

## 50-STATE SURVEY

# FENTANYL-SPECIFIC STATE LAWS

## January 1, 2020, to July 1, 2025

### INTRODUCTION

Over the past several years, state legislatures have passed a variety of laws that criminalize fentanyl-related activities in ways that are unique from other controlled substances laws. This survey captures laws states have enacted between the beginning of 2020 and the middle of 2025 that create new offenses specific to fentanyl or treat crimes involving fentanyl differently than those same crimes when other drugs are involved. These include drug-induced homicide laws, laws criminalizing exposing others to fentanyl, and laws criminalizing certain types of packaging of fentanyl, among others.

To create the table below, trained legal researchers searched for all laws and amendments involving fentanyl that became effective after January 1, 2020, and before July 1, 2025. We excluded laws that only increased penalties for possession, distribution, trafficking, and similar offenses, and those that were no longer in effect as of July 1, 2025. We also excluded laws that did not impose a criminal penalty or did not modify a current penalty, and those that exclusively required education or training on fentanyl exposure or awareness. Finally, we excluded laws that criminalized activities related to categories of drugs (such as “synthetic opioids”) that may include but are not specific to fentanyl.

We found that 17 states enacted relevant laws between 2020 and July 2025, with several states enacting more than one relevant law. Ten states enacted drug-induced homicide provisions specific to fentanyl, six states enacted laws that criminalize exposing others to fentanyl, and six states that punish marketing, packaging, or misrepresentation of fentanyl. Other laws include one providing higher penalties when fentanyl is sold in specific areas and one that criminalizes the use of fentanyl as a weapon of terrorism.

The information provided in this document does not constitute legal advice or legal representation. The Network for Public Health Law’s Harm Reduction Legal Project provides free technical legal and policy assistance to individuals, governmental, and non-governmental organizations, and can be contacted at [harmreduction@networkforphl.org](mailto:harmreduction@networkforphl.org). For legal advice, please consult an attorney in your state.

## FENTANYL-SPECIFIC STATE LAWS ENACTED BETWEEN JANUARY 1, 2020, AND July 1, 2025

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
Alabama	<a href="#">Ala. Code § 13A-6-3(3)</a>	April 23, 2024 <sup>2</sup>	“A person commits the crime of manslaughter if he or she [...] knowingly sells, furnishes, gives away, delivers, or distributes a controlled substance [...] which contains fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, or any synthetic controlled substance fentanyl analogue [...] and the person to whom the controlled substance is sold, furnished, given, delivered, or distributed dies as a proximate result of the use of the controlled substance.”	2/20 <sup>3</sup>	The amendment to this manslaughter statute changed the crime from the delivery of any controlled substance that results in death to only applying when the controlled substance is fentanyl, any synthetic controlled substance is fentanyl or a fentanyl-related substance.
	<a href="#">Ala. Code § 13A-6-30</a>	September 1, 2023 <sup>4</sup>	“A person commits the crime of chemical endangerment of a first responder if he or she knowingly, recklessly, or intentionally causes or permits a first responder [...] or a coroner or a deputy coroner, to be exposed to, to ingest or inhale, or to have contact with a Schedule I controlled substance [...] chemical substance [...] or a mixture or combination thereof while performing his or her duties...“serious physical injury’ includes	Physical Injury: 1 year and 1 day/10 <sup>6</sup>  Serious Physical Injury: 2/20 <sup>7</sup>  Death: 10/Life <sup>8</sup>	While chemical endangerment of a first responder with any listed substance may be subject to a Class C felony (if physical injury), a Class B felony (if serious physical injury), or a Class A felony (if death), exposure to fentanyl is defined (apparently

