

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 143

By Senator Weld

[Introduced February 12, 2025; referred
to the Select Committee on Substance Use Disorder
and Mental Health; and then 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 generally to the Uniform Controlled Substances Act; defining and clarifying the
 3 phrases "engaged in the illegal use of a controlled substance with another person", and
 4 "seek medical assistance"; and establishing criminal penalties.

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 chapter~~ for an illicit
 3 purpose and the use, ingestion, or consumption of the controlled substance or counterfeit
 4 controlled substance alone, or in combination with one or more other controlled substances,
 5 proximately causes the death of a person using, ingesting, or consuming the controlled substance,
 6 is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility
 7 for a 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 another
 9 person, 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:

15 (1) The phrase "engaged in the illegal use of a controlled substance with another person"
 16 means being in the physical presence of a person engaged in illegal drug use and participating
 17 with him or her in illegal drug use, or knowingly facilitating illegal drug abuse by the other person so
 18 engaged.

19 (2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison

- 20 control facility, any type of first responder, a medical facility or medical professional capable of
21 treating an overdose and in the case of an opioid overdose to administer or cause the
22 administration of a commercially produced and medically recognized opioid antagonist.

NOTE: The purpose of this bill is to define and clarify the phrases "engaged in the illegal use of a controlled substance" and "Seek medical assistance" as used in the elements of the crime of drug delivery resulting in death; failure to render aid.

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