

By: Senator(s) Fillingane, Parker

To: Judiciary, Division B

SENATE BILL NO. 2200

1 AN ACT TO AMEND SECTION 41-29-139.1, MISSISSIPPI CODE OF
2 1972, TO IMPOSE A CRIMINAL FINE UPON A PERSON WHO IS CONVICTED OF
3 THE CRIME OF FENTANYL DELIVERY RESULTING IN DEATH; TO REVISE
4 DEFINITIONS; TO CLARIFY THE INTENT OF THE SECTION; TO DELETE THE
5 REPEALER ON PARKER'S LAW, WHICH CREATES THE CRIME OF FENTANYL
6 DELIVERY RESULTING IN DEATH, PROVIDES THE PENALTY FOR SUCH CRIME,
7 AND PROVIDES AN EXCEPTION FOR THOSE WHO SEEK MEDICAL ATTENTION; TO
8 DELETE THE REQUIREMENT OF AN ANNUAL REPORT OF THE NUMBER OF
9 PERSONS CONVICTED; AND FOR RELATED PURPOSES.

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

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

13 41-29-139.1. (1) (a) A person who delivers or causes the
14 delivery of fentanyl with knowledge of the fentanyl commits the
15 crime of fentanyl delivery resulting in death when as a result of
16 the unlawful delivery of fentanyl in exchange for anything of
17 value to another person, death to a person results from the
18 proximate cause of injection, oral ingestion or inhalation of the
19 fentanyl.

20 (b) Upon conviction for violating the provisions of
21 this section, the person shall be sentenced to imprisonment no



less than twenty (20) years to a term of life in the custody of the Mississippi Department of Corrections and shall be fined not less than Ten Thousand Dollars (\$10,000.00).

(2) * * * Any person, who, in good faith, without malice and in the absence of evidence of an intent to defraud, seeks medical assistance for someone experiencing a fentanyl overdose shall not be charged or prosecuted for a violation of this section, if the evidence for the charge was gained as a result of the seeking of medical assistance.

(3) For purposes of this section * * *, "Fentanyl" means fentanyl and any fentanyl-related substances, to include fentanyl analogs, as set forth in Article 3, Chapter 29 of Title 41 of the Mississippi Code of 1972.

* * *

(4) The * * * intent * * * of this section is to * * * encourage the prosecution of any person who sells or otherwise profits from the sale of unlawful fentanyl, which causes the death of another person. It is not the intent of this * * * section to * * * enable the prosecution of a drug user or drug addict who has shared fentanyl with a friend or associate and the friend or associate dies as a result of the * * * injection, oral ingestion or inhalation of the shared fentanyl.

(5) The * * * penalty provided in this section shall * * * be in addition to any other criminal penalty provided by law.

* * *



47 **SECTION 2.** This act shall take effect and be in force from
48 and after June 30, 2025.

