
30 to the act of sharing fentanyl when the sharing results in the
31 proximate cause of a person's death under this section.

32 (4) The legislative intent * * * of this section is to
33 assist in prosecuting any person who sells or otherwise profits
34 from the sale of unlawful fentanyl * * * which causes the death of
35 another person. It is not the intent of this Legislature for the
36 provisions of this section to be used to prosecute a drug user or
37 drug addict who has shared fentanyl with a friend or associate and
38 the friend or associate dies as a result of the sharing.

39 (5) The provisions of this section shall not be construed to
40 limit, restrict or otherwise prohibit an indictment or conviction
41 for any other crime that may be related to a violation of this
42 section.

43 (6) The Joint Legislative Committee on Performance
44 Evaluation and Expenditure Review shall create an annual report of



45 the number of persons convicted under the provisions of this
46 section * * * and shall provide the report to the House and Senate
47 Judiciary B Committees by January 5 * * * of each year.

48 (7) This section shall stand repealed from and after July
49 1, * * * 2028.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2025.