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			ingestion, inhalation or contact with fentanyl..." <sup>5</sup>		regardless of whether injury results) as a serious physical injury and is thus a Class B felony automatically (unless it causes death, where it would be a Class A felony).
Alaska	-	-	-	-	-
Arizona	-	-	-	-	-
Arkansas	<a href="#">Ark. Code Ann. § 5-64-421</a>	April 11, 2023 <sup>9</sup>	"A person commits the offense of predatory marketing of fentanyl to minors if he or she possesses fentanyl with the purpose to deliver, delivers fentanyl, or manufactures fentanyl; and the fentanyl possessed, delivered, or manufactured is likely to appeal to minors due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging."	Life <sup>10</sup>	Created a new offense of predatory marketing of fentanyl to minors.
	<a href="#">Ark. Code Ann. § 5-13-214</a>	August 1, 2023 <sup>11</sup>	<p>"A person commits the offense of knowingly exposing another person to fentanyl in the first degree if: the person knowingly exposes another person to fentanyl; and the other person suffers serious physical injury as a result of the exposure to fentanyl."</p> <p>"A person commits the offense of knowingly exposing another person to fentanyl in the second degree if: the person knowingly</p>	<p>Physical injury to a first responder: 10/40</p> <p>Serious physical injury to a first responder or physical injury to other: 6/30</p> <p>Serious physical injury to other: 5/20<sup>12</sup></p>	Created a new offense of "knowingly exposing" another to fentanyl.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			exposes another person to fentanyl; and the other person suffers physical injury as a result of the exposure to fentanyl.”		
	<a href="#">Ark. Code. Ann. § 5-10-202</a>	April 11, 2023 <sup>13</sup>	“A person commits the offense of aggravated death by delivery if: he or she knowingly delivers or conveys fentanyl to another person; and the injection, ingestion, inhalation, or other introduction of the fentanyl, including any adulterants or diluents, is the cause of death of the other person; or he or she knowingly delivers or conveys fentanyl, methamphetamine, heroin, or cocaine to a minor; and the injection, ingestion, inhalation, or other introduction of the fentanyl, methamphetamine, heroin, or cocaine, including any adulterants or diluents, causes the death of the minor.”	20/60 <sup>14</sup>	Created a new crime of “aggravated” death by delivery specific to deaths caused by fentanyl only. Additionally covers deaths caused by a wider variety of drugs, still including fentanyl, only when the death is of a minor.
California	-	-	-	-	-
Colorado	<a href="#">Colo. Rev. Stat. § 18-18-405(2)(a)(III)</a>	May 1, 2023 <sup>15</sup>	It is a crime if the drugs provided “are the proximate cause of the death of another person who used or consumed the material, compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.”	8/32 <sup>16</sup>	Good Samaritan provisions added. <sup>17</sup>

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
	Colo. Rev. Stat. § 18-18-405(2)(a)(III)	July 1, 2022 <sup>18</sup>	It is a crime if the drugs provided “are the proximate cause of the death of another person who used or consumed the material, compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.”	8/32 <sup>19</sup>	Other schedule I and II controlled substances, methamphetamine, heroin, ketamine, and cathinones have higher gram requirements than fentanyl for the same drug felony level.
Connecticut	-	-	-	-	-
Delaware	-	-	-	-	-
Florida	<a href="#">Fla. Stat. § 893.132</a>	October 1, 2024 <sup>20</sup>	“A person 18 years of age or older who, in the course of unlawfully possessing dangerous fentanyl or fentanyl analogs, recklessly exposes a first responder to dangerous fentanyl or fentanyl analogs and an overdose or serious bodily injury of the first responder results, commits a felony of the second degree.”	-/15 <sup>21</sup>	Created the crime of “dangerous fentanyl exposure of first responder resulting in overdose” or injury.
	<a href="#">Fla. Stat. § 893.131(2)(a)</a>	July 1, 2023	“A person 18 years of age or older who unlawfully distributes [Alfentanil, Carfentanil, Fentanyl, Sufentanil, or Fentanyl derivatives] and an overdose or serious bodily injury of the user results, commits a felony of the second degree...when such substance or mixture is proven to have caused or been a substantial	-/15 <sup>22</sup>	Created new drug-induced homicide law for heroin and fentanyl only.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			factor in causing the overdose or serious bodily injury of the user.”		
	<a href="#">Fla. Stat. § 893.13(i)(2)</a>	October 1, 2023 <sup>23</sup>	<p>“A person commits a felony of the first degree [mandatory sentence if] [t]he person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, any of the following: a. Alfentanil... Carfentanil...Fentanyl...Sufentanil... a fentanyl derivative...[a] mixture containing any substance described [above, if] [t]he substance or mixture ... is in a form that resembles...a product, when such product or its packaging further has at least one of the following attributes:</p> <p>a. Resembles the trade dress of a branded food product, consumer food product, or logo food product; b. Incorporates an actual or fake registered copyright, service mark, or trademark; c. Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or d. Contains a cartoon character imprint.”<sup>24</sup></p>	3/30 <sup>25</sup>	Created a new crime specific to fentanyl marketed as another product.
Georgia	<a href="#">Ga. Code Ann. § 16-5-3.1</a>	April 30, 2024 <sup>26</sup>	“A person commits the offense of aggravated involuntary manslaughter when he or she causes the fentanyl overdose death of another human being, without the intent to cause the death of said human being, by intentionally manufacturing or selling any substance that contains fentanyl, after	10/30 <sup>27</sup>	Created a new crime of aggravated involuntary manslaughter just for fentanyl.

