

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

FENTANYL-SPECIFIC CRIMINAL PROVISIONS: SUMMARY OF STATE LAWS

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FENTANYL-SPECIFIC CRIMINAL PROVISIONS: SUMMARY OF STATE LAWS

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SUMMARY

An estimated 82,020 individuals in the United States died as the result of a drug overdose in the 12 month period ending October, 2024.¹ As of June 2024, over 64 percent of overdose deaths involved synthetic opioids (not including methadone).² Fentanyl is classified as a synthetic opioid and is up to 50 times stronger than heroin and 100 times stronger than morphine.³ Many illicit drugs are increasingly being adulterated with illegally manufactured fentanyl “because of its extreme potency, which makes drugs cheaper, more powerful, more addictive, and more dangerous.”⁴ Even in small doses, fentanyl can be deadly, especially for a person with little to no tolerance for the substance.⁵ Likely as a result of these factors, states across the country have begun to enact fentanyl-specific criminal provisions related to possession, manufacture, or trafficking.

In 2023, the Legislative Analysis and Public Policy Association extensively researched and compiled fentanyl-specific criminal provisions located within state laws and regulations throughout the United States, including the District of Columbia and all U.S. territories. In the two years since the original draft of this document, the number of enacted and proposed bills related to fentanyl has significantly increased. Therefore, in the first few months of 2025, LAPPa updated the document to reflect provisions in effect as of March 15, 2025 and denote legislation pending within the current legislative session. The results of this research are compiled below.

Beginning on page seven, LAPPa provides jurisdiction-by-jurisdiction tables describing aspects of each law or regulation in effect as of March 2025, followed by a table related to state legislation relative to fentanyl-specific criminal provisions. The state tables include information regarding:

- Statutory citation(s), if any;
- Specific fentanyl or fentanyl-compound referenced in the criminal statute;⁶
- Whether the penalties are different for fentanyl than other substances;⁷

¹ *Provisional Drug Overdose Death Counts*, CTRS. FOR DISEASE CONTROL & PREVENTION (accessed March 15, 2025), <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

² *Provisional Drug Overdose Death Counts for Specific Drugs*, CTR’S. FOR DISEASE CONTROL & PREVENTION, NAT’L VITAL STATS. SYS., (accessed March 15, 2025), <https://www.cdc.gov/nchs/nvss/vsrr/prov-drug-involved-mortality.htm>.

³ *Fentanyl Facts*, CTRS. FOR DISEASE CONTROL & PREVENTION (accessed, March 15, 2025), https://www.cdc.gov/stop-overdose/caring/fentanyl-facts.html?CDC_AAref_Val=https://www.cdc.gov/stopoverdose/fentanyl/index.html.

⁴ *Id.*

⁵ *Id.*

⁶ If a criminal statute, other than the schedule of controlled substances, references a substance other than fentanyl, most commonly carfentanil, it is noted here.

⁷ When a state differentiates between fentanyl and other drugs in its sentencing laws, LAPPa has designated it as a “yes.” If fentanyl is merely mentioned within a statute, along with other drugs (most often methamphetamine), then LAPPa has given a detailed explanation of the difference. If a state does not have any criminal provisions specific to fentanyl or imposes the same penalty for fentanyl related crimes as others, LAPPa has designated it as a “no.”

- The controlled substance schedule of fentanyl and fentanyl-related substances;⁸
- Criminal provision(s) related to possession of fentanyl;
- Criminal provision(s) related to distribution or delivery of fentanyl;
- Provision(s) related to exposing others to fentanyl;
- Other provisions of note; and
- Whether there is recently proposed legislation.

LAPPA designed this document to: (1) provide a singular resource for each jurisdiction's laws; (2) allow for a comparison of these laws between jurisdictions; and (3) identify and highlight interesting provisions. The primary conclusions from the research and analysis are set forth below, followed by maps showing those results in graphic form.⁹

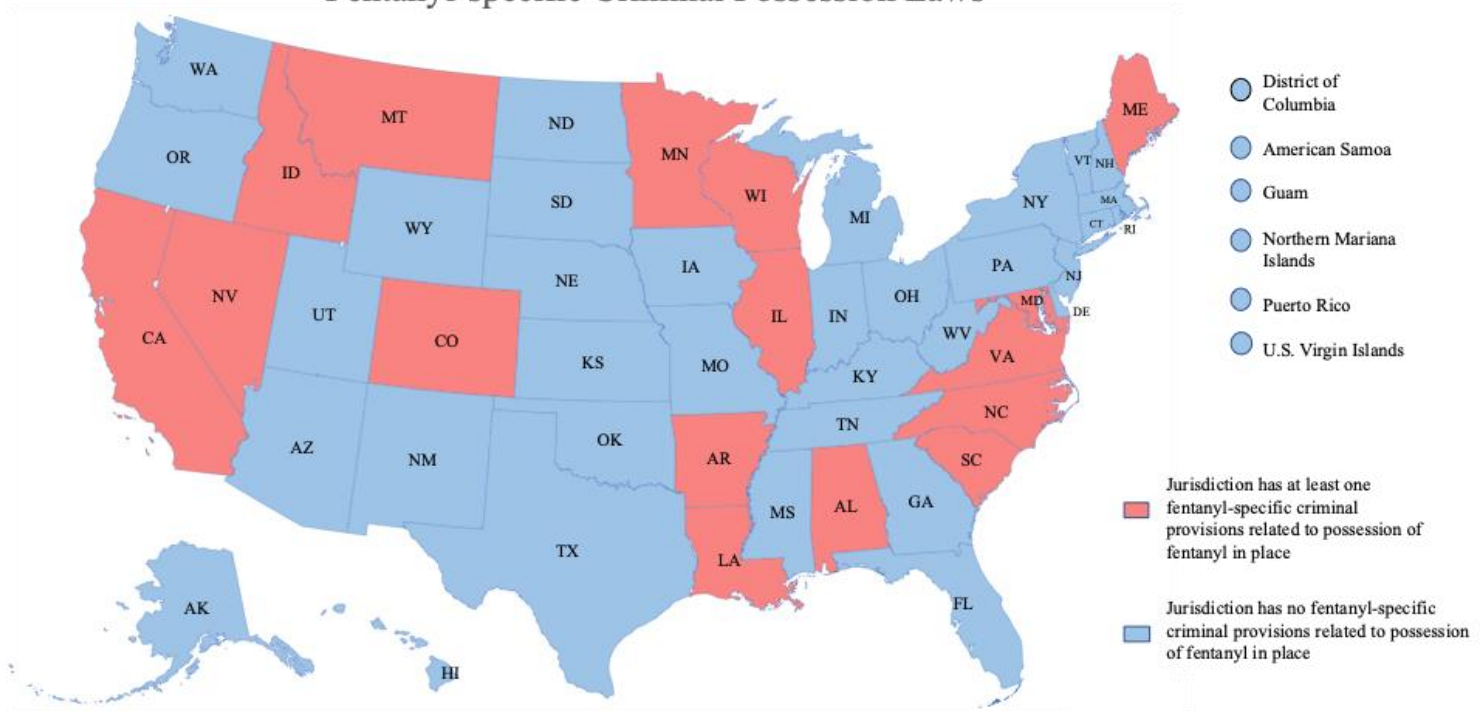
- The vast majority of states and territories currently have at least some form of criminal provision that is specific to fentanyl. For the states that do not, many have legislation pending in the current legislative session to create such provisions. As of April 2025, nine states do not currently have any fentanyl-specific criminal provisions in place but have one or more bills pending to enact such provisions.
- Five states, the District of Columbia, and four U.S. territories (American Samoa, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) do not currently have any fentanyl-specific criminal provisions in place and do not have any legislation pending to enact such provisions.

⁸ Most states maintain controlled substance schedules similar or identical to the federal controlled substance schedules found at 21 C.F.R. § 812. To maintain consistency and ease of use for the reader, when a schedule (usually schedule II) includes fentanyl, alfentanil, carfentanil, sufentanil or remifentanil, LAPPA has included those as “fentanyl analogues.” All other substances - including more distant fentanyl analogues, derivatives, and precursors (usually included in schedule I, as they have no recognized medical purpose because they are illicitly manufactured), are referred to as “fentanyl related substances.” If a substance differs from that pattern, LAPPA specifically notes it.

⁹ The goal of this research document is to provide accurate and complete information that is free of omissions. If you believe that this document contains misinformation or errors, please email LAPPA at info@thelappa.org.

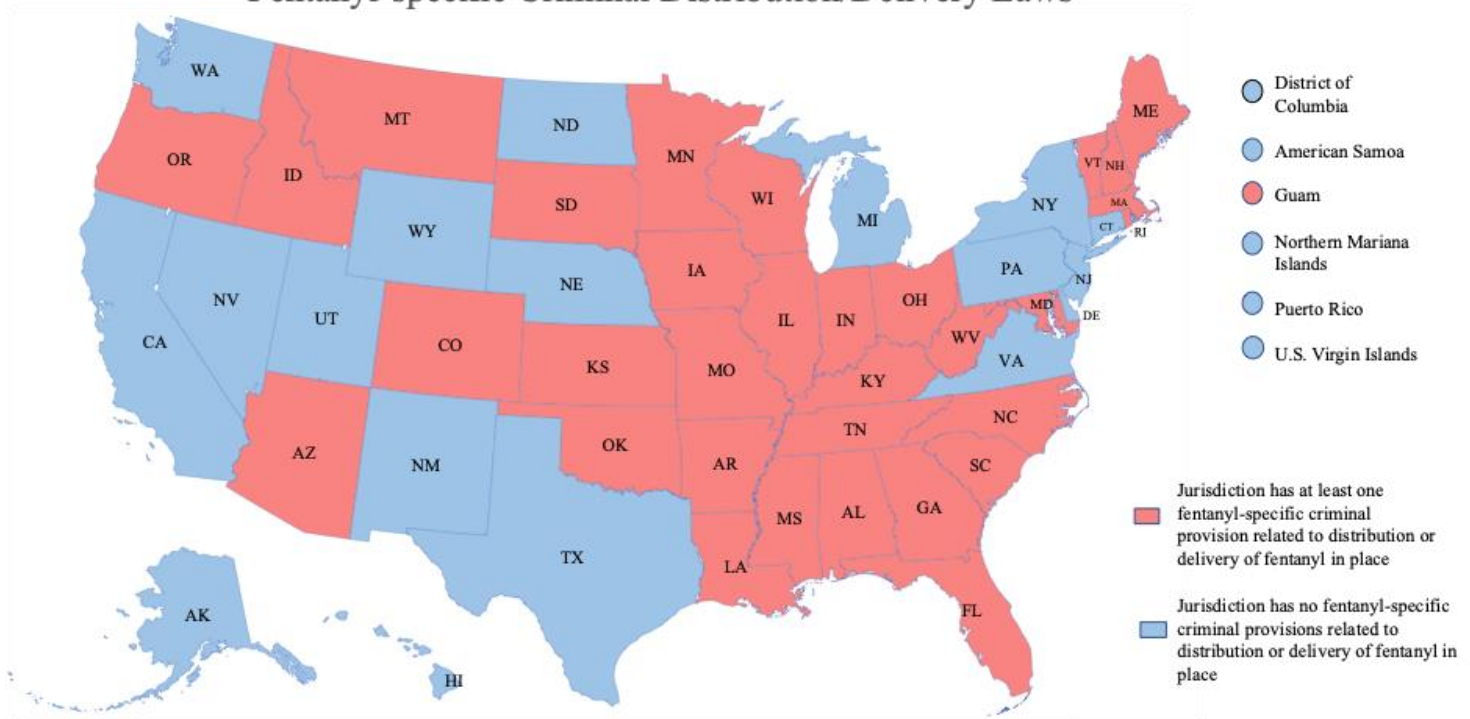
- Most states include fentanyl in the broader category of “controlled substances” for which unlawful possession is a crime. In these states, there is no differentiation between fentanyl and other substances, and the penalties are the same for each. Sixteen states have at least one fentanyl-specific criminal provision in place related to possession of fentanyl. In Illinois, possession of amounts under five grams is treated with the same charge and penalty as possession of other substances, but over that amount carries an enhanced penalty.

Fentanyl-specific Criminal Possession Laws



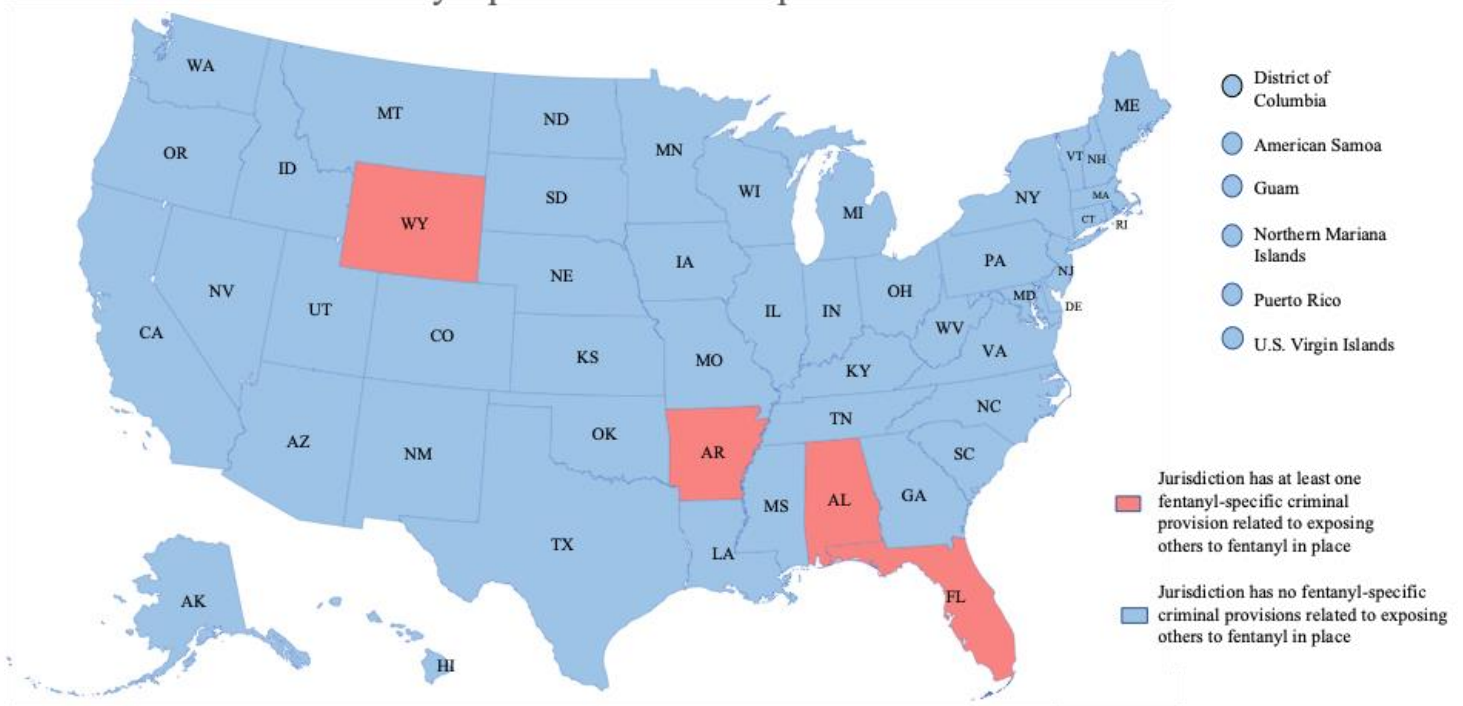
- Distribution or delivery of fentanyl is the most common fentanyl-specific criminal provision in the United States. Most states have at least one provision that enhances the penalty for a person convicted of distribution, delivery, or possession with intent to deliver fentanyl in any quantity. Some states regard possession of fentanyl over a certain amount to be *prima facie* evidence of an intent to deliver. Currently, 32 states and Guam have at least one fentanyl-specific criminal provision related to distribution or delivery of fentanyl in place.

Fentanyl-specific Criminal Distribution/Delivery Laws



- Criminal provisions related to exposure to drugs has become an area of focus for many state legislatures. This is likely due to the recent rise in news stories about injury or death resulting from exposure to fentanyl, particularly for emergency medical services or law enforcement teams when responding to a medical emergency such as an overdose. Four states (Alabama, Arkansas, Florida and Wyoming) have a criminal provision in place related to exposing others to fentanyl.

