

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0696.01 Michael Dohr x4347

SENATE BILL 23-109

SENATE SPONSORSHIP

Pelton B. and Mullica,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING A CRIMINAL PENALTY FOR THE SUPPLIER WHEN A**
102 **PERSON DIES AS A RESULT OF THE USE OF A CONTROLLED**
103 **SUBSTANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes it a level 1 drug felony if a person sells, dispenses, distributes, or otherwise transfers any quantity of a controlled substance or any material, compound, mixture, or preparation that contains any amount of a controlled substance and the sale, dispensing, distribution, or transfer is the proximate cause of the death of another person who used

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

or consumed the controlled substance material, compound, mixture, or preparation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-405, **add**
3 (2)(a)(IV) as follows:

4 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
5 **or sale.** (2) Except as otherwise provided for an offense concerning
6 marijuana and marijuana concentrate in section 18-18-406 and for special
7 offenders as provided in section 18-18-407, any person who violates any
8 of the provisions of subsection (1) of this section:

9 (a) Commits a level 1 drug felony and is subject to the mandatory
10 sentencing provisions in section 18-1.3-401.5 (7) if:

11 (IV) THE PERSON SELLS, DISPENSES, DISTRIBUTES, OR OTHERWISE
12 TRANSFERS ANY QUANTITY OF A CONTROLLED SUBSTANCE OR ANY
13 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY
14 AMOUNT OF A CONTROLLED SUBSTANCE AND THE SALE, DISPENSING,
15 DISTRIBUTION, OR TRANSFER IS THE PROXIMATE CAUSE OF THE DEATH OF
16 ANOTHER PERSON WHO USED OR CONSUMED THE CONTROLLED SUBSTANCE
17 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly; except that, if a referendum petition is filed pursuant
22 to section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2024 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.

3 (2) This act applies to offenses committed on or after the
4 applicable effective date of this act.