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			representing that such substance was any controlled substance.”		
Hawaii	-	-	-	-	-
Idaho	-	-	-	-	-
Illinois	-	-	-	-	-
Indiana	-	-	-	-	-
Iowa	-	-	-	-	-
Kansas	<a href="#">Kan. Stat. Ann. § 21-5601(b)</a>	July 1, 2024 <sup>28</sup>	“Aggravated endangering a child is: ...causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine or any fentanyl-related controlled substance; or causing or permitting such child to be in an environment where the person knows or reasonably should know that...drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.”	11/13 months <sup>29</sup>	Added exposing a child to fentanyl manufacture to a law that previously only applied to methamphetamine.
Kentucky	<a href="#">Ky. Rev. Stat. Ann. § 218A.1412(3)(c)</a>	July 15, 2024 <sup>30</sup>	“If the substance is fentanyl or a fentanyl derivative, and the injection, ingestion, inhalation, or other introduction of the	One level higher than sentence for the underlying crime	Created a drug-induced homicide law specifically for fentanyl.

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			fentanyl or fentanyl derivative causes the death of a person, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.”		
	<a href="#">Ky. Rev. Stat. Ann. § 507.030(1)(d)</a>	July 15, 2024 <sup>31</sup>	“A person is guilty of manslaughter in the first degree when...He or she knowingly sells fentanyl or a fentanyl derivative to another person, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of the person.”	10/20 <sup>32</sup>	Added knowing sale of fentanyl resulting in death to the crime of manslaughter in the first degree (did not previously contain a drug-induced homicide provision).
	<a href="#">Ky. Rev. Stat. Ann. § 507.040(1)(d)</a>	July 15, 2024 <sup>33</sup>	“A person is guilty of manslaughter in the second degree when...[k]nowing distribution of fentanyl or a fentanyl derivative to another person without remuneration, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of the person.”	5/10 <sup>34</sup>	Added knowing sharing or giving of fentanyl (non-sale) to the crime of manslaughter in the second degree (previously only applied to distribution <i>for remuneration</i> of Schedule I & II controlled substances).
Louisiana	<a href="#">La. Stat. Ann. § 40:967.1</a>	August 1, 2024 <sup>35</sup>	“Any person who violates the provisions of R.S. 40:967(A) with respect to fentanyl, where the fentanyl or packaging of the fentanyl reasonably appeals to a minor, shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.”	Appealing to a minor: 25/90 <sup>36</sup>  Resembling prescription medication: 10/40 <sup>37</sup>	Amended to include distinct offense related to fentanyl packaged to appeal to minors or to resemble a prescription medication.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			“Any person who violates the provisions of R.S. 40:967(A) with respect to fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble branded prescription medication or its generic equivalent, shall be imprisoned at hard labor for not less than ten years nor more than forty years without benefit of probation, parole, or suspension of sentence.”		
	La. Stat. Ann. § 40:967.1	April 29, 2024 <sup>38</sup>	“Any person who violates the provisions of R.S. 40:967(A) with respect to fentanyl, where the fentanyl or packaging of the fentanyl reasonably appeals to a minor, shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.”	25/90 <sup>39</sup>	Created a new crime forbidding the packaging of fentanyl to appeal to children.
	<a href="#">La. Stat. Ann. § 40:967(B)(4)(f)(i)</a>	August 1, 2023 <sup>40</sup>	“If the offender unlawfully distributes or dispenses [fentanyl or carfentanil] which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence” <sup>41</sup>	Additional five years to be served consecutively to the distribution sentence	Changed the penalty for this fentanyl-specific crime, with no similar enhancement for other drugs.
	La. Stat. Ann. § 40:967(B)(4)(f)(i)	August 1, 2022 <sup>42</sup>	“If the offender unlawfully distributes or dispenses [fentanyl or carfentanil] which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence”	5/40 <sup>43</sup>	Created this serious bodily injury crime specifically for fentanyl and carfentanil.

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	<a href="#">La. Stat. Ann. § 40:983(C)(2)</a>	August 1, 2023 <sup>44</sup>	“It shall be unlawful for any person to knowingly or intentionally create or operate a clandestine laboratory... for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues”	10/40 <sup>45</sup>	Added a provision with increased penalties for fentanyl labs to a statute that already criminalized creation or operation of unlawful labs for controlled substances.
Maine	-	-	-	-	-
Maryland	-	-	-	-	-
Massachusetts	-	-	-	-	-
Michigan	-	-	-	-	-
Minnesota	-	-	-	-	-
Mississippi	<a href="#">Miss. Code Ann. § 41-29-139.1</a>	July 1, 2022 <sup>46</sup>	“A person who delivers or causes the delivery of fentanyl with knowledge of the fentanyl commits the crime of “fentanyl delivery resulting in death” when as a result of the unlawful delivery of fentanyl in exchange for anything of value to another person, death to a person results from the proximate cause of injection, oral ingestion or inhalation of the fentanyl. <sup>47</sup>	20/Life <sup>48</sup>	Created a drug-induced homicide law specific to fentanyl.
Missouri	-	-	-	-	-
Montana	-	-	-	-	-

