

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend the Judiciary Committee Report, dated March 6, 2023, page 1,
2 after line 24, insert:

3 "(C) IT IS NOT A VIOLATION OF SUBSECTION (2)(a)(III)(A) OF THIS
4 SECTION IF THE DISTRIBUTION OF THE CONTROLLED SUBSTANCE IS FOR THE
5 PURPOSE OF USING OR CONSUMING ALL OF THE CONTROLLED SUBSTANCE
6 AT A TIME SUBSTANTIALLY CONTEMPORANEOUS WITH THE DISTRIBUTION
7 TO THE PERSON WHOSE DEATH WAS PROXIMATELY CAUSED BY USING OR
8 CONSUMING THE CONTROLLED SUBSTANCE; EXCEPT THAT, THIS
9 SUBSECTION (2)(a)(III)(C) APPLIES ONLY IF THE DISTRIBUTION INVOLVES
10 NOT MORE THAN SEVEN GRAMS OF A SCHEDULE I OR II CONTROLLED
11 SUBSTANCE, NOT MORE THAN FOUR GRAMS OF METHAMPHETAMINE,
12 HEROIN, KETAMINE, OR CATHINONES, OR NOT MORE THAN TWO GRAMS OF
13 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
14 THEREOF.

15 (D) IT IS NOT A VIOLATION OF SUBSECTION (2)(a)(III)(A) OF THIS
16 SECTION IF THE SCHEDULE I OR II CONTROLLED SUBSTANCE WAS
17 TRANSFERRED WITHOUT REMUNERATION TO THE PERSON WHOSE DEATH
18 WAS PROXIMATELY CAUSED BY USING OR CONSUMING THE CONTROLLED
19 SUBSTANCE; EXCEPT THAT, THIS SUBSECTION (2)(a)(III)(D) APPLIES ONLY
20 IF THE TRANSFER FROM THE DEFENDANT TO THE PERSON WHOSE DEATH
21 WAS PROXIMATELY CAUSED BY CONSUMING THE CONTROLLED SUBSTANCE
22 INVOLVES NOT MORE THAN FOUR GRAMS OF A SCHEDULE I OR II
23 CONTROLLED SUBSTANCE, NOT MORE THAN TWO GRAMS OF
24 METHAMPHETAMINE, HEROIN, KETAMINE, OR CATHINONES, OR NOT MORE
25 THAN ONE GRAM OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR
26 AN ANALOG THEREOF."

** **