Fentanyl-specific Criminal Exposure Laws



<u>ALABAMA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • ALA. CODE § 13A-6-3 (West 2025) (manslaughter - fentanyl specific clause) • ALA. CODE § 13A-6-30 (West 2025) (chemical endangerment of first responder) • ALA. CODE § 13A-12-211 (West 2025) (unlawful distribution of controlled substances) • ALA. CODE § 13A-12-212 (West 2025) (unlawful possession of controlled substances) • ALA. CODE § 13A-12-231 (West 2025) (trafficking in illegal drugs) • ALA. CODE § 20-2-23 (West 2025) (controlled substances - schedule I) • ALA. CODE § 20-2-25 (West 2025) (controlled substances - schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; synthetic controlled substance fentanyl analogue
Are the penalties different for fentanyl than for other drugs?	Yes and no; certain penalties for fentanyl are the same as those for morphine and opium, while others are specific to fentanyl.
Controlled substance schedule of fentanyl and analogues	Fentanyl is classified as a schedule II controlled substance. “Synthetic fentanyl analogues” are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	According to § 13A-12-212, a person commits the crime of unlawful possession of controlled substance if: <ul style="list-style-type: none"> • Except as otherwise authorized, he or she possesses a controlled substance enumerated in schedules I through V. • He or she obtains by fraud, deceit, misrepresentation, or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address, a controlled substance enumerated in schedules I through V or a precursor chemical. • Unlawful possession of a controlled substance is a Class D felony.
Criminal provision(s) related to distribution or delivery of fentanyl	According to § 13A-12-211, a person commits the crime of “unlawful possession with intent to distribute a controlled substance” if, except as otherwise authorized by law, he or she knowingly possesses: <ul style="list-style-type: none"> • More than two grams, but less than four grams, of any mixture of morphine, opium, or any salt, isomer, or salt of

<u>ALABAMA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>an isomer thereof, including heroin or any mixture containing fentanyl or any synthetic controlled substance fentanyl analogue;</p> <ul style="list-style-type: none"> • More than one-half gram, but less than one gram, of fentanyl or any synthetic controlled substance fentanyl analogue, as a single component. • Unlawful possession with intent to distribute a controlled substance is a Class B felony. <p>Possession of large quantities of certain drugs that is mixed with fentanyl can be charged with trafficking. § 13A-12-231(3) states that any person, except as otherwise authorized by law, who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, or any mixture containing fentanyl or any synthetic controlled substance fentanyl analogue, is guilty of a felony, which felony shall be known as “trafficking in illegal drugs.”</p> <p>If the quantity involved is:</p> <ul style="list-style-type: none"> • Four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and pay a fine of \$50,000; • 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and pay a fine of \$100,000; • 28 grams or more, but less than 56 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of \$500,000; • 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life. <p>Possession of relatively small amounts of fentanyl and its analogues can also result in a trafficking charge. According to § 13A-12-231(13), any person, unless otherwise authorized by law, who knowingly sells, manufactures, delivers, or brings into this state, or who is in actual or constructive possession of, one gram or more of fentanyl or any synthetic controlled substance fentanyl analogue, as a single component, is guilty of a felony, which shall be known as “trafficking in illegal drugs.”</p>

<u>ALABAMA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>If the quantity involved is:</p> <ul style="list-style-type: none"> • One gram or more, but less than two grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a minimum fine of \$50,000; • Two grams or more, but less than four grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a minimum fine of \$100,000; • Four grams or more, but less than eight grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a minimum fine of \$500,000; and • Eight grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of life and to pay a minimum fine of \$750,000. • The felonies listed above shall be treated as Class A felonies. <p>A person commits the crime of “manslaughter” under § 13A-6-3 if he or she Knowingly sells, furnishes, gives away, delivers, or distributes a controlled substance in violation of law, which contains fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, or any synthetic controlled substance fentanyl analogue, and the person to whom the controlled substance is sold, furnished, given, delivered, or distributed dies as a proximate result of the use of the controlled substance; provided, nothing in this subdivision shall be construed to apply to a licensed physician engaged in the practice of medicine, a licensed pharmacist engaged in the practice of pharmacy, or a licensed dentist engaged in the practice of dentistry.</p> <ul style="list-style-type: none"> • It is not a defense to this subdivision that the person who sold, furnished, gave away, delivered, or distributed the controlled substance had no knowledge that the controlled substance had no knowledge that the controlled substance contained fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, or any synthetic controlled substance fentanyl analogue. • Manslaughter is a Class B felony.
Provisions(s) related to exposing others to fentanyl	<ul style="list-style-type: none"> • Under § 13A-6-30 a person commits the crime of “chemical endangerment of a first responder” if he or she knowingly, recklessly, or intentionally causes or permits a first responder, or a coroner or a deputy coroner, to be exposed

<u>ALABAMA</u>	
Provisions(s) related to exposing others to fentanyl (continued)	to, to ingest or inhale, or to have contact with a schedule I controlled substance or chemical substance, or a mixture or combination thereof while performing his or her duties. <ul style="list-style-type: none">• “Serious physical injury” includes ingestion, inhalation, or contact with fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, and any synthetic controlled substance fentanyl analogue.
Other provisions of note	None

<u>ALASKA</u>	
Statute(s) and/or regulation(s)	ALASKA STAT. ANN. § 11.71.140 (West 2025) (schedule IA)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	Fentanyl and all fentanyl analogues are included in schedule IA.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Alaska related to schedule IA apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>ARIZONA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • ARIZ. REV. STAT. ANN. § 13-3408 (West 2025) (possession, use, administration, sale, manufacture or transportation of dangerous drugs) • ARIZ. REV. STAT. ANN. § 13-3424 (West 2025) (sale of lethal fentanyl) • ARIZ. REV. STAT. ANN. § 36-2513 (West 2025) (schedule II)
Specific fentanyl or fentanyl analogues referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	Fentanyl and its analogues are classified as schedule II controlled substances.
Criminal provision(s) related to possession of fentanyl	None
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 13-3408, a person who is at least eighteen years of age commits sale of lethal fentanyl if the person knowingly sells fentanyl and both of the following apply:</p> <ul style="list-style-type: none"> • The person knows that the drug being sold contains fentanyl. • The fentanyl causes the death of another person. • It is an affirmative defense to a charge brought under this section that the fentanyl and its precursor chemicals were either manufactured in the United States or were lawfully imported into the United States. • Sale of lethal fentanyl is a class 2 felony, except that the presumptive, minimum and maximum sentences shall be increased by five years. <p>A person who knowingly possesses fentanyl for sale or who transports for sale, imports into this state, offers to transport for sale or import into this state, sells, transfers or offers to sell or transfer fentanyl is guilty of a class 2 felony.</p> <p>If the person is convicted of a violation of this section and the violation involves the sale to another person of fentanyl in an amount of at least two hundred grams, the person shall be sentenced to five to fifteen calendar years with a presumption of ten calendar years.</p>

<u>ARIZONA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	A person who has previously been convicted of a violation involving the sale to another person of fentanyl in an amount of at least two hundred grams shall be sentenced to ten to twenty calendar years with a presumption of fifteen calendar years.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>ARKANSAS</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • ARK. CODE ANN. § 5-4-501 (West 2025) (enhanced sentencing for habitual offender) • ARK. CODE ANN. § 5-10-202 (West 2025) (aggravated death by delivery) • ARK. CODE ANN. § 5-10-207 (West 2025) (consensual ingestion not a defense) • ARK. CODE ANN. § 5-13-214 (West 2025) (knowingly exposing another person to fentanyl in the first and second degree) • ARK. CODE ANN. § 5-64-101 (West 2025) (definition of fentanyl includes analogs) • ARK. CODE ANN. § 5-64-421 (West 2025) (possession, intent to deliver, manufacture fentanyl) • ARK. CODE ANN. § 5-64-440 (West 2025) (trafficking a controlled substance) • ARK. CODE ANN. § 5-64-443 (West 2025) (possession of drug paraphernalia) • 007.07.02 ARK. CODE R. (West 2025) (list of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Under § 5-64-421(a-b), except as provided under medical provisions of ARK. CODE ANN. § 5-64:</p> <ul style="list-style-type: none"> • It is unlawful for a person to possess fentanyl (unless excepted under medical provisions) <ul style="list-style-type: none"> ○ A person who violates this section upon conviction is guilty of a Class C felony. • It is unlawful for a person to possess fentanyl with the purpose to deliver fentanyl. <ul style="list-style-type: none"> ○ Purpose to deliver may be shown by any of the following factors: ○ The person possesses the means to weigh, separate, or package fentanyl;

<u>ARKANSAS</u>	
Criminal provision(s) related to possession of fentanyl (continued)	<ul style="list-style-type: none"> ○ The person possesses a record indicating a drug-related transaction; ○ The fentanyl is separated or packaged in a manner to facilitate delivery; ○ The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of fentanyl; ○ The person possesses at least two (2) other controlled substances in any amount; or ○ Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver fentanyl. ○ A person who violates subdivision this section upon conviction is guilty of a Class A felony. <p>According to § 5-64-443, a person who possesses drug paraphernalia with the purpose to use the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or to store, contain, conceal, or weigh a controlled substance in violation of this chapter is guilty of a Class D felony if the controlled substance is methamphetamine, heroin, fentanyl, or cocaine and the person has previously been convicted of a violation of this chapter.</p> <p>A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack or repack a controlled substance in violation of this chapter is guilty of a Class B felony if the controlled substance is methamphetamine, heroin, fentanyl, or cocaine.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 5-64-421(c-d), except as provided under medical provisions of ARK. CODE ANN. § 5-64, it is unlawful for a person to:</p> <ul style="list-style-type: none"> • Deliver fentanyl <ul style="list-style-type: none"> ○ A person who violates this section upon conviction is guilty of a Class Y felony. • Manufacture fentanyl <ul style="list-style-type: none"> ○ A person who manufactures fentanyl upon conviction is guilty of a Class Y felony. <p>Under § 5-64-421(i), a person commits the offense of predatory marketing of fentanyl to minors if he or she possesses fentanyl with the purpose to deliver, delivers fentanyl, or manufactures fentanyl; and</p>

<u>ARKANSAS</u>	
<p>Criminal provision(s) related to distribution or delivery of fentanyl (continued)</p>	<ul style="list-style-type: none"> • The fentanyl possessed, delivered, or manufactured is likely to appeal to minors due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging, including without limitation: <ul style="list-style-type: none"> ○ Products that are modeled after noncontrolled substance products primarily consumed by and marketed to minors; ○ Products in the shape of an animal, a vehicle, a person, or a character; or ○ Products that resemble food or beverages that are attractive to minors and that are commonly sold in retail establishments regardless of whether the food or beverages are generic, trademarked, or branded products, including without limitation products that resemble candy. • A person who commits predatory marketing of fentanyl to minors upon conviction is guilty of an unclassified felony and shall be sentenced to a term of life imprisonment and a fine of one million dollars (\$1,000,000). <p>Under § 5-64-440, it is unlawful for a person to engage in trafficking a controlled substance. A person engages in trafficking a controlled substance if he or she possesses, possesses with the purpose to deliver, delivers, or manufactures a controlled substance by aggregate weight, including an adulterant or diluent, in the following amounts: fentanyl, one gram or more.</p> <ul style="list-style-type: none"> • Trafficking in fentanyl is an unclassified felony with a sentence of imprisonment of not less than 25 years nor more than 60 years, or life, and a fine of \$1,000,000. <p>Under § 5-10-202, a person commits the offense of aggravated death by delivery if:</p> <ul style="list-style-type: none"> • He or she knowingly delivers or conveys fentanyl to another person and the injection, ingestion, inhalation, or other introduction of the fentanyl, including any adulterants or diluents, is the cause of death of the other person. <ul style="list-style-type: none"> ○ A violation is an unclassified felony with a sentence of no less than 20 years and no more than 60 years, or life. • He or she knowingly delivers or conveys fentanyl, methamphetamine, heroin, or cocaine to a minor and the injection, ingestion, inhalation, or other introduction of the fentanyl, methamphetamine, heroin, or cocaine, including any adulterants or diluents, causes the death of the minor.

<u>ARKANSAS</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> ○ A violation is an unclassified felony with a sentence of life. A person who violates this section and is no less than three years older than the minor whose death was caused is guilty of an unclassified felony and shall be sentenced to a term of imprisonment of no less than 20 years nor more than 60 years, or life. <p>According to § 5-10-207, it is not a defense to a prosecution under this chapter that a person knowingly and voluntarily consented to the injection, ingestion, inhalation, or other introduction of the controlled substance or counterfeit substance.</p>
Provisions(s) related to exposing others to fentanyl	<p>Under § 5-13-214:</p> <ul style="list-style-type: none"> • A person commits the offense of knowingly exposing another person to fentanyl in the first degree if the person knowingly exposes another person to fentanyl and the other person suffers serious physical injury as a result of the exposure. Knowingly exposing another person to fentanyl in the first degree is: <ul style="list-style-type: none"> ○ A Class Y felony if the other person is a first responder or an employee of a correctional facility; or ○ A Class A felony if otherwise committed. • A person commits the offense of knowingly exposing another person to fentanyl in the second degree if the person knowingly exposes another person to fentanyl and the other person suffers physical injury as a result of the exposure. Knowingly exposing another person to fentanyl in the second degree is: <ul style="list-style-type: none"> ○ A Class A felony if the other person is a first responder or an employee of a correctional facility; or ○ A Class B felony if otherwise committed.
Other provisions of note	<p>Under § 5-4-501, Arkansas's habitual offender statute, for the purpose of determining the number of felonies for which a defendant has been convicted, if the defendant was previously convicted of a felony for possession of fentanyl, § 5-64-421, and the defendant also was convicted of a felony for knowingly exposing another person to fentanyl in the first degree, § 5-13-214(b), or knowingly exposing another person to fentanyl in the second degree, § 5-13-214(c), stemming from the same set of facts, the two (2) felonies shall be considered as one (1) felony.</p>
Recently proposed legislation	None

<u>CALIFORNIA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • CAL. HEALTH & SAFETY CODE § 11351 (West 2025) (possession and possession for sale of controlled substances) • CAL. HEALTH & SAFETY CODE § 11352 (West 2025) (distribution of controlled substances) • CAL. HEALTH & SAFETY CODE § 11055 (West 2025) (schedule II) • CAL. HEALTH & SAFETY CODE § 11356.6 (West 2025) (fentanyl education probation program) • CAL. HEALTH & SAFETY CODE § 11370.4 (West 2025) (convictions with respect to fentanyl) • CAL. HEALTH & SAFETY CODE § 11395 (West 2025) (multiple convictions for “hard drugs” and treatment alternatives to incarceration)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	Fentanyl and fentanyl analogues are classified as schedule II controlled substances.
Criminal provision(s) related to possession of fentanyl	<p>Possession of any controlled substance without a valid prescription is a violation of law.</p> <p>Fentanyl is defined as a “hard drug” under HEALTH & SAFETY CODE § 11395. A person who has multiple convictions for illegal possession of a controlled substance, when that substance is a “hard drug” shall be eligible to attend a substance use treatment program in lieu of imprisonment unless a court determines they are ineligible or that treatment would be unsuitable.</p> <p>A person convicted of a violation of, or of a conspiracy to violate, the prohibition against possession, possession for sale and distribution of controlled substances in §§ 11351 or 11352 with respect to a substance containing fentanyl shall receive an additional state prison term as follows:</p> <ul style="list-style-type: none"> • If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years. • If the substance exceeds 100 grams by weight, the person shall receive an additional term of five years.

<u>CALIFORNIA</u>	
Criminal provision(s) related to possession of fentanyl (continued)	<ul style="list-style-type: none"> • If the substance exceeds 500 grams by weight, the person shall receive an additional term of seven years. • If the substance exceeds one kilogram by weight, the person shall receive an additional term of 10 years. • If the substance exceeds four kilograms by weight, the person shall receive an additional term of 13 years. • If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 16 years. • If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 19 years. • If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 22 years. • If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	<p>According to HEALTH & SAFETY CODE § 11356.6, when a person is found to possess certain controlled substances, including fentanyl and fentanyl related substances and sentenced to probation, the court shall refer them only to a fentanyl and synthetic opiate education program that meets the standards of this section.</p> <ul style="list-style-type: none"> • A fentanyl and synthetic opiate education program shall include education on the dangers of fentanyl and other synthetic opiates, including, but not limited to, information on all of the following: <ul style="list-style-type: none"> ○ How the use of fentanyl and synthetic opiates affects the body and brain. ○ The dangers of fentanyl and other synthetic opiates to a person's life and health. ○ Factors that contribute to physical dependence. ○ The physical and mental health risks associated with substance use disorders. ○ How to recognize and respond to the signs of a drug overdose, including information regarding access to, and the administration of, opiate antagonists and immunity for reporting a drug-related overdose pursuant to Section 11376.5. ○ The legality of drug testing equipment pursuant to subdivision (g) of § 11364.5.

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Other provisions of note (continued)	<ul style="list-style-type: none"> • The education may also include the criminal penalties for controlled substance offenses regarding fentanyl and other synthetic opiates. • The education shall be culturally and linguistically appropriate. • The court may allow a defendant to participate in a fentanyl and synthetic opiate education program via remote technology, if one is available. • The program provider shall report to the probation department and the court an unexcused absence by a defendant from a fentanyl and synthetic opiate education program within two business days. A defendant who is absent from a session of the fentanyl and synthetic opiate education program shall be required to complete any and all components of the fentanyl and synthetic opiate education program that the defendant did not attend. • The court shall only refer defendants to programs that are available at no cost to participants of court-ordered drug education as provided in subparagraph (B) of paragraph (4) of subdivision (a) of § 11373.
Recently proposed legislation	Yes. See Recent State Legislation .