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
Nebraska	-	-	-	-	-
Nevada	<a href="#">Nev. Rev. Stat. Ann. § 453.3355</a>	October 1, 2023 <sup>49</sup>	“Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who: 1. Knows that the mixture contains fentanyl; and 2. Intentionally fails to inform the purchaser that the mixture contains fentanyl, is guilty of intentional misrepresentation of a fentanyl product”	2/20 <sup>50</sup>	Creates a law penalizing the intentional failure to inform a drug purchaser about the presence of fentanyl.
New Hampshire	-	-	-	-	-
New Jersey	-	-	-	-	-
New Mexico	-	-	-	-	-
New York	-	-	-	-	-
North Carolina	-	-	-	-	-
North Dakota	-	-	-	-	-
Ohio	-	-	-	-	-
Oklahoma	-	-	-	-	-
Oregon	-	-	-	-	-
Pennsylvania	-	-	-	-	-

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
Rhode Island	-	-	-	-	-
South Carolina	-	-	-	-	-
South Dakota	<a href="#">S.D. Codified Laws § 22-42-2</a>	July 1, 2024 <sup>51</sup>	“Any person who, for consideration, intentionally distributes any controlled substance or counterfeit substance in violation of this section and another person dies as a direct result of using that substance is guilty of a Class 2 felony... If the substance is fentanyl and the person knew the substance was fentanyl, the person is guilty of a Class 1 felony.” <sup>52</sup>	-/50 <sup>53</sup>	Elevates what would be a “Class 2 felony” drug-induced homicide crime for any other substance to a Class 1 felony if involving fentanyl.
Tennessee	<a href="#">Tenn. Code Ann. § 39-17-417(k)(2)</a>	July 1, 2024 <sup>54</sup>	Manufacture, delivery, sale, or possession with intent to do the same when “the substance involved is fentanyl or carfentanyl, or any analogue or derivative thereof, either alone or in combination with any substance scheduled as a controlled substance...including controlled substance analogues, and the violation resulted in the death of another person” is punishable as second degree murder.	15/25 <sup>55</sup>	Creates a drug-induced homicide offense for possession with intent to distribute or manufacture fentanyl. <sup>56</sup>
Texas	<a href="#">Tex. Penal Code Ann. § 71.02(a)(5-c)</a>	Sept. 1, 2023 <sup>57</sup>	“A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following: . .	“[A]n offense under this section is one category higher than the most serious offense...that was committed, and if the	Elevates only “possession with intent to deliver” offenses involving fentanyl-related substances to this enhanced penalty for organized crime offenses.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			.unlawful possession with intent to deliver a controlled substance listed in Penalty Group 1-B under Section 481.1022, Health and Safety Code.”	most serious offense is a Class A misdemeanor, the offense is a state jail felony.”	
	<a href="#">Tex. Health &amp; Safety § 481.1022</a>	September 1, 2023 <sup>58</sup>	“Penalty Group 1-B consists of the following opiates [fentanyl, carfentanil, and a variety of other fentanyl-related compounds]”	Varies	This amendment added detailed list of various fentanyl-related chemical compounds.
	Tex. Health & Safety § 481.1022	September 1, 2021 <sup>59</sup>	“Penalty Group 1-B consists of fentanyl, alpha-methylfentanyl, and any other derivative of fentanyl”	Varies	This law separated out fentanyl as its own Penalty Group to provide increased penalties for crimes relating to fentanyl in a wide variety of criminal statutes, including manufacture or delivery of a controlled substance, child endangerment, and drug-induced homicide, as well as several punishment provisions. <sup>60</sup>
Utah	-	-	-	-	-
Vermont	-	-	-	-	-
Virginia	<a href="#">Va. Code Ann. § 18.2-248.02</a>	July 1, 2024 <sup>61</sup>	“Any person 18 years of age or older who knowingly allows (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship,	10/40 <sup>62</sup>	Added exposing a child or incapacitated/helpless person to fentanyl to a law

