

Amendment to SB 15-FN

1 Amend the introductory paragraph of RSA 318-B:26, IX as inserted by section 1 of the bill by  
2 replacing it with the following:

3

4 IX. Any person who manufactures, sells, or dispenses methamphetamine, lysergic acid,  
5 diethylamide phencyclidine (PCP) or any other controlled drug classified in schedules I or II, or any  
6 controlled drug analog thereof, in violation of RSA 318-B:2, I or I-a, ***excluding any fentanyl class***  
7 ***drug, including any adulterants or dilutants***, is strictly liable for a death which results from  
8 the injection, inhalation, or ingestion of that substance, and may be sentenced to imprisonment for  
9 life or for such term as the court may order. ***Any person who manufactures, sells, or dispenses***  
10 ***a fentanyl class drug, including any adulterants or dilutants, is strictly liable for a death***  
11 ***which results from the injection, inhalation, or ingestion of that substance, and may be***  
12 ***sentenced to imprisonment for life or for such term as the court may order, except that such***  
13 ***term shall not be less than 10 years of imprisonment.*** For purposes of this section, the person's  
14 act of manufacturing, dispensing, or selling a substance is the cause of a death when:

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AMENDED ANALYSIS

This bill sets a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting in the case of the distribution of a fentanyl class drug.