<u>COLORADO</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • COLO. REV. STAT. ANN. § 18-1.3-401.5 (West 2025) (drug felonies classified—presumptive and aggravated penalties) • COLO. REV. STAT. ANN. § 18-1.3-410 (West 2025) (fentanyl education and treatment program) • COLO. REV. STAT. ANN. § 18-18-204 (West 2025) (schedule II) • COLO. REV. STAT. ANN. § 18-18-203 (West 2025) (schedule I) • COLO. REV. STAT. ANN. § 18-18-403.5 (West 2025) (unlawful possession of a controlled substance) • COLO. REV. STAT. ANN. § 18-18-405 (West 2025) (unlawful distribution, manufacturing, dispensing, or sale) • COLO. REV. STAT. ANN. § 44-1-105 (West 2025) (regulation of kratom)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>According to § 18-18-403.5 a person who violates this section by knowingly possessing:</p> <ul style="list-style-type: none"> • Any material, compound, mixture, or preparation that weighs more than one gram and not more than four grams and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, commits a level 4 drug felony; • An analog thereof, commits a level 1 drug misdemeanor, except that a fourth or subsequent offense for a violation of this subsection is a level 4 drug felony. <p>Notwithstanding the provisions of this section, if a defendant shows supporting evidence to establish that the defendant made a reasonable mistake of fact and did not know that the substance he or she possessed contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, the matter shall be submitted to the finder of fact in the form of an interrogatory included in the verdict form.</p>

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Criminal provision(s) related to possession of fentanyl (continued)	<p>If the finder of fact determines that the defendant did make such mistake of fact, the defendant commits a level 1 drug misdemeanor.</p> <p>A person who violates this section by possessing any material, compound, mixture, or preparation that contains a quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof that is more than 60 percent of the total composition of the material, compound, mixture, or preparation commits a level 2 drug felony.</p> <p>Each level of drug felony carries a specified sentencing range, with level 1 being the most severe. § 18-1.3-401.5(2)(a).</p> <p>The presence of fentanyl in levels over fifty grams (whether a mixture, compound, or pure) is an aggravating factor and brings higher sentencing ranges.</p> <p>According to § 18-1.3-401.5(2.5), it is the intent of the general assembly that sentencing for crimes that involve fentanyl, carfentanil, benzimidazole opiate, or any analog thereof, even in small quantities, reflect the high risk of addiction and death associated with those drugs.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 18-18-405(1)(a), except as otherwise authorized by law, it is unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute a controlled substance; or induce, attempt to induce, or conspire with one or more other persons to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance.</p> <p>Any person who violates this section:</p> <ul style="list-style-type: none"> • Commits a level 1 drug felony and is subject to the mandatory drug sentencing provisions of § 18-1.3-401.5(7) if: <ul style="list-style-type: none"> ○ The violation involves any material, compound, mixture, or preparation that weighs more than 50 grams and contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof; or ○ Except as otherwise provided by law, the defendant committed a violation of (2)(a)(I)(D) and the actions in such violation are the proximate cause of death of another person who use or consumed the material,

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Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> ○ compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof; ○ Notwithstanding the above, a defendant who committed a violation of subsection (2)(c)(V) of this section, and the actions involved in that violation are the proximate cause of death of another person who used or consumed the material, compound, mixture, or preparation that contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, is not subject to the mandatory sentencing requirements. • Commits a level 2 drug felony if the violation involves any material, compound, mixture, or preparation that weighs more than four grams, but not more than 50 grams, and contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof. • Commits a level 3 drug felony if the violation involves any material, mixture, compound, or preparation that weighs not more than four grams and contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof. <p>The same sentence enhancing aggravating factors listed in § 18-1.3-401.5(2)(a) apply to distribution and sale.</p> <p>Under § 44-1-105, a person shall not knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product that is adulterated with fentanyl or any other controlled substance listed in part 2 of article 18 of title 18.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	Under § 18-1.3-410 and § 18-1.3-510, a person convicted of an offense that relates to fentanyl, carfentanil, benzimidazole opiate or any analog thereof, must undergo a “substance abuse assessment” to address any substance use disorder. The person must also attend treatment based on the assessment and complete a fentanyl education program.
Recently proposed legislation	Yes. See Recent State Legislation .

<u>CONNECTICUT</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • CONN. GEN. STAT. ANN. § 21a-240 (West 2025) (definition of “narcotic drug”) • CONN. AGENCIES REGS. § 21a-243-8 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl is classified as a schedule II controlled substance.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions related to narcotic drugs apply equally to fentanyl as other substances.
Criminal provision(s) related to distribution or delivery of fentanyl	N/A
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>DELAWARE</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • DEL. CODE ANN. tit. 16, § 4714 (West 2025) (schedule I) • DEL. CODE ANN. tit. 16, § 4716 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl is classified as a schedule II controlled substance.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Delaware related to schedules I and II apply to fentanyl and fentanyl-related substances.
Criminal provision(s) related to distribution or delivery of fentanyl	N/A
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>DISTRICT OF COLUMBIA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • D.C. CODE ANN. § 48-902.04 (West 2025) (schedule I) • D.C. CODE ANN. § 48-902.06 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl is classified as a schedule II controlled substance.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions in D.C. related to schedules I and II apply to fentanyl and fentanyl related substances.
Criminal provision(s) related to distribution or delivery of fentanyl	N/A
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>FLORIDA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • FLA. STAT. ANN. § 782.04 (West 2025) (murder) • FLA. STAT. ANN. § 893.03 (West 2025) (standards and schedules) • FLA. STAT. ANN. § 893.13 (West 2025) (prohibited acts; possession) • FLA. STAT. ANN. § 893.131 (West 2025) (distribution of controlled substance resulting in overdose) • FLA. STAT. ANN. § 893.132 (West 2025) (fentanyl exposure of first responders) • FLA. STAT. ANN. § 893.135 (West 2025) (trafficking; mandatory sentences) • FLA. STAT. ANN. § 893.147 (West 2025) (use, possession, manufacture, delivery, transportation, advertisement, or retail sale)
Specific fentanyl or fentanyl compounds referenced in criminal statute in criminal statute	Fentanyl; carfentanil; alfentanil; sufentanil
Are the penalties different for fentanyl than for other drugs?	Yes and no; penalties under § 893.135 apply to fentanyl and fentanyl derivatives. Penalties under §§ 893.147 and 782.04 apply to multiple listed drugs that include carfentanil and fentanyl.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl is classified as a schedule II controlled substance.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	Illegal possession of fentanyl is treated the same as other controlled substances unless the quantity meets the 4 gram threshold to be considered trafficking.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 893.131, except as provided in paragraph (b), a person 18 years of age or older who unlawfully distributes heroin, alfentanil, carfentanil, fentanyl, sufentanil, fentanyl derivatives, a controlled substance analog of any of these, or admixture containing any of these, and an overdose or serious bodily injury of the user results, commits a felony of the second degree, when such substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the user.</p> <p>Subsequent convictions under this chapter commit a felony of the first degree, carrying an enhanced sentence.</p>

<u>FLORIDA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>The administration of medical care by an emergency responder, including, but not limited to, a law enforcement officer, a paramedic, or an emergency medical technician is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury.</p> <p>Under § 893.135(1)(c)(4), a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of alfentanil, carfentanil, fentanyl, sufentanil, fentanyl derivatives, a controlled substance analog of any of these, or admixture containing any of these, commits a felony of the first degree, which felony shall be known as “trafficking in dangerous fentanyl or fentanyl analogues.”</p> <p>If the quantity involved is:</p> <ul style="list-style-type: none"> • Four grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of seven years, and shall be ordered to pay a fine of \$50,000; • 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 20 years, and shall be ordered to pay a fine of \$100,000; • 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000. <p>Further, a person 18 years of age or older who violates this section by knowingly selling or delivering to a minor at least 4 grams of a substance or mixture listed in sub-subparagraph a. shall be sentenced to a mandatory minimum term of not less than 25 years and not exceeding life imprisonment, and shall be ordered to pay a fine of \$1 million if the substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:</p> <ul style="list-style-type: none"> • Resembles the trade dress of a branded food product, consumer food product, or logo food product; • Incorporates an actual or fake registered copyright, service mark, or trademark;

<u>FLORIDA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or • Contains a cartoon character imprint. <p>Under § 782.04(1)(a)(3), the crime of murder in the first degree includes the unlawful killing of a human being which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or mixture containing alfentanil, carfentanil, fentanyl, sufentanil, when such substance or mixture is proven to be the proximate cause of the death of the user.</p>
Provisions(s) related to exposing others to fentanyl	Under § 983.132, a person 18 years of age or older who, in the course of unlawfully possessing dangerous fentanyl or fentanyl analogs, recklessly exposes a first responder to dangerous fentanyl or fentanyl analogs and an overdose or serious bodily injury of the first responder results, commits a felony of the second degree.
Other provisions of note	Under § 893.147 it is unlawful for any person to possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine, an encapsulating machine, or controlled substance counterfeiting materials knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance. When the substance involved is or includes fentanyl and other fentanyl analogues, the person commits a felony of the second degree.
Recently proposed legislation	None

<u>GEORGIA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> GA. CODE ANN. § 16-13-26 (West 2025) (aggravated involuntary manslaughter) GA. CODE ANN. § 16-13-25 (West 2025) (schedule I) GA. CODE ANN. § 16-13-26 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes, for homicide cases.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and carfentanil are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Georgia related to schedules I and II apply to fentanyl, carfentanil, and fentanyl related substances.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 16-5-3.1, a person commits the offense of aggravated involuntary manslaughter when he or she causes the fentanyl overdose death of another human being, without the intent to cause the death of said human being, by intentionally manufacturing or selling any substance that contains fentanyl, after representing that such substance was any controlled substance.</p> <ul style="list-style-type: none"> A person who commits the offense of aggravated involuntary manslaughter shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a term of not less than 10 years nor more than 30 years or life imprisonment. The offense of aggravated involuntary manslaughter shall be considered a separate offense and shall not merge with any other offense. This Code section shall not apply to any manufacturing or selling of a controlled substance that is authorized in Article 2 of Chapter 13 of Title 16, the “Georgia Controlled Substances Act.” For purposes of any criminal prosecution of violations of this Code section, the defendant's knowledge of the chemical identity of the substance manufactured or sold shall not be an essential element of the offense, and the state shall not have the burden of proving that a defendant knew

<u>GEORGIA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	the chemical identity of such substance in order to be convicted of an offense under this Code section.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>HAWAII</u>	
Statute(s) and/or regulation(s)	HAW. REV. STAT. ANN. § 319-16 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	Fentanyl, and fentanyl analogues are classified as schedule II controlled substances. Many fentanyl related substances including derivatives are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Hawaii related to schedule II apply to fentanyl and fentanyl related substances.
Criminal provision(s) related to distribution or delivery of fentanyl	N/A
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>IDAHO</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • IDAHO CODE ANN. § 37-2705 (West 2025) (schedule I) • IDAHO CODE ANN. § 37-2707 (West 2025) (schedule II) • IDAHO CODE ANN. § 37-2732D (West 2025) (trafficking in fentanyl, mandatory sentences)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Alfentanil; carfentanil; fentanyl; norfentanyl; remifentanil; sufentanil
Are the penalties different for fentanyl than for other drugs?	Yes and no. Provisions related to possession of small quantities of fentanyl are treated the same as other substances.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and carfentanil are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	Possession of fentanyl in amounts under 4 grams is treated the same as possession of other controlled substances.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 37-2732D, any person who manufactures, delivers, or brings into this state, or who knowingly in actual or constructive possession of, 4 grams or more of fentanyl (or any of the named analogues and derivatives), or any mixture or substance containing a detectable amount of any such substance is guilty of a felony “trafficking in fentanyl.”</p> <p>If the quantity involved:</p> <ul style="list-style-type: none"> • Is four (4) grams or more but less than fourteen (14) grams, or if such substances are in pill form, consist of one hundred (100) pills or more but fewer than two hundred fifty (250) pills, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of three (3) years and fined not less than ten thousand dollars (\$10,000); • (2) Is fourteen (14) grams or more but less than twenty-eight (28) grams, or if such substances are in pill form, consist of two hundred fifty (250) pills or more but fewer than five hundred (500) pills, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of five (5) years and fined not less than fifteen thousand dollars (\$15,000); • (3) Is twenty-eight (28) grams or more, or if such substances are in pill form, consist of five hundred (500) pills or more, such person shall be sentenced to a mandatory minimum

<u>IDAHO</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • fixed term of imprisonment of ten (10) years and fined not less than twenty-five thousand dollars (\$25,000). • (4) The maximum number of years of imprisonment for trafficking in fentanyl shall be life, and the maximum fine shall be one hundred thousand dollars (\$100,000). <p>A second conviction for the offense of trafficking in fentanyl as defined in this section shall result in a mandatory minimum fixed term that is twice that otherwise required under this section.</p> <p>Notwithstanding any other provision of law, with respect to any person who is found to have violated the provisions of this section, adjudication of guilt or the imposition or execution of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum fixed term of imprisonment prescribed in this section. Further, the court shall not retain jurisdiction.</p> <p>Any person who agrees, conspires, combines, or confederates with another person or solicits another person to commit an act prohibited in this subsection (is guilty of a felony and is punishable as if he had actually committed such prohibited act.</p> <p>For the purposes of this section, the weight or number of pills of the controlled substance as represented by the person selling or delivering it is determinative if the weight or number of pills as represented is greater than the actual weight or number of pills of the controlled substance.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>ILLINOIS</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • 720 ILL. COMP. STAT. ANN. 570/204 (West 2025) (schedule I) • 720 ILL. COMP. STAT. ANN. 570/206 (West 2025) (schedule II) • 720 ILL. COMP. STAT. ANN. 570/401 (West 2025) (manufacture or delivery) • 730 ILL. COMP. STAT. ANN. 5/5-5-3 (West 2025) (disposition)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and most fentanyl related substances (including derivatives) are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Possession (without intent to manufacture or deliver) of fentanyl in amounts under 5 grams is treated the same as possession of other controlled substances. However, the criminal penalty for possession of fentanyl over 5 grams is enhanced.</p> <p>Under § 5/5-5-3, a period of probation, a term of periodic imprisonment or conditional discharge, shall not be imposed for fentanyl related violations of the controlled substances act, when the violation includes more than 5 grams of fentanyl or an analog thereof.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 570/401, except as otherwise authorized by law, it is unlawful for any person knowingly to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance other than methamphetamine and other than bath salts as defined by law, a counterfeit substance, or a controlled substance analog.</p> <p>Any person who violates this section with respect to the following amounts of fentanyl or fentanyl analogs, notwithstanding any provisions to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided herein:</p>

<u>ILLINOIS</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • Not less than six years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl or an analog thereof; • Not less than nine years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl or an analog thereof; • Not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing fentanyl or an analog thereof; or • Not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing fentanyl or an analog thereof. <p>Violations of the controlled substance act when the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.</p> <p>Any person who violates this section with regard to the 1 gram or more but less than 15 grams of any substance containing fentanyl or an analog thereof, is guilty of a Class 1 felony. The fine for a violation of this subsection shall not be more than \$250,000.</p> <p>Any person who violates this section with regard to any other amount of a controlled or counterfeit substance containing fentanyl or any salt or optical isomer of fentanyl or an analog thereof is guilty of a Class 2 felony. The fine for violating this subsection shall not be more than \$200,000.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>INDIANA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • IND. CODE ANN. § 35-48-2-4 (West 2025) (schedule I) • IND. CODE ANN. § 35-48-2-6 (West 2025) (schedule II) • IND. CODE ANN. § 35-48-4-1 (West 2025) (dealing in cocaine or narcotic drug)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and immediate precursors to fentanyl are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	Possession of fentanyl is treated the same as other substances unless a person is found in possession of threshold amounts which trigger a charge of dealing or manufacturing, as described below.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 35-48-4-1, dealing or manufacture of fentanyl carry separate, specific penalties:</p> <p>The offense is a Level 4 felony if the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than 90 days, is at least one gram but less than three grams.</p> <p>The offense is a Level 3 felony if the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than 90 days, is at least three grams but less than seven grams; or, the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than 90 days, is at least one gram but less than three grams and an enhancing circumstance applies.</p> <p>The offense is a Level 2 felony if the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than 90 days, is at least seven grams; or the drug is a fentanyl containing substance and the amount of fentanyl containing substance involved, aggregated over a period of not more than</p>

<u>INDIANA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	90 days, is at least three grams but less than seven grams, and an enhancing circumstance applies.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>IOWA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • IOWA CODE § 124.204 (West 2025) (schedule I) • IOWA CODE § 124.206 (West 2025) (schedule II) • IOWA CODE § 124.401 (West 2025) (manufacture, delivery, possession of controlled substances)
Specific fentanyl or fentanyl compounds referenced	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes, when the amount of fentanyl involved reaches a specified quantity.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and most of its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions in Iowa related to schedules I and II apply to fentanyl except those listed below.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to §124.401, except as otherwise authorized, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance or to act with, enter into a common scheme or design with, or conspire with one or more persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance.</p> <p>Violation of this section with respect to more than 50 grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance is a class “B” felony and shall be punished by confinement for no more than 50 years and a fine of not more than one million dollars.</p> <p>Violation of this section with respect to more than five grams but not more than 50 grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance is a class “B” felony and shall be punished by a fine of not less than \$5,000 nor more than \$100,000.</p> <p>Violation of this section with respect to five grams or less of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance is a class “C” felony and shall be punished by a fine of not less than \$1,000 nor more than \$50,000.</p>

<u>IOWA</u>	
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>KANSAS</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • KAN. STAT. ANN. § 21-5601 (West 2025) (endangering a child) • KAN. STAT. ANN. § 21-5703 (West 2025) (unlawful manufacturing of controlled substances) • KAN. STAT. ANN. § 21-5705 (West 2025) (unlawful cultivation or distribution) • KAN. STAT. ANN. § 21-6805 (West 2025) (sentencing grid for drug crimes; authority and responsibility of sentencing court; presumptive disposition) • KAN. STAT. ANN. § 65-4105 (West 2025) (schedule I) • KAN. STAT. ANN. § 65-4107 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions in Kansas related to schedules I and II apply to fentanyl except those listed below.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 21-5705, It is unlawful for any person to distribute or possess with intent to distribute fentanyl and its analogues or derivatives.</p> <p>Except as provided further, violation of this subsection with respect to material containing any quantity of a fentanyl-related controlled substance, or an analog thereof, is a:</p> <ul style="list-style-type: none"> • drug severity level 4 felony if the quantity of the material was less than 1 gram; • drug severity level 3 felony if the quantity of the material was at least 1 gram but less than 3.5 grams; • drug severity level 2 felony if the quantity of the material was at least 3.5 grams but less than 100 grams; and • drug severity level 1 felony if the quantity of the material was 100 grams or more.