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			including but not limited to as a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such minor, or (iii) a mentally incapacitated or physically helpless person of any age, to be present in the same dwelling, apartment...unit of a hotel ... garage, shed, or vehicle during the manufacture or attempted manufacture of ...any substance containing a detectable amount of fentanyl... is guilty of a felony”		that previously only applied to methamphetamine.
	<a href="#">Va. Code Ann. § 18.2-46.6(D)</a>	July 1, 2023 <sup>63</sup>	“Any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl... is guilty of a Class 4 felony.”	2/10 <sup>64</sup>	Added the crime of creating a “weapon of terrorism” that contains fentanyl to existing weapon of terrorism statute.
Washington D.C.	-	-	-	-	-
Washington	-	-	-	-	-
West Virginia	<a href="#">W. Va. Code Ann. § 60A-4-401(e)</a>	June 10, 2022 <sup>65</sup>	“It is unlawful for any person knowingly or intentionally... [t]o adulterate another controlled substance using fentanyl as an adulterant...[t]o create a counterfeit substance or imitation controlled substance using fentanyl; or...[t]o cause the adulteration	3/15 <sup>67</sup>	Created an adulteration offense that exists for fentanyl only.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
			or counterfeiting or imitation of another controlled substance using fentanyl.” <sup>66</sup>		
Wisconsin	<a href="#">Wisc. Stat. § 961.49</a>	March 18, 2022 <sup>68</sup>	<p>Delivery, distribution, or possession with the intent to deliver “fentanyl, a fentanyl analog...and the delivery, distribution or possession takes place...while the person is in or on the premises of a scattered-site public housing project...while the person is in or on or otherwise within 1,000 feet of any of the following: 1. A state, county, city, village or town park. 2. A jail or correctional facility. 3. A multiunit public housing project. 4. A swimming pool open to members of the public. 5. A youth center or a community center. 6. Any private or public school premises and any premises of a tribal school... 7. A school bus...</p> <p>While the person is in or on the premises of an approved treatment facility...that provides alcohol and other drug abuse treatment...while the person is within 1,000 feet of the premises of an approved treatment facility...that provides alcohol and other drug abuse treatment, if the person knows or should have known that he or she is within 1,000 feet of the premises of the facility or if the facility is readily recognizable as a facility that provides alcohol and other drug abuse treatment” is a sentence enhancement</p>	Penalty increase of 5 years <sup>69</sup>	Adds fentanyl to a statute that provides a sentence enhancement to drug sales in the listed locations.

State	Citation	Effective date of relevant provision	Relevant Language	Min/Max incarceration penalty <sup>1</sup>	Summary of New Law
Wyoming	<a href="#">Wyo. Stat. Ann. § 6-4-405</a>	February 15, 2023 <sup>70</sup>	“Unless properly stored and pursuant to a valid practitioner’s medication order or valid prescription, no person shall knowingly and willfully cause or permit any child to [a]bsorb, inhale or otherwise ingest any amount of methamphetamine or fentanyl; [r]emain in a room, dwelling or vehicle where the person knows methamphetamine or fentanyl is being manufactured or sold; or [e]nter and remain in a room, dwelling or vehicle that the person knows is being used to manufacture or store fentanyl or methamphetamines, or the hazardous waste created by the manufacture of fentanyl or methamphetamines. No person having the care or custody of a child shall knowingly and willfully permit the child to remain in a room, dwelling or vehicle where that person knows that illicit methamphetamine or illicit fentanyl is possessed, stored or ingested.”	-/5 <sup>71</sup>	Added exposing a child to fentanyl or fentanyl manufacture/sale to a law that previously only applied to methamphetamine.

This document was developed by Amy Lieberman, J.D., Deputy Director, Harm Reduction Legal Project, Network for Public Health Law, with assistance from Harm Reduction Legal Project Director, Corey Davis, J.D., and Senior Attorneys, Ashleigh Dennis, J.D. and Michael Abrams, J.D. The Network promotes public health and health equity through non-partisan educational resources and technical assistance. These materials provided are provided solely for educational purposes and do not constitute legal advice. The Network’s provision of these materials does not create an attorney-client relationship with you or any other person and is subject to the [Network’s Disclaimer](#).

## SUPPORT

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## References

<sup>1</sup> Minimum and maximum penalties are for first time offenses by an adult (with an adult victim, if applicable) with no special circumstances. Measured in years unless otherwise specified. In some laws, punishments may vary depending on the circumstances of the offense, in which case we have included the minimum and maximum carceral penalties for the various circumstances. If there is no minimum or maximum, this is represented by a “-.”

<sup>2</sup> [2024 Alabama Laws Act 2024-103 \(H.B. 10\)](#).

<sup>3</sup> Manslaughter is a Class B felony. The penalty for a Class B felony is not more than 20 years or less than 2 years imprisonment. Ala. Code § 13A-5-6(a)(2).

<sup>4</sup> [2023 Alabama Laws Act 2023-486 \(H.B. 230\)](#).

<sup>5</sup> “For the purposes of this section, in addition to the definition contained in Section 13A-1-2, ‘serious physical injury’ includes ingestion, inhalation, or contact with fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, and any synthetic controlled substance fentanyl analogue.”

<sup>6</sup> “Chemical endangerment of a first responder that causes physical injury is a Class C felony.” The penalty for a Class C felony is not more than 10 years or less than 1 year and 1 day imprisonment. Ala. Code § 13A-5-6(a)(3).

