

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 431

BY SENATOR WELD

[Introduced January 19, 2022; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended,
2 relating to the Uniform Controlled Substances Act; offenses and penalties; drug delivery
3 resulting in death; and defining and clarifying the phrase "engaged in the illegal use of a
4 controlled substance".

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-416. Drug delivery resulting in death; failure to render aid.

1 (a) Any person who knowingly and willfully delivers a controlled substance or counterfeit
2 controlled substance in violation of the provisions of §60A-4-401 of this code for an illicit purpose
3 and the use, ingestion or consumption of the controlled substance or counterfeit controlled
4 substance alone or in combination with one or more other controlled substances, proximately
5 causes the death of a person using, ingesting or consuming the controlled substance, is guilty of
6 a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a
7 determinate sentence of not less than three nor more than 15 years.

8 (b) Any person who, while engaged in the illegal use of a controlled substance with
9 another, who knowingly fails to seek medical assistance for such other person when the other
10 person suffers an overdose of the controlled substance or suffers a significant adverse physical
11 reaction to the controlled substance and the overdose or adverse physical reaction proximately
12 causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be
13 imprisoned in a state correctional facility for not less than one year nor more than five years.

14 (c) As used in this section the phrase "engaged in the illegal use of a controlled substance
15 with another" means being in the physical presence of a person engaged in illegal drug use and
16 participating in illegal drug use or facilitating the illegal drug abuse by the other person so
17 engaged.

NOTE: The purpose of this bill is to define and clarify the phrase "engaged in the illegal
use of a controlled substance."

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.