<u>KANSAS</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>Violation of this subsection with respect to material containing any quantity of a fentanyl-related controlled substance, distributed by dosage unit, is a:</p> <ul style="list-style-type: none"> • drug severity level 4 felony if the number of dosage units was fewer than 10; • drug severity level 3 felony if the number of dosage units was at least 10 but fewer than 50; • drug severity level 2 felony if the number of dosage units was at least 50 but fewer than 250; and • drug severity level 1 felony if the number of dosage units was 250 or more. <p>In any prosecution under this section, there shall be an inference of an intent to distribute if such an inference is supported by the facts and such person possesses the following quantities of controlled substances or analogs thereof:</p> <ul style="list-style-type: none"> • 3.5 grams or more of a fentanyl-related controlled substance, heroin or methamphetamine; or • 50 dosage units or more containing any quantity of a fentanyl-related controlled substance. <p>Under § 21-6805(h), the sentence for a violation of § 21-5703 with respect to material containing any quantity of a fentanyl-related controlled substance shall be presumed imprisonment and shall be two times the maximum duration of the presumptive term of imprisonment. Such term shall not be considered a departure and shall not be subject to appeal.</p> <p>Under § 21-5703, it shall be unlawful for any person to manufacture any controlled substance or controlled substance analog. Violation or attempted violation of this subsection is a drug severity level 1 felony if the controlled substance is a fentanyl-related controlled substance.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	Under § 21-5601, aggravated endangering a child includes causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine or any fentanyl-related controlled substance.
Recently proposed legislation	Yes. See Recent State Legislation .

<u>KENTUCKY</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • KY. REV. STAT. ANN. § 218A.1410 (West 2025) (importing heroin, carfentanil, fentanyl and fentanyl derivatives) • KY. REV. STAT. ANN. § 218A.1412 (West 2025) (trafficking) • KY. REV. STAT. ANN. § 218A.142 (West 2025) (aggravated trafficking) • KY. REV. STAT. ANN. § 218A.14141 (West 2025) (trafficking in misrepresented controlled substances) • KY. REV. STAT. ANN. § 507.040 (West 2025) (manslaughter second degree) • KY. REV. STAT. ANN. § 507.030 (West 2025) (manslaughter first degree) • KY. REV. STAT. ANN. § 520.050 (West 2025) (promoting contraband) • 902 KY. ADMIN. REGS. 55:015 (West 2025) (schedule of controlled substances)_
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes, for trafficking and homicide statutes.
Controlled substance schedule of fentanyl and analogues	<p>According to 902 KY. ADMIN. REGS. 55:015, Kentucky mirrors the federal controlled substance schedule and does not independently list out each substance.</p> <p>Under 21 C.F.R. § 812 (2025), fentanyl is classified as a schedule II controlled substance.</p>
Criminal provision(s) related to possession of fentanyl	All other criminal possession provisions in Kentucky related to schedule II apply to fentanyl and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	According to § 507.040, a person is guilty of manslaughter in the second degree when he or she wantonly causes the death of another person, including but not limited to situations where the death results from the person's knowing distribution of fentanyl or a fentanyl derivative to another person without remuneration, and the injection, ingestion, inhalation or other introduction of the fentanyl or fentanyl derivative causes the death of the person.

<u>KENTUCKY</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>Further, under § 507.030, A person is guilty of manslaughter in the first degree when He or she knowingly sells fentanyl or a fentanyl derivative to another person, and the injection, ingestion, inhalation, or other introduction of the fentanyl or fentanyl derivative causes the death of the person.</p> <p>Under § 218A.1410, a person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives when he or she knowingly and unlawfully transports any quantity of heroin, carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl derivatives. The provisions of this section are intended to be a separate offense from others in this chapter and shall be punished in addition to violations of this chapter occurring during the same course of conduct.</p> <p>Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant shall not be eligible for pretrial diversion and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least 85 percent of the sentence imposed.</p> <p>According to § 218A.1412, a person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives. A violation of this section is a Class C felony for the first offense and a Class B felony for a second or subsequent offense.</p> <p>Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least 50 percent of the sentence imposed in cases where the trafficked substance was heroin, fentanyl, carfentanil, or fentanyl derivatives.</p> <p>Further, under § 218A.142, a person is guilty of aggravated trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in 28 grams or more of fentanyl or 10 grams or more of carfentanil or fentanyl derivatives. Aggravated trafficking of a controlled substance in the first degree is a Class B felony. The defendant shall not be</p>

<u>KENTUCKY</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>eligible for pretrial diversion and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least 85 percent of the sentence imposed where the trafficked substance was fentanyl, carfentanil, or fentanyl derivatives.</p> <p>According to § 218A.14141, a person is guilty of trafficking in a misrepresented controlled substance when he or she knowingly and unlawfully sells or distributes any schedule I controlled substance, carfentanil, or fentanyl while misrepresenting the identity of the schedule I controlled substance, carfentanil, or fentanyl being sold or distributed as a legitimate pharmaceutical product. The provisions of this section are intended to be a separate offense from others in this chapter and shall be punished in addition to violations of this chapter occurring during the same course of conduct. Violations are a Class D felony.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	<p>Under § 520.050, the Kentucky law related to offenses for those in custody, a person is guilty of promoting contraband in the first degree when:</p> <ul style="list-style-type: none"> • He or she knowingly introduces dangerous contraband into a detention facility or a penitentiary; or • Being a person confined in a detention facility or a penitentiary, he or she knowingly makes, obtains, or possesses dangerous contraband. <p>Promoting contraband in the first degree is a Class D felony, unless the dangerous contraband is fentanyl, carfentanil, or a fentanyl derivative, in which case it is a Class C felony.</p>
Recently proposed legislation	None

<u>LOUISIANA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • LA. STAT. ANN. § 40:964 (West 2025) (composition of schedules) • LA. STAT. ANN. § 40:967 (West 2025) (prohibited acts; schedule II; penalties) • LA. STAT. ANN. § 40:967.1 (West 2025) (distribution of fentanyl) • LA. STAT. ANN. § 40:983 (West 2025) (clandestine laboratory)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and some fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>According to Under § 40:967(c) It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as classified in schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner or except as otherwise authorized by this part. Any person who violates this subsection with respect to fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for an amount of:</p> <ul style="list-style-type: none"> • An aggregate weight of less than two grams, shall be imprisoned, with or without hard labor, for not less than two years nor more than four years; • An aggregate weight of two grams or more but less than 28 grams, shall be imprisoned, with or without hard labor, for not less than two years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$5,000.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 40:967(A), it shall be unlawful for any person knowingly or intentionally to:</p> <p style="padding-left: 40px;">produce, manufacture, distribute, or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in schedule II; or</p>

<u>LOUISIANA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • to create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in schedule II. <p>Any person who violates this section with respect to fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.</p> <p>If the offender unlawfully distributes or dispenses fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.</p> <p>Further, under § 967.1, any person who violates the provisions of § 40:967(A) with respect to fentanyl, where the fentanyl or packaging of the fentanyl reasonably appeals to a minor, shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.</p> <p>Any person who violates the provisions of § 40:967(A) with respect to fentanyl, where the fentanyl or packaging of the fentanyl is designed to resemble branded prescription medication or its generic equivalent, shall be imprisoned at hard labor for not less than ten years nor more than forty years without benefit of probation, parole, or suspension of sentence. Under § 983, whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, shall be sentenced as follows:</p>

<u>LOUISIANA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • On a first conviction, imprisonment at hard labor for not less than ten years nor more than forty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than fifty thousand dollars. • On a second conviction, imprisonment at hard labor for not less than thirty years nor more than forty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than five hundred thousand dollars. • On a third or subsequent conviction, imprisonment at hard labor for not less than ninety-nine years, which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than five hundred thousand dollars. <p>In addition to the penalties provided in Subsection C of this Section, a person convicted under the provisions of this Section may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substance. The court may order that such amount be paid directly to the governmental agency or agencies that actually incurred the cleanup expense.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>MAINE</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • ME. REV. STAT. ANN. tit. 17-A, § 1102 (West 2025) (schedules W, X, Y and Z) • ME. REV. STAT. ANN. tit. 17-A, § 1103 (West 2025) (unlawful trafficking in scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A, § 1105-A (West 2025) (aggravated trafficking of scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A, § 1106 (West 2025) (unlawfully furnishing scheduled drugs) • ME. REV. STAT. ANN. tit. 17-A, § 1107-A (West 2025) (unlawful possession of scheduled drugs)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	Fentanyl and all derivatives and analogues are classified as schedule W controlled substances.
Criminal provision(s) related to possession of fentanyl	<p>Under § 1107-A, a person is guilty of unlawful possession of a scheduled drug if the person intentionally or knowingly possesses what that person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug and the drug contains fentanyl powder, and the amount possessed is more than 200 milligrams. Violation of this paragraph is a class B crime.</p> <p>If the drug is a schedule W drug and the drug contains fentanyl powder and at the time of the offense the person had one or more convictions for violating controlled substance statutes, violation is a Class C crime.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 1103, except as otherwise provided by law, a person is guilty of unlawful trafficking in a scheduled drug if the person intentionally or knowingly traffics in what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug. Violation of this paragraph is a Class B crime.</p> <p>Proof that the person intentionally or knowingly possesses any scheduled drug that is in fact of a quantity, state, or</p>

<u>MAINE</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>concentration as provided in this subsection, gives rise to the permissible inference that the person is unlawfully trafficking in scheduled drugs: four grams or more of fentanyl powder.</p> <p>Further, under § 1105-A, a person is guilty of aggravated trafficking in a scheduled drug if the person violates section 1103 and, at the time of the offense, the person traffics in fentanyl powder in a quantity of six grams or more or 270 or more individual bags, folds, packages, envelopes, or containers of any kind containing fentanyl powder. A violation of this paragraph is a Class A crime.</p> <p>According to § 1106, except as otherwise provided by law, a person is guilty of unlawful furnishing of a scheduled drug if the person intentionally or knowingly furnishes what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug. Violation of this paragraph is a Class C crime. Proof that the person intentionally or knowingly possesses a scheduled drug that is in fact of a quantity, state, or concentration as provided in this subsection, gives rise to a permissible inference that the person is unlawfully furnishing that scheduled drug: two grams or more of fentanyl powder.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>MARYLAND</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MD. CODE ANN. CRIM. LAW § 5-402 (West 2025) (schedule I) • MD. CODE ANN. CRIM. LAW § 5-403 (West 2025) (schedule II) • MD. CODE ANN. CRIM. LAW § 5-608.1 (West 2025) (penalties—fentanyl or analogue of fentanyl, or heroin mixture) • MD. CODE ANN. CRIM. LAW § 5-612 (West 2025) (manufacture, distribution, dispensing, or possession of specified amounts) • MD. CODE ANN. CRIM. LAW § 5-614 (West 2025) (importer of certain controlled dangerous substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>According to §§ 5-402 and 5-403, Maryland mirrors the federal controlled substance schedule and does not independently list out each substance.</p> <p>Under 21 C.F.R. § 812 (2025), Fentanyl is classified as a schedule II controlled substance.</p>
Criminal provision(s) related to possession of fentanyl	<p>According to § 5-614, unless authorized by law to possess the substance, a person may not bring into the state four grams or more of fentanyl or a fentanyl analogue. A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$50,000 or both.</p> <p>All other criminal possession provisions in Maryland related to schedule II apply to fentanyl.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	Under § 5-608.1, a person may not knowingly violate the statute related to manufacturing, distributing, possession with intent to distribute, or dispensing a controlled substance, with a mixture that contains heroin and a detectable amount of fentanyl or any analogue of fentanyl. A person who violates this section is guilty of a felony and, in addition to any other penalty imposed for such a violation, on conviction is subject to

<u>MARYLAND</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>imprisonment not exceeding 10 years. A sentence imposed under this section shall be consecutive to and not concurrent with any other sentence imposed under any other provision of law.</p> <p>Additionally, under § 5-612, a person may not manufacture, distribute, dispense, or possess five grams or more of fentanyl or any structural variation of fentanyl that is scheduled by the U.S. DEA or 28 grams or more of any mixture containing a detectable amount, as scientifically measured using representative sampling methodology, of fentanyl or any structural variation of fentanyl that is scheduled by the U.S. DEA. A person who is convicted of a violation of this section shall be sentenced to imprisonment for not less than five years and is subject to a fine not exceeding \$100,000. The court may not suspend any part of the mandatory minimum sentence of five years. Except as otherwise provided by law, the person is not eligible for parole during the mandatory minimum sentence.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>MASSACHUSETTS</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MASS. GEN. LAWS ANN. ch. 94C, § 31 (West 2025) (classes of controlled substances; establishment of criminal penalties for violations of this chapter) • MASS. GEN. LAWS ANN. ch. 94C, § 32E (West 2025) (Trafficking; eligibility for parole)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes, for trafficking offenses.
Controlled substance schedule of fentanyl and analogues	Fentanyl, carfentanil and other analogues and derivatives are classified as Class A controlled substances.
Criminal provision(s) related to possession of fentanyl	All other criminal provisions related to controlled substances apply to fentanyl and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 32E(c¹/₂), any person who traffics in fentanyl or any derivative of fentanyl by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense or by bringing into the Commonwealth a net weight of 10 grams or more of fentanyl or any derivative of fentanyl, or a net weight of 10 grams or more of any mixture containing fentanyl or any derivative of fentanyl, shall be punished by a term of imprisonment in state prison for not less than three and one-half nor more than 20 years. No sentence imposed under the provisions of this subsection shall be for less than a mandatory minimum term of imprisonment of three and one-half years.</p> <p>In addition, under § 32E (c³/₄), any person who traffics in carfentanil, including without limitation, any derivative of carfentanil by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense or by bringing into the Commonwealth carfentanil or any derivative of carfentanil, any mixture containing carfentanil or a derivative of carfentanil, provided, that such person had specific knowledge that such mixture contained carfentanil or any derivative of carfentanil, shall be punished by a term of imprisonment in state prison for not less than three and one-half nor more than 20 years. No</p>

<u>MASSACHUSETTS</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	sentence imposed pursuant to this subsection shall be for less than a mandatory minimum term of imprisonment of three and one-half years.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	In 2020, in response to the Covid 19 pandemic, Massachusetts courts instated a protocol (District Court Standing Order 4-20) to determine which people in custody in state facilities could petition for early release in order to reduce exposures within facilities. Among other offenses, trafficking in any amount of fentanyl or carfentanil made a person ineligible to apply for release.
Recently proposed legislation	Yes. See Recent State Legislation .

<u>MICHIGAN</u>	
Statute(s) and/or regulation(s)	MICH. COMP. LAWS ANN. § 333.7214 (West 2025) (schedule 2; substances included)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	Fentanyl is classified as a schedule 2 controlled substance.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Michigan related to schedule 2 apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>MINNESOTA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MINN. STAT. ANN. § 152.02 (West 2025) (schedules of controlled substances) • MINN. STAT. ANN. § 152.021 (West 2025) (controlled substance crime in the first degree) • MINN. STAT. ANN. § 152.022 (West 2025) (controlled substance crime in the second degree) • MINN. STAT. ANN. § 152.023 (West 2025) (controlled substance crime in the third degree)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes and no. Fentanyl and heroin are grouped together but carry a different penalty than other drugs.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Under § 152.022 a person is guilty of controlled substance crime in the second degree if:</p> <ul style="list-style-type: none"> • on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more, or 12 dosage units or more, containing heroin or fentanyl, or • the person unlawfully possesses one or more mixtures of a total weight of six grams or more, or 50 dosage units or more, containing heroin or fentanyl. <p>Further, § 152.023 states a person is guilty of controlled substance crime in the third degree if on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of five grams or more, or 25 dosage units or more, containing fentanyl.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 152.021 a person is guilty of controlled substance crime in the first degree if:</p> <ul style="list-style-type: none"> • on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 10 grams or more, or 40 dosage units or more, containing heroin or fentanyl, or • the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more, or 100 dosage units or more, containing heroin or fentanyl.