<sup>7</sup> “Chemical endangerment of a first responder that causes serious physical injury is a Class B felony.” The penalty for a Class B felony is not more than 20 years or less than 2 years imprisonment. Ala. Code § 13A-5-6(a)(2).

<sup>8</sup> “Chemical endangerment of a first responder that results in the death of the first responder is a Class A felony.” The penalty for a Class A felony is life or not more than 99 years or less than 10 years imprisonment. Ala. Code § 13A-5-6(a)(1).

<sup>9</sup> [2023 Arkansas Laws Act 584 \(H.B. 1456\)](#).

<sup>10</sup> Predatory marketing of fentanyl to minors is an unclassified felony with a term of life imprisonment and a fine of \$1 million. Ark. Code Ann. § 5-64-421(i)(1)(A).

<sup>11</sup> [2023 Arkansas Laws Act 739 \(H.B. 1663\)](#).

<sup>12</sup> First degree exposure is a Class Y felony if the other person is a first responder or an employee of a correctional facility, and a Class A felony otherwise. Second degree exposure is a Class A felony if the other person is a first responder or an employee of a correctional facility, and a Class B felony otherwise. The penalty for a Class Y felony is no less than 10 years and no more than 40 years or life. The penalty for a Class A felony is no less than 6 years and no more than 30 years. The penalty for a Class B felony is no less than 5 years and no more than 20 years. Ark. Code. Ann. § 5-4-401.

<sup>13</sup> [2023 Arkansas Laws Act 584 \(H.B. 1456\)](#).

<sup>14</sup> For aggravated death by delivery to an adult: unclassified felony with a sentence of no less than 20 years and no more than 60 years or life. For aggravated death by delivery to a minor: unclassified felony with a sentence of life imprisonment, unless the person who commits the offense is less than 3 years older than the minor whose death was caused: unclassified felony with a sentence of no less than 20 years and no more than 60 years or life. Ark. Code. Ann. § 5-10-202.

<sup>15</sup> Good Samaritan provisions added [2023 Colo. Legis. Serv. Ch. 144 \(H.B. 23-1167\)](#). Unrelated revision July 1, 2023. [2023 Colo. Legis. Serv. Ch. 249 \(S.B. 23-290\)](#).

<sup>16</sup> Manufacture, dispensing, selling, or distributing fentanyl is a level 1 drug felony subject to mandatory sentencing provisions, if “the defendant committed a violation of [fentanyl distribution of various amounts], and the actions in violation of [those subsections] are the proximate cause of the death of another person who used or consumed the material, compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof ...” unless the amount of fentanyl was under 4g, in which case mandatory provisions do not apply. Colo. Rev. Stat. Ann. § 18-18-405(2)(a)(III)(A);(B). Level 1 drug felonies are subject to a presumptive range of 8 to 32 years. Colo. Rev. Stat. Ann. § 18-1.3-401.5(2)(a).

<sup>17</sup> “Except for a prosecution for manufacturing, a person commits a level 1 drug misdemeanor for a violation of subsection (2)(c)(I), (2)(c)(II), (2)(c)(V), or (2)(d) of this section, if: (a) The distribution, dispensing, transfer, or sale involves a material, compound, mixture, or preparation that weighs not more than four grams and contains any amount of a controlled substance identified in subsection (2)(c)(I), (2)(c)(II), (2)(c)(V), or (2)(d) of this section; (b) The defendant reports in good faith an emergency drug overdose event to a law enforcement officer, to the 911 system, or to a medical provider, or the defendant aids or seeks aid for the person who suffered the emergency drug overdose; (c) The defendant remains at the scene of the event until a law enforcement officer or an emergency medical responder arrives or the defendant remains at the facilities of the medical provider until a law enforcement officer arrives; (d) The defendant identifies himself or herself and cooperates with the law enforcement officer, emergency medical responder, or medical provider; and (e) The offense arises from the same course of events from which the emergency overdose event arose.” Colo. Rev. Stat. Ann. § 18-18-405(8).

<sup>18</sup> [2022 Colo. Legis. Serv. Ch. 225 \(H.B. 22-1326\)](#). This is not a new drug-induced homicide law; however, this is when the fentanyl-specific provisions were added.

<sup>19</sup> Manufacture, dispensing, selling, or distributing fentanyl is a level 1 drug felony subject to mandatory sentencing provisions, if “the defendant committed a violation of [fentanyl distribution of various amounts], and the actions in violation of [those subsections] are the proximate cause of the death of another person who used or consumed the material, compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof ...” unless the amount of fentanyl was under 4g, in which case mandatory provisions do not apply. Colo. Rev. Stat. Ann. § 18-18-405(2)(a)(III)(A);(B). Level 1 drug felonies are subject to a presumptive range of 8 to 32 years. Colo. Rev. Stat. Ann. § 18-1.3-401.5(2)(a).

