

By: Senator(s) Younger, Blackwell,
Chassaniol, McMahan, Polk, Kirby

To: Judiciary, Division B

SENATE BILL NO. 2436

1 AN ACT TO AMEND SECTION 41-29-139.1, MISSISSIPPI CODE OF
2 1972, TO DELETE THE REQUIREMENT THAT THE DEFENDANT HAVE KNOWLEDGE
3 OF THE FENTANYL FOR CONVICTION OF THE CRIME "FENTANYL DELIVERY
4 RESULTING IN DEATH"; AND FOR 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 * * * commits the crime of "fentanyl delivery
10 resulting in death" when as a result of the unlawful delivery of
11 fentanyl in exchange for anything of value to another person,
12 death to a person results from the proximate cause of injection,
13 oral ingestion or inhalation of the fentanyl. Upon conviction for
14 violating the provisions of this section, the person shall be
15 sentenced to imprisonment no less than twenty (20) years to a term
16 of life in the custody of the Mississippi Department of
17 Corrections.

18 (2) For purposes of this section only, any person, who, in
19 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 for this bill is to assist in
33 prosecuting any person who sells or otherwise profits from the
34 sale of unlawful fentanyl, which causes the death of another
35 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 1,
49 2025.

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

