

1 HOUSE BILL NO. 1356  
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
3 (Proposed by the House Committee for Courts of Justice  
4 on \_\_\_\_\_)  
5 (Patron Prior to Substitute--Delegate Anderson)

6 A BILL to amend and reenact § 18.2-248.01 of the Code of Virginia and to amend the Code of Virginia  
7 by adding a section numbered 18.2-248.05, relating to selling, giving, or distributing fentanyl;  
8 penalties.

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That § 18.2-248.01 of the Code of Virginia is amended and reenacted and that the Code of Virginia**  
11 **is amended by adding a section numbered 18.2-248.05 as follows:**

12 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

13 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to  
14 transport into the Commonwealth by any means with intent to sell or distribute (i) one ounce or more of  
15 cocaine, coca leaves, or any salt, compound, derivative, or preparation thereof as described in Schedule II  
16 of the Drug Control Act; (ii) 100 milligrams or more of any mixture or substance containing a detectable  
17 amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as described in  
18 Schedule II of the Drug Control Act; (iii) one ounce or more of any other Schedule I or II controlled  
19 substance; or (iv) five or more pounds of marijuana. A violation of this section shall constitute a separate  
20 and distinct felony. Upon conviction, the person shall be sentenced to not less than five years nor more  
21 than 40 years imprisonment, three years of which shall be a mandatory minimum term of imprisonment,  
22 and a fine not to exceed \$1,000,000. A second or subsequent conviction hereunder shall be punishable by  
23 a mandatory minimum term of imprisonment of 10 years, which shall be served consecutively with any  
24 other sentence.

25 **§ 18.2-248.05. Selling, giving, or distributing fentanyl to another without such person's**  
26 **knowledge that the substance contains fentanyl; penalties.**