<sup>20</sup> [2024 Fla. Sess. Law Serv. Ch. 2024-68 \(C.S.C.S.C.S.S.B. 718\)](#).

<sup>21</sup> “For a felony of the second degree, by a term of imprisonment not exceeding 15 years.” Fla. Stat. § 775.082.

<sup>22</sup> (d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years. Fla. Stat. § 775.082.

<sup>23</sup> [2023 Fla. Sess. Law Serv. Ch. 2023-26 \(C.S.C.S.H.B. 1359\)](#). July 1, 2024 technical amendment [2024 Fla. Sess. Law Serv. Ch. 2024-176 \(C.S.C.S.C.S.H.B. 1065\)](#).

<sup>24</sup> “A person commits a felony of the first degree [mandatory sentence if] The person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, any of the following: a. Alfentanil... Carfentanil...Fentanyl...Sufentanil... a fentanyl derivative, as described in s. 893.03(1)(a) 63.; f. A controlled substance analog, as described in s. 893.0356, of any substance described in sub-subparagraphs a.-e.; or g. A mixture containing any substance described in sub-subparagraphs a.-f.; and 2. The substance or mixture listed in subparagraph 1. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes: a. Resembles the trade dress of a branded food product, consumer food product, or logo food product; b. Incorporates an actual or fake registered copyright, service mark, or trademark; c. Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or d. Contains a cartoon character imprint.” Fla. Stat. § 893.13(1)(h)(3)(i).

<sup>25</sup> First degree felony - Mandatory minimum 3 years; Maximum 30 years Fla. Stat. § 775.082(2)(b)(1.); Maximum \$10,000 fine Fla. Stat. § 775.083(1)(b); Higher penalties after multiple offenses See Fla. Stat. § 775.084.

<sup>26</sup> [2024 Georgia Laws Act 504 \(S.B. 465\)](#).

<sup>27</sup> “A person who commits the offense of aggravated involuntary manslaughter shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a term of not less than 10 years nor more than 30 years or life imprisonment.” Ga. Code Ann. § 16-5-3.1(c).

<sup>28</sup> [2024 Kansas Laws Ch. 96 \(S.B. 414\)](#).

<sup>29</sup> “Aggravated endangering a child is a: (A) Severity level 9, person felony except as provided in subsection (c)(2)(B); and (B) severity level 6, person felony when bodily harm is inflicted upon the child. (3) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment

imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.” Kan. Stat. Ann. § 21-5601(c)(2)-(3). According to Kansas’ sentencing grid at Kan. Stat. Ann. § 21-6804, for a severity level 9 person felony with no priors, the minimum sentence is 11 months and the maximum is 13.

<sup>30</sup> [2024 Kentucky Laws Ch. 174 \(HB 5\)](#).

<sup>31</sup> [2024 Kentucky Laws Ch. 174 \(HB 5\)](#).

<sup>32</sup> “Manslaughter in the first degree is a Class B felony.” Ky. Rev. Stat. Ann. § 507.030(2). A Class B felony is punishable by 10-20 years. Ky. Rev. Stat. Ann. § 532.060(2)(b).

<sup>33</sup> [2024 Kentucky Laws Ch. 174 \(HB 5\)](#).

<sup>34</sup> “Manslaughter in the second degree is a Class C felony.” Ky. Rev. Stat. Ann. § 507.040(2). A Class C felony is punishable by 5-10 years. Ky. Rev. Stat. Ann. § 532.060(2)(c).

<sup>35</sup> [2024 La. Sess. Law Serv. Act 85 \(H.B. 720\)](#).

<sup>36</sup> “Shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.” La. Stat. Ann. § 40:967.1.

<sup>37</sup> “Shall be imprisoned at hard labor for not less than ten years nor more than forty years without benefit of probation, parole, or suspension of sentence.” La. Stat. Ann. § 40:967.1.

<sup>38</sup> [2024 La. Sess. Law Serv. 2nd Ex. Sess. Act 19 \(H.B. 8\)](#).

<sup>39</sup> “Shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.” La. Stat. Ann. § 40:967.1.

<sup>40</sup> [2023 La. Sess. Law Serv. Act 399 \(H.B. 90\)](#). Amendment changed sentence to be an addition 5 years on top of other underlying sentence.

<sup>41</sup> (f)(i) If the offender unlawfully distributes or dispenses fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for an additional period of five years without benefit of probation, parole, or suspension of sentence. The additional penalty imposed pursuant to this Subparagraph shall be served consecutively to the sentence imposed under this Paragraph.” La. Stat. Ann. § 40:967.

<sup>42</sup> [2022 La. Sess. Law Serv. Act 671 \(S.B. 315\)](#).

