

# **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.