<u>MINNESOTA</u>	
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>MISSISSIPPI</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MISS. CODE ANN. § 41-29-113 (West 2025) (schedule I) • MISS. CODE ANN. § 41-29-115 (West 2025) (schedule II) • MISS. CODE ANN. § 41-29-139.1 (West 2025) (fentanyl delivery resulting in death)
Specific fentanyl or fentanyl compounds referenced	Fentanyl, carfentanil
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl, immediate fentanyl precursors and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal statutes related to schedule I and II controlled substances are the same for fentanyl as other substances.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 41-29-139.1, a person who delivers or causes the delivery of fentanyl with knowledge of the fentanyl commits the crime of “fentanyl delivery resulting in death” when, as a result of the unlawful delivery of fentanyl in exchange for anything of value to another person, death to a person results from the proximate cause of injection, oral ingestion, or inhalation of the fentanyl. Upon conviction for violation of this section, the person shall be sentenced to imprisonment no less than 20 years to a term of life.</p> <p>Further, the Good Samaritan clause excludes protections for an individual who shares fentanyl and the sharing results in the proximate cause of a person’s death.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>MISSOURI</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MO. ANN. STAT. § 195.017 (West 2025) (controlled substances) • MO. ANN. STAT. § 579.065 (West 2025) (trafficking drugs, first degree—penalty) • MO. ANN. STAT. § 579.068 (West 2025) (trafficking drugs, second degree—penalty)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes, for trafficking offenses.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All possession related criminal provisions in Missouri related to schedule II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 579.065, a person commits the offense of trafficking drugs in the first degree if, except as otherwise authorized, such person knowingly distributes, delivers, manufactures, produces, or attempts to distribute, deliver, manufacture, or produce: more than 10 milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. The offense of trafficking drugs in the first degree is a Class B felony.</p> <p>However, the offense of trafficking in drugs in the first degree is a Class A felony if the quantity involved is: 20 milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.</p> <p>Under § 579.068, a person commits the offense of trafficking drugs in the second degree if, except as otherwise authorized, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state: more than 10 milligrams of fentanyl or carfentanil, or any</p>

<u>MISSOURI</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. The offense of trafficking drugs in the second degree is a Class C felony.</p> <p>However, the offense of trafficking in drugs in the second degree is a Class B felony if the quantity involved is: 20 milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	Yes. See Recent State Legislation .

<u>MONTANA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • MONT. CODE ANN. § 45-9-101 (West 2025) (criminal distribution of dangerous drugs) • MONT. CODE ANN. § 45-9-103 (West 2025) (criminal possession with intent to distribute) • MONT. CODE ANN. § 50-32-222 (West 2025) (schedule I)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Under § 45-9-103 except as otherwise provided, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug in an amount greater than permitted or for which a penalty is not specified by law.</p> <p>A person convicted of criminal possession with intent to distribute fentanyl shall be imprisoned in the state prison for a term of not less than two years or more than 40 years or may be fined not more than \$50,000, or both. The court may not suspend execution or defer imposition of the first two years of the sentence, and during the first two years of imprisonment, the offender is not eligible for parole.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 45-9-101, except as otherwise provided, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug.</p> <p>A person convicted of criminal distribution of dangerous drugs that involves distribution of fentanyl, carfentanil, sufentanil, alfentanil, or a fentanyl derivative, and who possessed or distributed a mixture containing one or more of these substances in a combined amount greater than 100 pills or a combined weight greater than 10 grams in a form such as a powder, solid, or liquid, inclusive of any additives or cutting agents, shall be imprisoned in the state prison for a term of not</p>

<u>MONTANA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	less than two years or more than 40 years or may be fined not more than \$50,000, or both. The court may not suspend execution or defer imposition of the first two years of the sentence, except as otherwise provided by law, and during the first two years of imprisonment, the offender is not eligible for parole.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>NEBRASKA</u>	
Statute(s) and/or regulation(s)	NEB. REV. STAT. ANN. § 28-405 (West 2025) (controlled substances; schedules; enumerated)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	Fentanyl and its analogues are classified as schedule II controlled substances. Many fentanyl related substances including derivatives are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Nebraska related to schedule II apply to fentanyl and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>NEVADA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • NEV. REV. STAT. ANN. § 453.3355 (West 2025) (intentional misrepresentation of fentanyl product) • NEV. REV. STAT. ANN. § 453.3387 (West 2025) (trafficking in fentanyl) • NEV. ADMIN. CODE § 453.510 (2025) (schedule I) • NEV. ADMIN. CODE § 453.520 (2025). (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes, for trafficking violations.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>According to § 453.3387, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:</p> <ul style="list-style-type: none"> • is 28 grams or more, but less than 42 grams, is guilty of trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years. • is 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years. <p>Under § 543-3355, Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:</p> <ul style="list-style-type: none"> • knows that the mixture contains fentanyl; and

<u>NEVADA</u>	
Criminal provision(s) related to possession of fentanyl (continued)	<ul style="list-style-type: none"> intentionally fails to inform the purchaser that the mixture contains fentanyl, is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$50,000.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>NEW HAMPSHIRE</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • N.H. REV. STAT. ANN. § 318-B:26 (West 2025) (penalties) • N.H. CODE ADMIN. R. ANN. HE-C 501.03 (2025) (scheduling of substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	<p>Under HE-C 501.03, substances that are designated, rescheduled, or deleted as controlled drugs or controlled drug analogs pursuant to 21 CFR 1308.11 - 15 shall be recognized as a controlled substance by the commissioner.</p> <p>Under 21 CFR 1308.11 – 15, Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession statutes in New Hampshire related to schedules I and II are applicable to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 318-B:26, any form of manufacture or delivery of controlled substances is illegal. Further, in the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or both. If any person commits such a violation after one or more prior offenses, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than \$500,000, or both: heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of 5 grams or more, including any adulterants or diluents.</p> <p>In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both: heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of one gram or more, including any adulterants or diluents.</p>

<u>NEW HAMPSHIRE</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than seven years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both: heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of less than one gram, including any adulterants or diluents.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>NEW JERSEY</u>	
Statute(s) and/or regulation(s)	N.J. STAT. ANN. § 24:21-6 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No
Controlled substance schedule of fentanyl and analogues.	Fentanyl is classified as schedule II controlled substance.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in New Jersey related to schedule II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>NEW MEXICO</u>	
Statute(s) and/or regulation(s)	N.M. STAT. ANN. § 30-31-7 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	Fentanyl is classified as a schedule II controlled substance.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in New Mexico related to schedule II controlled substances apply to fentanyl and fentanyl related substances.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>NEW YORK</u>	
Statute(s) and/or regulation(s)	N. Y. PUB. HEALTH LAW § 3306 (McKinney 2025) (schedules of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	Fentanyl and fentanyl analogues are classified as schedule II controlled substances. Many fentanyl related substances are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in New York related to schedule II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>NORTH CAROLINA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • N.C. GEN. STAT. ANN. § 90-89 (West 2025) (schedule I controlled substances) • N.C. GEN. STAT. ANN. § 90-90 (West 2025) (schedule II controlled substances) • N.C. GEN. STAT. ANN. § 90-95 (West 2025) (violations; penalties)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl and carfentanil
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances, specifically including derivatives, are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Under § 90-95(a)(3), except as otherwise authorized by law, it is unlawful for any person to possess a controlled substance. Except as otherwise provided, any person who violates this section with respect to a controlled substance classified in schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. If the controlled substance is methamphetamine, amphetamine, phencyclidine, cocaine, fentanyl, or carfentanil, the violation shall be punishable as a Class I felony.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 90-95(a)(1 and 2), except as otherwise authorized by law, it is unlawful for any person:</p> <ul style="list-style-type: none"> • to manufacture, sell, or deliver, or possess with intent to manufacture, sell, or deliver a controlled substance • to create, sell, or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance. <p>Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium, opiate, or opioid, or any salt, compound, derivative, or preparation of opium, opiate, or opioid (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as “trafficking in opium, opiate, opioid, or heroin” and if the quantity of such controlled substance or mixture involved:</p> <ul style="list-style-type: none"> • Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced

<u>NORTH CAROLINA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined as follows: <ul style="list-style-type: none"> ○ A fine of five hundred thousand dollars (\$500,000) if the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances. • Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined as follows: <ul style="list-style-type: none"> ○ A fine of seven hundred fifty thousand dollars (\$750,000) if the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances. • Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined as follows: A fine of one million dollars (\$1,000,000) if the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>NORTH DAKOTA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • N.D. CENT. CODE § 19-03.1-05 (West 2025) (schedule I) • N.D. CENT. CODE § 19-03.1-07 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions in North Dakota related to schedules I and II apply to fentanyl, fentanyl derivatives, and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>OHIO</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • OHIO REV. CODE ANN. § 2925.01 (West 2025) (definitions) • OHIO REV. CODE ANN. § 2925.03 (West 2025) (trafficking offenses) • OHIO REV. CODE ANN. § 2925.05 (West 2025) (aggravated funding of drug trafficking; funding of drug trafficking; funding of marihuana trafficking)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes and no; certain penalties related to trafficking are exclusive to fentanyl-related compounds, while other provisions include other drugs.
Controlled substance schedule of fentanyl and analogues.	<p>Under § 3719.4, For purposes of administration, enforcement, and regulation of the manufacture, distribution, dispensing, and possession of controlled substances, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code establishing schedule I, schedule II, schedule III, schedule IV, and schedule V incorporating the five schedules of controlled substances under the federal drug abuse control laws.</p> <p>Under 21 CFR 1308.11 – 15, Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Ohio related to schedules I and II apply to fentanyl, fentanyl derivatives, and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Ohio has a robust trafficking statute. Under § 2925.03(A) no person shall knowingly: (1) sell or offer to sell a controlled substance or a controlled substance analog; or (2) prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or controlled substance analog is intended for sale or resale by the offender or another person.</p> <p>Whoever violates (A) of this section is guilty of one of the following if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or</p>

<u>OHIO</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>substance containing a fentanyl-related compound and such substance is not a combination of a fentanyl-related compound and marihuana, whoever violates division (A) of this section is guilty of trafficking in a fentanyl-related compound. The penalty for the offense shall be determined as follows:</p> <ul style="list-style-type: none"> • Except as otherwise provided in this section, trafficking in a fentanyl-related compound is a felony of the fifth degree and § 2929.13(B) applies in determining whether to impose a prison term on the offender; • Except as otherwise provided in this section, if the offense was committed in the vicinity of a school, a juvenile, or a substance addiction services provider or recovering addict, trafficking in a fentanyl-related compound is a felony of the fourth degree, and § 2929.13(C) applies in determining whether to impose a prison term on the offender; • Except as otherwise provided in this section, if the amount of the drug involved equals or exceeds 10 dosage units but less than 50 unit doses or equals or exceeds one gram but less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree and § 2929.13(B) applies in determining whether to impose a prison term for the offense. If the amount involved is within that range and if the offense was committed in the vicinity of a school, a juvenile, a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense; • Except as otherwise provided in this section, if the amount of the drug involved equals or exceeds 50 unit doses but is less than 100 unit doses or equals or exceeds five grams but less than 10 grams, trafficking in a fentanyl-related compound is a felony of the third (e) Except as otherwise provided in this section, if the amount of the drug involved equals or exceeds 100 unit doses but is less than 200 unit doses or equals or exceeds 10 grams but less than 20 grams, trafficking in a fentanyl-related compound is a felony of the second degree, and the court shall impose as a mandatory prison term one of the terms prescribed for a felony of the second degree. If the amount involved is within that range and the offense was committed in the vicinity of a school, juvenile, substance addiction services provider or recovering addict, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall

<u>OHIO</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>impose as a mandatory prison term one of the terms prescribed for a felony of the first degree;</p> <ul style="list-style-type: none"> • If the amount of the drug involved equals or exceeds 200 unit doses but is less than 500 unit doses or equals degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, juvenile, or a substance addiction services provider or recovering addict, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense; or exceeds 20 grams but less than 50 grams, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the terms prescribed for a felony of the first degree; • If the amount of the drug involved equals or exceeds 500 unit doses but is less than 1000 unit doses or equals or exceeds 50 grams but is less than 100 grams, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree; and • If the amount of the drug involved equals or exceeds 1000 unit doses or equals or exceeds 100 grams, trafficking in a fentanyl-related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. <p>Further, according to § 2925.05(A) no person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating § 2925.04 or for the purpose of selling or offering to sell the controlled substance in the following amount:</p> <ul style="list-style-type: none"> • If the drug to be sold or offered for sale is heroin or a fentanyl-related compound, or a compound, mixture, preparation, or substance containing heroin or a fentanyl-related compound, an amount that equals or exceeds 10 unit doses or equals or exceeds 1 gram. • If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, whoever violates is guilty of aggravated funding of drug trafficking, a felony of

<u>OHIO</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>the first degree, and, subject to (E), the court shall impose as a mandatory prison term a first degree felony term.</p> <p>Notwithstanding any other provision, if the violation involves the sale, offer to sell, or possession of a schedule I or II substance, and if the drug involved in the violation is a fentanyl-related compound, the offense is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>OKLAHOMA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • OKLA. STAT. ANN. tit. 21, § 20F (West 2025) (class B1 offenses) • OKLA. STAT. ANN. tit. 21, § 20H (West 2025) (class B3 offenses) • OKLA. STAT. ANN. tit. 63, § 2-204 (West 2025) (schedule I) • OKLA. STAT. ANN. tit. 63, § 2-206 (West 2025) (schedule II) • OKLA. STAT. ANN. tit. 63, § 2-401 (West 2025) (prohibited acts) • OKLA. STAT. ANN. tit. 63, § 2-415 (West 2025) (application -fines and penalties)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanyl
Are the penalties different for fentanyl than for other drugs?	Yes and no. There are fentanyl-specific provisions related to trafficking and manufacturing. All other criminal provisions in Oklahoma related to schedule II apply to fentanyl.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances including derivatives are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Oklahoma related to schedules I and II apply to fentanyl, fentanyl derivatives, and carfentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 2-415(A), the provisions of the trafficking in illegal drugs act shall apply to persons convicted of violations with respect to the following substances: fentanyl and its analogs and derivatives.</p> <p>Except as otherwise provided by law, it shall be unlawful for any person to:</p> <ul style="list-style-type: none"> • Knowingly distribute, manufacture, bring into this state, or possess a controlled substance specified in (A) of this section in the quantities specified in (C) of this section; • Possess any controlled substance with the intent to manufacture a controlled substance specified in (A) of this section in the quantities specified in (C) of this section; or • Use or solicit the use of services of a person less than 18 years of age to distribute or manufacture a controlled dangerous substance specified in (A) of this section in quantities specified in (C) of this section.

