

# SENATE BILL 23-109: Official City Position

Approved by Westminster City Council on February XX, 2023

---

## SENATORS PELTON, MULLICA

Concerning a criminal penalty for the supplier when a person dies as a result of the use of a controlled substance.

### **Official City Position: SUPPORT**

Status: **Active** – This bill was introduced in the Senate on January 31, 2023. It was assigned to the Judiciary Committee and is set for hearing on March 6, 2023.

#### Description:

The bill makes it a level 1 drug felony if a person sells, dispenses, distributes, or otherwise transfers any quantity of a controlled substance or any material, compound, mixture, or preparation that contains any amount of a controlled substance and the sale, dispensing, distribution, or transfer is the proximate cause of the death of another person who used or consumed the controlled substance material, compound, mixture, or preparation.

#### City Comments:

This legislation is in alignment with the following principle(s) as set forth in the City's [2023 Legislative Policy Statement](#):

##### Public Safety

- Opposes legislation that minimizes the accountability of possession of illicit drugs such as fentanyl and opioids.

This bill expands the “if the death is a proximate cause” language and makes it a drug felony 1 (DF1) if a person sells, dispenses, distributes, or otherwise transfers any quantity of a controlled substance and that act is the proximate cause of the death of another. The fentanyl legislation from 2022 (HB22-1326) made it a DF1 if someone gives another person fentanyl and that is the proximate cause of the person’s death. One issue that came up is those times where a person may take a Fentanyl pill and use another type of drug at the same time - the district attorney’s office would be unable to prove that it was the fentanyl and not the other drug that was the proximate cause of death. This bill would make it a DF1 if any controlled substance is sold, dispensed, distributed, or otherwise transferred to another person that is the proximate cause of the person’s death.