

By: Representatives Currie, Turner

To: Judiciary B

HOUSE BILL NO. 1041

1 AN ACT TO AMEND SECTION 41-29-139.1, MISSISSIPPI CODE OF
2 1972, TO REMOVE THE "KNOWLEDGE" REQUIREMENT FOR THE CRIME OF
3 "FENTANYL DELIVERY RESULTING IN DEATH"; AND FOR RELATED PURPOSES.

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

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

7 41-29-139.1. (1) A person who delivers or causes the
8 delivery of fentanyl * * * commits the crime of "fentanyl delivery
9 resulting in death" when as a result of the unlawful delivery of
10 fentanyl in exchange for anything of value to another person,
11 death to a person results from the proximate cause of injection,
12 oral ingestion or inhalation of the fentanyl. Upon conviction for
13 violating the provisions of this section, the person shall be
14 sentenced to imprisonment no less than twenty (20) years to a term
15 of life in the custody of the Mississippi Department of
16 Corrections.

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



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

24 (3) For purposes of this section:

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

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

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

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

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



44 the number of persons convicted under the provisions of this
45 section; and shall provide the report to the House and Senate
46 Judiciary B committees by January 5, of each year.

47 (7) This section shall stand repealed from and after July 1,
48 2025.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2024.