<u>OKLAHOMA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>Violation of this section shall be known as “trafficking in illegal drugs.”</p> <p>In the case of a violation of the provisions of this section involving fentanyl and its analogs and derivatives:</p> <ul style="list-style-type: none"> • One gram or more of a mixture containing fentanyl, carfentanil, or any fentanyl analogs or derivatives shall be trafficking punishable by a term of imprisonment not to exceed 20 years and by a fine of not less than \$100,000 and not more than \$250,000; or • Five grams or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives shall be aggravated trafficking punishable by a term of imprisonment of not less than two years nor more than life and by a fine of not less than \$250,000 and not more than \$500,000. <p>Further, effective January 1, 2026, under § 20F trafficking in fentanyl or carfentanyl or any fentanyl analogs or derivatives shall be considered a Class B1 offense. Also, effective January 1, 2026, under § 20H trafficking in one (1) gram or more of fentanyl or carfentanyl shall be considered a Class B3 offense.</p> <p>Under § 2-401, except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance or possess any precursor substance. Any person violating the provisions of this subsection with respect to combining fentanyl with any other controlled dangerous substance, upon conviction, is guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than seven (7) years nor more than life and by a fine not less than Fifty Thousand Dollars (\$50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.</p> <p>Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture ten (10) grams or more of a mixture or substance containing a detectable amount of fentanyl, its analogs, or derivatives, upon conviction, is guilty of aggravated manufacturing a controlled dangerous substance punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years nor more than life and by a fine not less than Fifty Thousand Dollars (\$50,000.00), which</p>

<u>OKLAHOMA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any person convicted of a violation of the provisions of this paragraph shall be required to serve a minimum of eighty-five percent (85%) of the sentence received prior to becoming eligible for state correctional earned credits towards the completion of the sentence or eligible for parole.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>OREGON</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • OR. REV. STAT. ANN. § 475.900 (West 2025) (crime category classification for commercial drug offense) • OR. REV. STAT. ANN. § 475.925 (West 2025) (sentencing for unlawful delivery or manufacture of a controlled substance convictions) • OR. ADMIN. R. 855-080-0021 (2025) (schedule I) • OR. ADMIN. R. 855-080-0022 (2025) (schedule II)_
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	<p>UNDER OR. ADMIN. 855-080-0022, schedule II consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in 21 CFR 1308.12.</p> <p>Under 21 CFR 1308.11 – 15, Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Any substituted derivatives of fentanyl that are not listed in OARs 855-080-0022 through 0026 (schedules II through V) or are not FDA approved drugs and are derived from fentanyl are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Oregon related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under OR. REV. STAT. ANN. § 475.752, it is illegal for a person to manufacture or deliver a controlled substance. Doing so within 1,000 feet of a school or other educational facility for minors is a Class A felony and delivering a controlled substance in schedules I and II to a minor is a Class A felony. OR. REV. STAT. ANN. §§ 475.904 and .906.</p> <p>Under § 475.900(1) violation of any of the above shall be classified as a crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:</p> <ul style="list-style-type: none"> • the violation constitutes delivery or manufacture of a controlled substance and involves substantial quantities of a controlled substance. For purposes of this paragraph, the following amounts constitute substantial quantities of the following controlled substances: five grams or more of a

<u>OREGON</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl;</p> <ul style="list-style-type: none"> the violation constitutes possession, delivery, or manufacture of a controlled substance and the possession, delivery, or manufacture is a commercial drug offense. A possession, delivery, or manufacture is a commercial drug offense for purposes of this subsection if it is accompanied by at least three of the following factors: the offender was in possession of controlled substances in an amount greater than three grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl. <p>A violation of § 475.752 shall be classified as a crime category 6 of the sentencing guidelines if the violation constitutes possession of substantial quantities of a controlled substance. For purposes of this paragraph, the following amounts constitute substantial quantities of the following controlled substances: five grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl.</p> <p>Under § 475.925 – when a person is convicted of the unlawful delivery or manufacture of a controlled substance, the court shall sentence the person to a term of incarceration ranging from:</p> <ul style="list-style-type: none"> 58 months to 130 months, depending on the person’s criminal history, if the delivery or manufacture involves 100 grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl; 34 months to 72 months, depending on the person’s criminal history, if the delivery or manufacture involves 50 grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>PENNSYLVANIA</u>	
Statute(s) and/or regulation(s)	35 PA. STAT. AND CONS. STAT. ANN. § 780-104. (West 2025) (schedules of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	Fentanyl and carfentanil are classified as schedule II controlled substances. Fentanyl derivatives are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Pennsylvania related to schedules I and II apply to fentanyl, fentanyl derivatives, and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>RHODE ISLAND</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • 21 R.I. GEN. LAWS ANN. § 21-28-2.01 (West 2025) (authority to control scheduling of controlled substances) • 21 R.I. GEN. LAWS ANN. §§ 28-4.01.1 through 4.01.2 (West 2025) (certain quantities of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	<p>Effective February 1, 2025, Rhode Island repealed its scheduling statutes.</p> <p>The state now mirrors the federal scheduling scheme. Under § 21-28-2.01, the director of the department of health shall control all substances enumerated in the most current version of Title 21 of the Code of Federal Regulations (C.F.R.).</p> <p>Under 21 CFR 1308.11 – 15, Fentanyl and its analogues are classified as schedule II controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Rhode Island related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 21-28-4.01.1(a), except as otherwise authorized by law, it shall be unlawful for any person to manufacture, sell, or possess with intent to manufacture or sell, a controlled substance classified in schedule I or II (excluding marijuana) or to possess or deliver the following enumerated quantities of certain controlled substances:</p> <ul style="list-style-type: none"> • 1 oz to 1 kg of a mixture or substance containing a detectable amount of fentanyl or its analogs; or • 1 oz to 1 kg of a mixture or substance containing a detectable amount of carfentanil. <p>Any person who violates this section shall be guilty of a crime and, upon conviction, may be imprisoned for a term up to 50 years and fined not more than \$500,000.</p> <p>Further, under § 21-28-4.01.2(a), except as otherwise authorized by law, it shall be unlawful for any person to possess, manufacture, sell, or deliver the following enumerated quantities of certain controlled substances:</p>

<u>RHODE ISLAND</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • more than 1 kg of a mixture or substance containing a detectable amount of fentanyl or its analogs; or • more than 1 kg of a mixture or substance containing a detectable amount of carfentanil. <p>Any person who violates this section shall be guilty of a crime and, upon conviction, may be imprisoned for a term up to life and fined not more than \$1,000,000.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>SOUTH CAROLINA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • S.C. CODE ANN. § 44-53-190 (West 2025) (schedule I) • S.C. CODE ANN. § 44-53-210 (West 2025) (schedule II) • S.C. CODE ANN. § 44-53-370 (West 2025) (prohibited acts)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and sufentanil are classified as schedule II controlled substances.</p> <p>All other fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Under § 44-53-370(c), it shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.</p> <p>A person who violates this subsection with respect to more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than ten thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 44-53-370(a), except as authorized by this article it shall be unlawful for any person:</p> <ul style="list-style-type: none"> • to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue;

<u>SOUTH CAROLINA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance. <p>Possession of more than two grains of fentanyl or a fentanyl-related substance is prima facie guilty of violation of this section.</p> <p>Further, under 44-53-370(e)(8), the offense of possession with intent to distribute described in § 44-53-370(a) is a lesser included offense to the offenses of trafficking based upon possession of four grams or more of any fentanyl or fentanyl-related substance, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as “trafficking in fentanyl” and, upon conviction, must be punished as follows if the quantity involved is:</p> <ul style="list-style-type: none"> • four grams or more, but less than fourteen grams: <ul style="list-style-type: none"> ○ for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars; ○ for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars; • fourteen grams or more but less than twenty-eight grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars; <p>twenty-eight grams or more, a mandatory term of imprisonment of not less than twenty-five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>SOUTH DAKOTA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • S.D. CODIFIED LAWS § 22-42-2 (West 2025) (unauthorized manufacture, distribution, counterfeiting or possession of controlled substance) • S.D. CODIFIED LAWS § 32-20B-13 (West 2025) (opium derivatives and opiates included in schedule I) • S.D. CODIFIED LAWS § 32-20B-17 (West 2025) (opiates included in schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes, for homicide related to fentanyl distribution. Other penalties are the same as for other substances.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in South Dakota related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	Under § 22-42-2, Any person who, for consideration, intentionally distributes any controlled substance or counterfeit substance in violation of this section and another person dies as a direct result of using that substance is guilty of a Class 2 felony. If the substance is fentanyl and the person knew the substance was fentanyl, the person is guilty of a Class 1 felony. If the decedent is a minor, the person is guilty of a Class C felony.
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>TENNESSEE</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • TENN. CODE ANN. § 39-13-210 (West 2025) (second degree murder) • TENN. CODE ANN. § 39-17-406 (West 2025) (schedule I) • TENN. CODE ANN. § 39-17-408 (West 2025) (schedule II) • TENN. CODE ANN. § 39-17-417 (West 2025) (offenses; violations; fines; habitual drug offenders)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl; carfentanil; remifentanil; alfentanil; thiafentanil
Are the penalties different for fentanyl than for other drugs?	No, because the penalties related to fentanyl also apply to cocaine and methamphetamine
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and its analogues as well as the immediate precursor to fentanyl are classified as schedule II controlled substances.</p> <p>Any other fentanyl derivatives and analogues unless specifically excepted or listed in another schedule are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Tennessee related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>According to § 39-13-210, second degree murder is a killing of another by unlawful distribution or unlawful delivery or unlawful dispensation of fentanyl or carfentanil, when those substances alone or in combination with any controlled substance, including controlled substance analogs, is the proximate death of the user. Second degree murder is a Class A felony.</p> <p>Under § 39-17-417(a), it is an offense for a defendant to knowingly manufacture, deliver, or sell a controlled substance, or possess a controlled substance with intent to manufacture, deliver, or sell the controlled substance.</p> <p>A violation of subsection (a) with respect to cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or any fentanyl derivative or analogue is a Class B felony if the amount involved is 0.5 grams or more of any substance containing such substance and, in addition, may be fined not more than \$100,000.</p> <p>A violation of subsection (a) with respect to any other schedule II controlled substance, including cocaine, methamphetamine,</p>

<u>TENNESSEE</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or any fentanyl derivative or analogue in an amount of less than 0.5 grams, is a Class C felony and, in addition may be fined not more than \$100,000; provided that if the offense involves less than 0.5 grams of such substance but the defendant carried or employed a deadly weapon during the commission of the offense or the offense resulted in death or bodily injury to another person, the offense is a Class B felony.</p> <p>A violation of subsection (a) with respect to 15 grams or more of any substance containing fentanyl, carfentanil, or any fentanyl derivative or analogue, or conspiracy to violate subsection (a) with respect to such amounts, is a Class B felony and, in addition, may be fined not more than \$200,000:</p> <p>A violation of subsection (a) with respect to 150 grams or more of any substance containing fentanyl, carfentanil, or any fentanyl derivative or analogue, or conspiracy to violate subsection (a) with respect to such amounts is a Class A felony and, in addition, may be fined not more than \$500,000.</p> <p>A violation of this section or a conspiracy to violate this section shall be punished pursuant to § 39-13-210 if the substance involved is fentanyl or carfentanyl, or any analogue or derivative thereof, either alone or in combination with any substance scheduled as a controlled substance by the Tennessee Drug Control Act of 1989, compiled in this part and title 53, chapter 11, parts 3 and 4, including controlled substance analogues, and the violation resulted in the death of another person.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>TEXAS</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • TEX. HEALTH & SAFETY CODE ANN. § 481 Subch. B, App. A (West 2025) (schedules) • TEX. HEALTH & SAFETY CODE ANN. § 481.1022 (West 2025) (penalty Group 1-B)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>All other fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>All criminal provisions in Texas related to schedules I and II apply to fentanyl, fentanyl-related substances, and carfentanil.</p> <p>All criminal provisions related to Penalty Group 1-B apply to fentanyl and any derivative of fentanyl.</p>
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>UTAH</u>	
Statute(s) and/or regulation(s)	UTAH CODE ANN. § 58-37-4 (West 2025) (schedules of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	Fentanyl and fentanyl analogues are classified as schedule II controlled substances. Many fentanyl related substances are classified as schedule I controlled substances.
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Utah related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>VERMONT</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • VT. STAT. ANN. tit. 18, § 4233a (West 2025) (fentanyl) • 12-5 VT. CODE R. § 23:6.0 (2025) (narcotic drugs)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	Fentanyl and all fentanyl related substances are classified as “Narcotic Drugs” under 12-5 VT. CODE R. § 23:6.0, the Vermont Regulated Drug Rule.
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Vermont related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 4233a(a) a person knowingly and unlawfully dispensing fentanyl shall be imprisoned not more than three years or fined not more than \$75,000, or both. A person knowingly and unlawfully selling fentanyl shall be imprisoned not more than five years or fined not more than \$100,000, or both.</p> <p>A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of four milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 10 years or fined not more than \$250,000, or both.</p> <p>A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of 20 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl shall be imprisoned not more than 20 years or fined not more than \$1,000,000, or both.</p> <p>In lieu of a charge under this subsection, but in addition to any other penalties provided by law, a person knowingly and unlawfully selling or dispensing any regulated drug containing a detectable amount of fentanyl shall be imprisoned not more than five years or fined not more than \$250,000, or both.</p> <p>A person knowingly and unlawfully possessing fentanyl in an amount consisting of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing</p>

<u>VERMONT</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>fentanyl with the intent to sell or dispense the fentanyl shall be imprisoned not more than 30 years or fined not more than \$1,000,000, or both. There shall be a permissive inference that a person who possesses fentanyl in an amount of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl intends to sell or dispense the fentanyl.</p> <p>In addition to any other penalties provided by law, a person knowingly and unlawfully transporting more than 20 milligrams of fentanyl into the state with the intent to sell or dispense the fentanyl shall be imprisoned not more than 10 years or fined not more than \$100,000, or both.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>VIRGINIA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • VA. CODE ANN. § 18.2-46.4 (West 2025) (definitions) • VA. CODE ANN. § 18.2-46.6 (West 2025) (possession, manufacture, distribution, etc., of weapon of terrorism or hoax device prohibited; penalty) • VA. CODE ANN. § 18.2-248.02 (West 2025) (allowing a minor or incapacitated person to be present during manufacture of methamphetamine or fentanyl) • VA. CODE ANN. § 54.1-3446 (West 2025) (schedule I) • VA. CODE ANN. § 54.1-3448 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes, as it relates to manufacturing of fentanyl.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and its analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>Virginia is the only state in the nation who has delegated fentanyl as a “weapon”. According to § 18.2-46.4, “weapon of terrorism” means any device or material that is designed, intended, or used to cause death, bodily injury, or serious bodily harm, through the release, dissemination, or impact of: (i) poisonous chemicals; (ii) an infectious biological substance; or (iii) release of radiation or radioactivity. “Weapon of terrorism” also means any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as described in schedule II of the Drug Control Act, except as authorized by law.</p> <p>Because of this definition, under § 18.2-46.6, any person who knowingly and intentionally manufactures or knowingly and intentionally distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl, is guilty of a Class 4 felony.</p> <p>Additionally, under § 18.2-248.02, any person 18 years of age or older who knowingly allows (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship, including but not limited to as a parent,</p>

<u>VIRGINIA</u>	
Criminal provision(s) related to possession of fentanyl (continued)	step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such minor, or (iii) a mentally incapacitated or physically helpless person of any age, to be present in the same dwelling, apartment, unit of a hotel, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine or any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>WASHINGTON</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • WASH. REV. CODE ANN. § 69.50.204 (West 2025) (schedule I). • WASH. REV. CODE ANN. § 69.50.206 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Washington related to schedule II apply to fentanyl and carfentanil.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>WEST VIRGINIA</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • W. VA. CODE ANN. § 60A-2-204 (West 2025) (schedule I) • W. VA. CODE ANN. § 60A-2-206 (West 2025) (schedule II) • W. VA. CODE ANN. § 60A-4-401 (West 2025) (prohibited acts; penalties) • W. VA. CODE ANN. § 60A-4-409 (West 2025) (prohibited acts—transportation of controlled substances into state; penalties)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in West Virginia related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 60A-4-40, except as otherwise authorized, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to a controlled substance classified in schedule I or II, which is a narcotic drug, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned. Provided, that any person who violates this section knowing that the controlled substance classified in schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than three nor more than 15 years, or both fined and imprisoned.</p> <p>Further, it is unlawful for any person knowingly or intentionally:</p> <ul style="list-style-type: none"> • to adulterate another controlled substance using fentanyl as an adulterant; <ul style="list-style-type: none"> to create a counterfeit substance or imitation controlled substance using fentanyl; or

<u>WEST VIRGINIA</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<ul style="list-style-type: none"> • to cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl. <p>Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.</p> <p>According to § 60A-4-409, except as otherwise authorized, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.</p> <p>Any person who violates this section with respect to a controlled substance classified in schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both. Provided, that any person who violates this section knowing that the controlled substance in schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	Yes. See Recent State Legislation .

<u>WISCONSIN</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • WIS. STAT. ANN. § 961.14 (West 2025) (schedule I) • WIS. STAT. ANN. § 961.16 (West 2025) (schedule II) • WIS. STAT. ANN. § 961.41 (West 2025) (prohibited acts A—penalties)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes, as relates to distribution and delivery.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule II controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	<p>According to § 961.41(1m), except as otherwise authorized by law, it is unlawful for any person to possess, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog.</p> <p>Any person who violates this subsection with respect to fentanyl, a controlled substance analog of fentanyl, or a fentanyl analog, and the amount possessed, with intent to manufacture, distribute, or deliver is:</p> <ul style="list-style-type: none"> • 10 grams or less, the person is guilty of a Class E felony; • More than 10 grams but not more than 50 grams, the person is guilty of a Class D felony; and • More than 50 grams, the person is guilty of a Class C felony.
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Under § 961.41(1)(dm), except as otherwise authorized by law, it is unlawful for any person to manufacture, distribute, or deliver a controlled substance or controlled substance analog.</p> <p>Any person who violates this subsection with respect to fentanyl, a controlled substance analog of fentanyl, or a fentanyl analog, and the amount manufactured, distributed, or delivered is:</p> <ul style="list-style-type: none"> • 10 grams or less, the person is guilty of a Class E felony; • More than 10 grams but not more than 50 grams, the person is guilty of a Class D felony; and • More than 50 grams, the person is guilty of a Class C felony.