<sup>43</sup> At least 5 years of sentence to be served without probation or parole.

<sup>44</sup> [2023 La. Sess. Law Serv. Act 148 \(S.B. 49\)](#).

<sup>45</sup> This is a felony offense. See [La. Stat. Ann. § 14:2\(A\)\(4\)](#) (“‘Felony’ is any crime for which an offender may be sentenced to death or imprisonment at hard labor.”).

<sup>46</sup> [2022 Miss. Laws Chapter 401](#). Originally, was supposed to sunset July 1, 2025, but legislation removed the sunset provision. [2025 Miss. Laws S.B. 2200](#).

<sup>47</sup> “For purposes of this section only, 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: (a) “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. (b) “In exchange for anything of value” does not apply to the act of sharing fentanyl when the sharing results in the proximate cause of a person’s death under this section. (4) The legislative intent for this bill is to assist in prosecuting 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 Legislature for the provisions of this section to be used to prosecute 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 sharing. (5) The provisions of this section shall not be construed to limit, restrict or otherwise prohibit an indictment or conviction for any other crime that may be related to a violation of this section. (6) The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall create an annual report of the number of persons convicted under the provisions of this section; and shall provide the report to the House and Senate Judiciary B committees by January 5, of each year. (7) This section shall stand repealed from and after July 1, 2025.” Miss. Code Ann. § 41-29-139.1.

<sup>48</sup> “Upon conviction for violating the provisions of 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.” Miss. Code Ann. § 41-29-139.1(a).

<sup>49</sup> [2023 Nevada Laws Ch. 468 \(S.B. 35\)](#).

<sup>50</sup> “Shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$50,000.” Nev. Rev. Stat. § 453.3355.

<sup>51</sup> Amended to add fentanyl provision. [2024 South Dakota Laws Ch. 90 \(SB 6\)](#).

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- <sup>52</sup> “If the decedent is a minor, the person is guilty of a Class C felony.”
- <sup>53</sup> “Class 1 felony: fifty years imprisonment in a state correctional facility. In addition, a fine of fifty thousand dollars may be imposed,” S.D. Codified Laws § 22-6-1(4).
- <sup>54</sup> [2024 Tennessee Laws Pub. Ch. 957 \(S.B. 2229\)](#). Amended to add fentanyl-DIH provision.
- <sup>55</sup> “Second degree murder is a Class A felony.” Tenn. Code Ann. § 39-13-210(c)(1). “A Range I sentence is as follows...[f]or a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years.” Tenn. Code Ann. § 40-35-112(a)(1). When the victim is a minor, the person convicted “shall be punished from within one (1) range higher than the sentencing range otherwise appropriate for the person.” Tenn. Code Ann. § 39-13-210(c)(2).
- <sup>56</sup> Tennessee’s second degree murder statute, Tenn. Code Ann § 39-13-210(a)(3), established a drug-induced homicide crime for the distribution, delivery, or dispensation of fentanyl in 2018.
- <sup>57</sup> Amended to include 1-B substances provision [2023 Tex. Sess. Law Serv. Ch. 910 \(H.B. 6\)](#).
- <sup>58</sup> Amendment added additional fentanyls. [2023 Tex. Sess. Law Serv. Ch. 910 \(H.B. 6\)](#).
- <sup>59</sup> [2021 Tex. Sess. Law Serv. Ch. 584 \(S.B. 768\)](#).
- <sup>60</sup> Tex. Penal § 22.041.
- <sup>61</sup> [2024 Virginia Laws Ch. 371 \(S.B. 469\)](#).
- <sup>62</sup> “Punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.” Va. Code Ann. § 18.2-248.02.
- <sup>63</sup> [2023 Virginia Laws Ch. 383 \(H.B. 1682\)](#).
- <sup>64</sup> “The authorized punishments for conviction of a felony are: . . . (d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.” Va. Code Ann. § 18.2-10.
- <sup>65</sup> [2022 West Virginia Laws Ch. 58 \(S.B. 536\)](#).
- <sup>66</sup> “(5) For purposes of this section: (i) A controlled substance has been adulterated if fentanyl has been mixed or packed with it; and (ii) Counterfeit substances and imitation controlled substances are further defined in § 60A-1-101 of this code.”
- <sup>67</sup> “(4) Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.”
- <sup>68</sup> [2021 Wisconsin S. B. 352](#).
- <sup>69</sup> “[T]he maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.” Wisc. Stat. 961.49(1m).
- <sup>70</sup> [2023 Wyoming Laws Ch. 10 \(H.B. 111\)](#).
- <sup>71</sup> “Any person who violates any of the provisions of subsection (a) or (b) of this section is guilty of endangering a child punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.” Wyo. Stat. Ann. § 6-4-405(c).