

S.F. No. 1279 – Controlled Substance Crimes; Fentanyl Weight Threshold (Second Engrossment)

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Senate File No. 1279 assigns the same weight and penalty thresholds for fentanyl as is for heroin, with respect to Controlled Substance Crime 1st Degree, 2nd Degree, 3rd Degree, and 5th Degree: defines fentanyl; and modifies the definition of drug paraphernalia.

Section 1 excludes fentanyl testing strips and other products that detect the presence of fentanyl in a controlled substance from the definition of drug paraphernalia.

Section 2 defines fentanyl for the purposes of the 1st to 5th-degree controlled substance crimes to include fentanyl, carfentanil, and any fentanyl analogs and fentanyl-related substances listed as Schedule I or II controlled substances.

Sections 3 and 4 make the changes for 1st-degree felony sale and possession.

Sections 5 and 6 make the changes for 2nd-degree felony sale and possession.

Section 7 makes the change for 3rd-degree felony possession.

Section 8 makes the change in the 5th-degree crime related to the reduced penalty for possession of small amounts by first-time offenders.