<u>WISCONSIN</u>	
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>WYOMING</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • WYO. STAT. ANN. § 6-4-405 (West 2025) (endangering children) • WYO. STAT. ANN. § 35-7-1016 (West 2025) (schedule I) • WYO. STAT. ANN. § 35-7-1016 (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	No.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	Except as denoted below, all criminal provisions in Wyoming related to schedules I and II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	<p>According to § 6-4-405, unless properly stored and pursuant to a valid practitioner's medication order or valid prescription, no person shall knowingly and willfully cause or permit any child to:</p> <ul style="list-style-type: none"> • Absorb, inhale or otherwise ingest any amount of methamphetamine or fentanyl; • Remain in a room, dwelling or vehicle where the person knows methamphetamine or fentanyl is being manufactured or sold; or • Enter and remain in a room, dwelling or vehicle that the person knows is being used to manufacture or store fentanyl or methamphetamines, or the hazardous waste created by the manufacture of fentanyl or methamphetamines. <p>No person having the care or custody of a child shall knowingly and willfully permit the child to remain in a room, dwelling or vehicle where that person knows that illicit methamphetamine or illicit fentanyl is possessed, stored or ingested.</p> <p>Any person who violates any of the provisions of subsection (a) or (b) of this section is guilty of endangering a child punishable</p>

<u>WYOMING</u>	
Provisions(s) related to exposing others to fentanyl (continued)	by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.
Other provisions of note	None
Recently proposed legislation	None

<u>AMERICAN SAMOA</u>	
Statute(s) and/or regulation(s)	None
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	N/A
Criminal provision(s) related to possession of fentanyl	None
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>GUAM</u>	
Statute(s) and/or regulation(s)	<ul style="list-style-type: none"> • 9 GUAM CODE ANN., § 67.401.4 (West 2025) (prison terms for drug offenses) • 9 GUAM CODE ANN., Appendix A (West 2025) (schedule I) • 9 GUAM CODE ANN., Appendix B (West 2025) (schedule II)
Specific fentanyl or fentanyl compounds referenced in criminal statute	Fentanyl
Are the penalties different for fentanyl than for other drugs?	Yes.
Controlled substance schedule of fentanyl and analogues.	<p>Fentanyl and fentanyl analogues are classified as schedule II controlled substances.</p> <p>Many fentanyl related substances are classified as schedule I controlled substances.</p>
Criminal provision(s) related to possession of fentanyl	All criminal possession provisions not otherwise denoted below in Guam related to schedules I and II apply to fentanyl
Criminal provision(s) related to distribution or delivery of fentanyl	<p>Any person convicted of an offense related to manufacture, delivery, or possession with intent to deliver:</p> <ul style="list-style-type: none"> • fentanyl (schedule II) forty (40) - three hundred ninety-nine (399) grams gross mixture; • fentanyl analogue (schedule I) ten (10) - ninety-nine (99) grams gross mixture, <p>shall be sentenced to imprisonment for not less than twenty-five (25) years nor more than thirty-five (35) years, and may be fined not more than Five Million Dollars (\$5,000,000) or Twenty-five Million Dollars (\$25,000,000) if the violator is a business. The sentence shall include a special parole term of not less than six (6) years, in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Parole or work release shall not be granted to the offender until he has served at least twenty (20) years of his sentence of imprisonment.</p> <p>Any person convicted of an offense related to manufacture, delivery, or possession with intent to deliver:</p> <ul style="list-style-type: none"> • fentanyl (schedule II) four hundred (400) grams or more gross mixture; • fentanyl analogue (schedule I) one hundred (100) grams or more gross mixture,

<u>GUAM</u>	
Criminal provision(s) related to distribution or delivery of fentanyl (continued)	<p>shall be sentenced to imprisonment for not less than thirty (30) years up to life, and may be fined not more than Ten Million Dollars (\$10,000,000) or Fifty Million Dollars (\$50,000,000) if the violator is a business. The sentence shall include a special parole term of not less than six (6) years, in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Parole or work release shall not be granted to the offender until he has served at least twenty (20) years of his sentence of imprisonment.</p> <p>Further, If he is guilty of an offense pursuant to § 67.401.1 of this Act and if he has been convicted on one (1) or more felonies under any provision of this Act, any law of the United States relating to controlled substances, or for any offense under state or foreign law relating to drugs listed in schedule I as per Appendix A of this Act or schedule II as per Appendix B of this Act which offense would be a felony under this Act and one (1) or more of the convictions are final, involving the possession of any of the following:</p> <ul style="list-style-type: none"> • fentanyl (schedule II) forty (40) - Three hundred ninety-nine (399) grams gross mixture, • fentanyl analogue (schedule I) ten (10) - ninety-nine (99) grams gross mixture, <p>then he shall be sentenced to a term of life imprisonment without the possibility of parole and may be fined not more than Eight Million Dollars (\$8,000,000) or Fifty Million Dollars (\$50,000,000) if the violator is a business.</p> <p>Sentences in these cases shall also include mandatory participation in a drug rehabilitation program at the Department of Corrections.</p>
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>NORTHERN MARIANA ISLANDS</u>	
Statute(s) and/or regulation(s)	None
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	N/A
Criminal provision(s) related to possession of fentanyl	None
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>PUERTO RICO</u>	
Statute(s) and/or regulation(s)	P.R. LAWS ANN. tit. 24, § 2202 (West 2025) (schedules of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	Fentanyl is classified as a schedule II controlled substance.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in Puerto Rico related to schedule II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>U.S. VIRGIN ISLANDS</u>	
Statute(s) and/or regulation(s)	V.I. CODE ANN. tit. 19, § 595 (West 2025) (schedules of controlled substances)
Specific fentanyl or fentanyl compounds referenced in criminal statute	N/A
Are the penalties different for fentanyl than for other drugs?	N/A
Controlled substance schedule of fentanyl and analogues.	Fentanyl is classified as a schedule II controlled substance.
Criminal provision(s) related to possession of fentanyl	All criminal provisions in the U.S. Virgin Islands related to schedule II apply to fentanyl.
Criminal provision(s) related to distribution or delivery of fentanyl	None
Provisions(s) related to exposing others to fentanyl	None
Other provisions of note	None
Recently proposed legislation	None

<u>RECENT STATE LEGISLATION</u>	
State/Bill Number/ Status	Description
<u>Arizona</u> H.B. 2607, 57th Leg., 1st Reg. Sess. (Ari. 2025) (pending in committee)	This bill would enhance sentencing for possessing at least 200 grams of fentanyl in a motor vehicle and outline sentencing for a first-time offense as follows: a) minimum sentence of 5 years; b) presumptive sentence of 10 years; and c) maximum sentence of 15 years. It would also increase each mandatory sentence by five years, if the offense is a second or subsequent offense and specify that an individual's presumptive term imposed may be mitigated or aggravated, based on existing statutory factors.
<u>Arizona</u> S.B. 1725, 57th Leg., 1st Reg. Sess. (Ari. 2025) (introduced)	This bill would reduce the amount of fentanyl required to trigger enhanced sentencing for a person convicted of the sale of fentanyl from 200 grams to nine grams.
<u>California</u> A.B. 568, Reg. Sess., (Cal. 2025) (introduced)	This bill would include furnishing fentanyl to a minor within the definition of a serious felony, including for purposes of the three strikes law. The result would be an increased penalty upon conviction.
<u>California</u> A.B. 675/S.B. 226, Reg. Sess., (Cal. 2024) (died in committee); (similar legislation A.B. 2336)	This bill would have included fentanyl in the list of drugs prohibited from possession while carrying a loaded firearm. Additionally, the bill would require for purposes of this crime, a person possessing a substance containing fentanyl or a fentanyl analog must have knowledge that the substance is fentanyl or a fentanyl analog.
<u>Colorado</u> S.B. 44, 75 th Leg., Reg. Sess., (Colo. 2025) (postponed indefinitely)	This bill would make it a level 1 drug felony (changed from level 2) if a person manufactures, dispenses, sells, or distributes, or possesses with intent to do the same, (manufactures or distributes) any material, compound, mixture, or preparation that contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof (qualifying controlled substance). Because manufacture or distribution of any amount of a qualifying controlled substance is a level 1 drug felony under the bill, the bill repeals penalty level provisions involving manufacture or distribution of a qualifying controlled substance that are weight- or circumstance-dependent, and related immunity and sentencing requirements. The bill would also remove the requirement that the defendant knows the substance involved contained fentanyl or related substances.

<p><u>Georgia</u> H.B. 458, 158th Gen. Assemb., Reg. Sess., (Ga. 2025), (introduced)</p>	<p>This bill would amend Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to schedules, offenses, and penalties regarding controlled substances, so as to clarify that the sale, manufacture, delivery, or possession of four grams or more of fentanyl and fentanyl analog structural class is included within the prohibition of trafficking certain drugs; to provide for related matters; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.</p>
<p><u>Georgia</u> S.B. 79, 158th Gen. Assemb., Reg. Sess., (Ga. 2025), (introduced)</p>	<p>This bill, titled the “Fentanyl Eradication and Removal Act,” would revise threshold amounts of fentanyl and related substances necessary to constitute the offenses of possessing, selling, distributing, and manufacturing of such substances. The bill would provide for increased penalties for such offenses, revise threshold amounts of fentanyl and related substances necessary to constitute the offense of trafficking in fentanyl, provide for increased penalties for such offense, revise mandatory minimum departure provisions for defendants convicted of trafficking of substances in violation of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine and penalties.</p>
<p><u>Hawaii</u> H.B. 386, 33rd Leg., Reg. Sess. (Haw. 2025) (introduced); S.B. 279, 33rd Leg., Reg. Sess. (Haw. 2025) (introduced)</p>	<p>This bill would conform fentanyl to the possession offense thresholds for methamphetamine, heroin, morphine and cocaine.</p>
<p><u>Hawaii</u> H.B. 917, 33rd Leg., Reg. Sess. (Haw. 2025) (introduced)</p>	<p>This bill would prohibit a person convicted of possessing fentanyl from receiving a sentence of probation. It also creates enhanced mandatory minimum sentencing guidelines for a conviction of crimes involving fentanyl.</p>
<p><u>Hawaii</u> H.B. 580, 33rd Leg., Reg. Sess. (Haw. 2025) (introduced)</p>	<p>This bill would establish a mandatory minimum term of imprisonment for promoting a dangerous drug in the third degree if the conviction is predicated on the possession of methamphetamine or fentanyl, and progressive mandatory minimum terms of imprisonment if the person has prior convictions predicated on the trafficking of methamphetamine or the possession of methamphetamine or fentanyl.</p>
<p><u>Illinois</u> H.B. 1478, 104th Leg., Reg. Sess., (Ill. 2025) (introduced)</p>	<p>This bill would amend the Criminal Code of 2012. Create the offense of fentanyl-related child endangerment. Provide that a person commits the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl. It would provide that a violation is a Class 2 felony. Create the offense of aggravated fentanyl-related child endangerment. It would provide that a person commits</p>

	<p>the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl and the child experiences death, great bodily harm, disability, or disfigurement as a result of the fentanyl-related child endangerment. It would provide that exposure to fentanyl as prescribed or administered by a health care professional in the course of medical treatment does not constitute endangerment. It would also provide that a violation is a Class X felony for which the offender shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years and fined not to exceed \$100,000.</p>
<p><u>Illinois</u> S.B. 1569, 104th Leg., Reg. Sess., (Ill. 2025) (assigned to committee)</p>	<p>This bill would amend the Illinois Controlled Substances Act. Changes from 3 years to 5 years the added sentence for the knowing manufacture or delivery, or possession with intent to manufacture or deliver a controlled substance when the substance containing the controlled substance contains any amount of fentanyl. It would provide that excluding violations of the Act when the controlled substance is fentanyl, for any person sentenced to a term of imprisonment with respect to violations of the knowing possession of a controlled substance, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.</p>
<p><u>Illinois</u> S.B. 233, 104th Leg., Reg. Sess., (Ill. 2025) (introduced)</p>	<p>This bill would amend the Illinois Controlled Substances Act. Provides that, except as otherwise authorized by the Act, any person who knowingly possesses 15 grams or more but less than 100 grams of fentanyl is guilty of a Class 1 felony and, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 15 years.</p>
<p><u>Illinois</u> H.B. 2804, 104th Leg., Reg. Sess., (Ill. 2025) (Introduced); S.B. 280, 104th Leg., Reg. Sess., (Ill. 2025) (introduced)</p>	<p>This bill would amend the Illinois Controlled Substances Act. Enhances the minimum penalties for a person convicted of selling or distributing a controlled substance. It would provide for a sentence of a term of imprisonment of not less than 9 years and not more than 40 years or fined not more than \$250,000, or both. It would provide that in addition to any other penalties imposed, not less than 6 years and not more than 30 years shall be imposed with respect to any amount of carfentanil or fentanyl, or any analog thereof, in excess of 150 milligrams that is stored or transmitted as a powder, blotter paper, tablet, patch, or spray. It would also add extra penalties depending on the form the fentanyl and related substances are found in and add enhanced penalties for any fentanyl found to be marketed in a way to attract children.</p>

<p><u>Indiana</u> S.B. 324, 124th Leg., Reg. Sess. (Ind. 2025) (passed senate)</p>	<p>This bill would increase the penalty levels of crimes related to fentanyl and methamphetamine. Increases the penalty levels of battery against a public safety official, battery resulting in moderate bodily injury, battery resulting in serious bodily injury, battery against a public safety official that results in bodily injury, battery against an endangered adult resulting in serious bodily injury, battery against a child that results in serious bodily injury, battery that results in death, and aggravated battery. It would increase the penalty for resisting law enforcement and interfering with public safety under certain circumstances. It would require certain persons charged with a crime of domestic violence to wear a monitoring device as a condition of bail. It would also require that a bail hearing for a violent arrestee be held in open court, within 48 hours, and sets minimum bail requirements for the release of a repeat violent arrestee.</p>
<p><u>Iowa</u> H.F. 365, 91st Gen. Assemb., Reg. Sess. (Iowa 2025) (introduced)</p>	<p>This bill would establish a cause of action for murder in the first degree by causing the death of another by delivering, dispensing, or providing fentanyl or a fentanyl-related substance, and making penalties applicable.</p>
<p><u>Iowa</u> S.F. 328, 91st Gen. Assemb., Reg. Sess. (Iowa 2025) (introduced); S.S.B. 1080, 91st Gen. Assemb., Reg. Sess. (Iowa 2025)(in committee); H.F. 305, 91st Gen. Assemb., Reg. Sess. (Iowa 2025) (in committee)</p>	<p>These bills would add additional fentanyl related substances including fentanyl derivatives to the list of controlled substances. They would create applicable penalties for illegal possession of the controlled substances.</p>
<p><u>Kansas</u> S.B. 239, 91st Leg. Reg. Sess. (Kan. 2025) (introduced)</p>	<p>This bill would create a special sentencing rule to add 100 months to a sentence for distribution of a controlled substance when the substance involved is fentanyl and the distribution causes the death of a child.</p>
<p><u>Maryland</u> H.B. 1398, 447th Gen. Assemb., Reg. Sess. (Md. 2025) (introduced); S.B. 604, 447th Gen. Assemb., Reg. Sess. (Md. 2025) (introduced)</p>	<p>This bill would prohibit an individual from distributing heroin or fentanyl or chemical analogues of heroin or fentanyl, the use of which results in the death or serious bodily injury of another; and providing that a person who violates the Act is guilty of a felony and, in addition to any other penalty imposed for a certain violation, on conviction is subject to imprisonment not exceeding 20 years.</p>

<p><u>Massachusetts</u> S.D. 2312, 194th Leg., Reg. Sess. (Mass. 2025), (introduced)</p>	<p>This bill would create penalties for the distribution of fentanyl that are proportionate to the seriousness of the crime. This would include a life sentence for trafficking more than 40 grams.</p>
<p><u>Massachusetts</u> S.D. 980, 194th Leg., Reg. Sess. (Mass. 2025), (introduced); H.D. 1547, 194th Leg., Reg. Sess. (Mass. 2025), (introduced)</p>	<p>This bill would require an alternative bail process for a person arrested and charged with manufacture, sale or distribution of fentanyl. Specifically, the person shall not be admitted to bail sooner than 6 hours except by a judge in open court. No clerk of court, bail commissioner or master in chancery.</p>
<p><u>Minnesota</u> H.F. 1446, 94th Leg., Reg. Sess. (Minn. 2025), (in committee); S.F. 319, 94th Leg., Reg. Sess. (Minn. 2025), (in committee)</p>	<p>This bill would add § 609.2285, which would establish a penalty for adulteration of substances with fentanyl.</p>
<p><u>Minnesota</u> H.F. 897, 94th Leg., Reg. Sess. (Minn. 2025), (in committee); S.F. 456, 94th Leg., Reg. Sess. (Minn. 2025), (in committee)</p>	<p>This bill would amend current statute to create penalties for exposing others to fentanyl. The change would include a section that states “no person may knowingly cause or permit a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest fentanyl”.</p>
<p><u>Mississippi</u> H.B. 967, 140th Leg., Reg. Sess. (Miss. 2025), (in committee); S.B. 2200, 140th Leg., Reg. Sess. (Miss. 2025), (in committee)</p>	<p>This bill would amend current statute to extend the date of repealer for § 41-29-139.1, the statute governing fentanyl delivery resulting in death.</p>
<p><u>Missouri</u> S.B. 60, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (passed senate; pending in house)</p>	<p>This bill would amend § 568.045 regarding child endangerment to state that child endangerment in the first degree is triggered when an individual, in the presence of a child less than seventeen years of age, unlawfully manufactures or attempts to manufacture fentanyl or carfentanil or any analogue thereof. It would also increase the level of severity for child endangerment involving fentanyl or carfentanil from a Class D to a Class A felony.</p>
<p><u>Missouri</u> H.B. 495, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (passed house; pending in senate)</p>	<p>This bill would make the same changes as S.B. 60 but adds that the sentencing range for such an offense shall be five to ten years. It also would include restrictions on parole eligibility and judicial discretion in alternative sentencing.</p>

<p><u>Missouri</u> H.B. 1066, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (introduced)</p>	<p>This bill would make the same changes as H.B. 495 but adds that the crime of endangering a child in the first degree is included in the list of “dangerous felony,” which triggers enhanced penalties and sentencing guidelines.</p>
<p><u>Missouri</u> H.B. 49, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (introduced)</p>	<p>This bill would change the amounts of fentanyl required to trigger certain penalties under trafficking in drugs statute.</p>
<p><u>Missouri</u> H.B. 1045, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (introduced); S.B. 575, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (introduced); S.B. 531, 103rd Gen. Assemb., Reg. Sess. (Mo. 2025), (in committee)</p>	<p>This bill would amend the murder in the first degree statute to include that a person commits murder in the first degree if he or she knowingly delivers or distributes fentanyl or carfentanil or any derivative or combination thereof, and death results from the use of such substance.</p>
<p><u>Montana</u> H.B. 289, 69th Leg., Reg. Sess. (Mont. 2025), (passed house, pending in senate)</p>	<p>This bill would provide that the crime of endangering the welfare of children includes exposing a child to the production or manufacture of fentanyl, heroin, or cocaine and allowing a child to be exposed to fentanyl, heroin or cocaine.</p>
<p><u>New Hampshire</u> S.B. 14, 169th Leg., Reg. Sess., (N.H. 2025) (passed senate, pending in house)</p>	<p>This bill would create mandatory sentencing minimums for individuals convicted of violating fentanyl trafficking provisions involving threshold amounts of fentanyl.</p>
<p><u>New Hampshire</u> S.B. 15, 169th Leg., Reg. Sess., (N.H. 2025) (passed senate, pending in house)</p>	<p>This bill would create mandatory sentencing minimums for individuals convicted of manufacturing, selling or dispensing fentanyl class drug when death results from the injection, inhalation or ingestion of that substance.</p>

<p><u>New Jersey</u> S.B. 2492, 221st Leg. Reg. Sess. (N.J. 2024) (pending in committee); S.B. 442, 221st Leg. Reg. Sess. (N.J. 2024) (introduced); A.B. 806, 221st Leg. Reg. Sess. (N.J. 2024) (introduced)</p>	<p>This bill would enhance penalties for distribution and manufacture of certain amounts of fentanyl.</p>
<p><u>New Jersey</u> S.B. 617, 221st Leg. Reg. Sess. (N.J. 2024) (introduced); A.B. 998, 221st Leg. Reg. Sess. (N.J. 2024) (introduced)</p>	<p>This bill would add “illicit fentanyls” to schedule I of the “New Jersey Controlled Dangerous Substances Act.”</p>
<p><u>New Jersey</u> A.B. 2459, 221st Leg. Reg. Sess. (N.J. 2024) (pending in committee)</p>	<p>This bill would upgrade penalties for certain crimes involving heroin and fentanyl; establishes new crimes concerning heroin mixtures; allows certain defendants to be eligible for drug court.</p>
<p><u>New Mexico</u> H.B. 8, 57th Leg., Reg. Sess., (N.M. 2025) (approved by Gov. 2/27/2025); H.B. 16, 57th Leg., Reg. Sess., (N.M. 2025) (introduced)</p>	<p>This bill, among other things, would create a minimum sentence for convictions related to trafficking certain amounts of fentanyl.</p>
<p><u>New Mexico</u> H.B. 383, 57th Leg., Reg. Sess., (N.M. 2025) (introduced); H.B. 136, 57th Leg., Reg. Sess., (N.M. 2025) (introduced)</p>	<p>This bill would add that evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine or fentanyl shall be deemed prima facie evidence of abuse of the child.</p>
<p><u>New Mexico</u> S.B. 95, 57th Leg., Reg. Sess., (N.M. 2025) (introduced)</p>	<p>This bill would add a section to the Controlled Substances Act that states “Distribution of fentanyl resulting in death is the intentional and unlawful distribution of any amount of fentanyl or a fentanyl-related substance to another person that results in the death of that person by cause of injecting, inhaling, absorbing or ingesting the fentanyl or fentanyl- related substance. Whoever commits distribution of fentanyl resulting in death is guilty of a capital felony and shall be sentenced pursuant to the provisions of Section 31-18-14 NMSA 1978. In any prosecution for distribution of fentanyl resulting in death, it is no defense that the deceased</p>

	purposefully, knowingly, recklessly or negligently injected, inhaled, absorbed or ingested any amount of fentanyl or fentanyl-related substance.”
New Mexico H.B. 274, 57 th Leg., Reg. Sess., (N.M. 2025) (introduced)	This bill would create a penalty for trafficking in fentanyl of life imprisonment. It would also make trafficking in fentanyl a 1 st degree felony.
New Mexico S.B. 25, 57 th Leg., Reg. Sess., (N.M. 2025) (introduced)	This bill would create a three year sentence enhancement for a person convicted of fentanyl when the fentanyl amounts to one kilogram or more.
New York A.B. 4863, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced); S.B. 2096 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	The bill would add a new section 220.79 to the Penal Law to create the crime of criminal possession of fentanyl or fentanyl analog, which is committed when a person traffics fentanyl, or any derivative thereof, by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense fentanyl or any derivate thereof. This crime is also committed by bringing into the state a net weight of more than 10 grams of fentanyl or any derivate thereof. This crime is a class E felony.
New York A.B. 4330, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would amend 120.10 of the Penal Law to include exposing another person to fentanyl, a fentanyl derivative or an opiate containing fentanyl or a fentanyl derivative by any means including throwing or tossing at or injecting such other person with any such substance in the definition of the offense of assault in the first degree.
New York S.B. 5376, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would amend the penal law to state that a person is guilty of criminal possession of a controlled substance in the fifth degree when he knowingly and unlawfully possesses: one or more preparations, compounds, mixtures or substances containing fentanyl, carfentanyl, or analogs thereof when such preparations, compounds, mixtures or substances are of an aggregate weight of five hundred milligrams or more.
New York A.B. 5110, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced); S.B. 307, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would amend the penal law to state that certain offenses related to the manufacture, sale, distribution or possession with intent to sell synthetic opioids, including fentanyl, shall be included in the bail restriction statutes.
New York S.B. 1387, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would add a new subsection 5 to section 120.10 of the penal law to provide that a person is guilty of assault in the first degree if an individual causes injury to a first responder or correction officer by exposing them to fentanyl, a fentanyl derivative or an opiate containing fentanyl or fentanyl derivative by any means, including, but not limited to throwing, or tossing at or

	injecting the first responder or correction officer with the intent to cause serious injury.
New York S.B. 989, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would amend the penal law by adding a new section, 120.26, aggravated reckless endangerment. A person is guilty of aggravated reckless endangerment when such person knowingly possesses fentanyl or a fentanyl derivative and recklessly exposes a first responder or correction officer to fentanyl or a fentanyl derivative in a manner that is likely to result in illness or injury to such first responder or correction officer.
New York A.B. 3299, 248 th Leg., Reg. Sess. (N.Y. 2025), (introduced)	This bill would amend the Penal Code to state a person is guilty of assault in the first degree when with intent to cause serious physical injury to a first responder as defined in section three thousand one of the public health law, or a correction officer, he or she causes such injury to such first responder or correction officer by exposing such first responder or correction officer to fentanyl, a fentanyl derivative or an opiate containing fentanyl or a fentanyl derivative by any means, including, but not limited to, throwing or tossing at or injecting such first responder or correction officer with any such substance. Assault in the first degree is a class 8 felony.
Ohio S.C.R. 1, 136 th Ge. Assemb. Reg. Sess. (Ohio 2025), (passed senate, pending in house)	This concurrent resolution would urge the United States Congress to introduce and pass legislation that is similar to a previous proposal known as the Stop Our Scourge Act of 2023, directing the United States Secretary of Homeland Security to designate illicit fentanyl a weapon of mass destruction.
Oregon S.B. 1041, 83 rd Leg., Reg. Sess. (Or. 2025) (introduced)	This bill would require an arresting officer to notify Federal Immigration and Customs Enforcement upon arrest of a person for delivery or manufacture of fentanyl. This bill would also eliminate eligibility for pretrial release for any person arrested and charged with delivery or manufacture of fentanyl.
Oregon S.B. 507, 83 rd Leg., Reg. Sess. (Or. 2025) (introduced); S.B. 236, 83 rd Leg., Reg. Sess. (Or. 2025) (introduced)	This bill would require separate statutes for fentanyl crimes. The Act also increases sentences for some fentanyl crimes. The Act goes into effect when the Governor signs it. It would separate the possession, delivery and manufacture of fentanyl from general controlled substance offense statutes into separate statutes. It would establish a mandatory minimum sentence for the delivery of fentanyl to a person under 18 years of age. Beginning July 1, 2033, prohibits optional probation or a downward departure as a sentence for the manufacture or delivery of fentanyl if a person has a previous conviction. It would also declare an emergency, effective on passage.
Pennsylvania H.B. 57, 209 th Gen. Assemb., Reg. Sess. (Pa. 2025) (introduced)	This bill would create new sentences under the drug trafficking statutes specifically addressing fentanyl. Different amounts of fentanyl would trigger enhanced sentencing ranges and minimum sentences. As the amount of fentanyl involved in the crime increases, so does the minimum punishment.

<p><u>Pennsylvania</u> H.B. 622, 209th Gen. Assemb., Reg. Sess. (Pa. 2025) (introduced)</p>	<p>This bill would amend the Controlled Substance, Drug, Device and Cosmetic Act to add § 13(f) stating “An individual who knowingly or intentionally violates clause (12), (14) or (30) of subsection (a) with respect to fentanyl or an analogue of fentanyl, or a controlled substance or counterfeit substance containing a trace of fentanyl or an analogue of fentanyl, is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding twenty years, or to pay a fine not exceeding five hundred thousand dollars (\$500,000), or both”.</p>
<p><u>South Carolina</u> H.B. 3124, 100th Leg., Reg. Sess. (S.D. 2025) (introduced)</p>	<p>This bill would amend the South Carolina Code of Laws by amending § 44-53-370 to create criminal penalties associated with the intentional or unintentional exposure of first responders to fentanyl or fentanyl-related substances in the course of performing official duties.</p>
<p><u>South Dakota</u> H.B. 1230, 126th Leg., Reg. Sess. (S.C. 2025) (passed house, in hearing at senate)</p>	<p>This bill would amend § 22-42-2 to provide that a violation of this section is a Class 2 felony if the offense involves four milligrams or more of fentanyl. Unless a higher mandatory sentence applies, a conviction involving four milligrams but fewer than fourteen milligrams of fentanyl shall be punished by a mandatory sentence of at least three years in a state correctional facility. Unless a higher mandatory sentence applies, a conviction involving fourteen milligrams or more of fentanyl shall be punished by a mandatory sentence of at least ten years in a state correctional facility.</p>
<p><u>Tennessee</u> S.B. 417, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (introduced); H.B. 573, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (pending in committee)</p>	<p>This bill would decrease from 150 grams to 50 grams or more the amount of any substance containing fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or any fentanyl derivative or analogue that is punished as a Class A felony for the knowing manufacture, delivery, or sale of the substance, or possession with intent to manufacture, deliver, or sell the substance</p>
<p><u>Tennessee</u> S.B. 1415, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (introduced); H.B. 751, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (pending in committee)</p>	<p>This bill would create the offense of knowingly engaging in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment by possessing any amount of fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil in the presence of the child; punishes the offense as a Class E felony if the child is over eight years of age and as a Class B felony if the child is eight years of age or less.</p>

<p><u>Tennessee</u> H.B. 143, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (introduced); S.B. 120, 114th Gen. Assemb., Reg. Sess. (Tenn. 2025) (introduced)</p>	<p>This bill would expand the Class C felony offense of aggravated assault against a first responder to include knowingly possessing fentanyl, carfentanil, remifentanyl, alfentanil, thiafentanil, or a fentanyl analogue in a manner that would be reasonably foreseen to expose a first responder to the substance while the first responder is discharging or attempting to discharge the first responder's official duties and the first responder is exposed resulting in the serious bodily injury or death of the first responder.</p>
<p><u>Virginia</u> H.B. 2657, 2025 Leg. Reg. Sess. (Va. 2025) (vetoed by governor); amendment proposed and currently pending governor signature); S.B. 746, 2025 Leg. Reg. Sess. (Va. 2025) (vetoed by governor); senate rejected governor's amendment; pending governor signature)</p>	<p>This bill would provide that any person who knowingly, intentionally, and feloniously manufactures, sells, or distributes a controlled substance knowing that such controlled substance contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, and unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from the use of the controlled substance and (ii) such controlled substance is the proximate cause of the death.</p> <p>The bill also provides that if a person gave or distributed such controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is not guilty of involuntary manslaughter but is guilty of a Class 6 felony.</p>
<p><u>Virginia</u> S.B. 1235, 2025 Leg. Reg. Sess. (Va. 2025) (introduced)</p>	<p>This bill would provide that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death.</p> <p>The bill also would provide that if a person gave or distributed a schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.</p>

<p><u>Washington</u> S.B. 5071, 69th Leg. Reg. Sess. (Wash. 2025) (pending in committee); H.B. 1087, 69th Leg., Reg. Sess., (Wash. 2025) (pending in committee)</p>	<p>This bill would add fentanyl to the list of controlled substances which trigger penalty when a person knowingly or intentionally permits a child or dependent to be exposed to, ingest, inhale, absorb or have contact with that controlled substance.</p>
<p><u>Washington</u> S.B. 5530, 69th Leg. Reg. Sess. (Wash. 2025) (introduced)</p>	<p>This bill would create a penalty specific to manufacture or delivery of controlled substances when that substance contains fentanyl. The new penalties are as follows:</p> <ul style="list-style-type: none"> (a) If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years. (b) If the substance exceeds 100 grams by weight, the person shall receive an additional term of five years. (c) If the substance exceeds 500 grams by weight, the person shall receive an additional term of seven years. (d) If the substance exceeds one kilogram by weight, the person shall receive an additional term of 10 years. (e) If the substance exceeds four kilograms by weight, the person shall receive an additional term of 13 years. (f) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 16 years. (g) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 22 years. (h) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 25 years. (i) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 28 years.
<p><u>Washington</u> S.B. 5213, 69th Leg. Reg. Sess. (Wash. 2025) (pending in committee)</p>	<p>This bill would amend the prohibition against possession of controlled substances, which currently constitutes a misdemeanor. The bill would make possession of fentanyl in any amount a felony.</p>
<p><u>Washington</u> H.B. 1000, 69th Leg. Reg. Sess. (Wash. 2025) (pending in committee)</p>	<p>This bill would expand the circumstances that may constitute a major violation of the Uniform Controlled Substances Act. The bill would create RCW 9.94A.535(3)(e)(vii), allowing a judge to impose a sentence above the standard range if “the current offense involved the knowing delivery or distribution of fentanyl, precursor chemicals used in the illicit manufacture of fentanyl, or a counterfeit substance containing fentanyl, and resulted in substantial bodily harm as defined in RCW 9A.04.110, permanent impairment to cognitive functions, or death of another person.”</p>

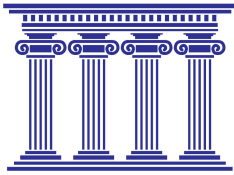
<p><u>West Virginia</u> H.B. 2437, 87th Leg., Reg. Sess., (W.V. 2025) (passed house, pending in senate committee)</p>	<p>This bill would amend § 60A-4-401 by removing the requirement that a person must know the substance at issue is fentanyl when they violate the prohibition against manufacture, delivery, or possession with intent to manufacture or deliver fentanyl. If the substance involved is fentanyl, the enhanced penalty applies whether the person knew fentanyl was present or not.</p>
<p><u>West Virginia</u> H.B. 2757, 87th Leg., Reg. Sess., (W.V. 2025) (introduced)</p>	<p>This bill would designate fentanyl as a “weapon of mass destruction,” thereby allowing increased penalties for those who are convicted of crimes involving fentanyl.</p>
<p><u>West Virginia</u> S.B. 541, 87th Leg., Reg. Sess., (W.V. 2025) (introduced)</p>	<p>This bill would amend the sentencing guideline as it relates to distribution of fentanyl. The amendment states that a person is ineligible for parole for a period of five years if he or she is sentenced to the custody of the commissioner of Corrections and Rehabilitation, for service of a sentence of incarceration and is convicted of a felony violation under the provision related to distribution of fentanyl.</p>
<p><u>West Virginia</u> H.B. 2380, 87th Leg., Reg. Sess., (W.V. 2025) (introduced)</p>	<p>This bill would amend and reenact § 60A-4-401 to impose a sentence of life imprisonment for a person found guilty of manufacture, delivery, or possession with intent to manufacture or deliver fentanyl.</p>
<p><u>West Virginia</u> H.B. 2365, 87th Leg., Reg. Sess., (W.V. 2025) (introduced)</p>	<p>This bill would create a new criminal offense for a person found guilty of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to opioids, including fentanyl. A person who commits a violation of this act and thereby proximately causes the death of said personnel shall be imprisoned for a term of 15 years to life. A person who commits a violation of this act and thereby proximately causes the bodily injury of said personnel shall be imprisoned for a term of not less than three nor more than 15 years.</p>

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

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