

1 SENATE BILL 95

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Crystal Brantley

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10 AN ACT

11 RELATING TO CRIME; MAKING THE DISTRIBUTION OF FENTANYL
12 RESULTING IN DEATH A CAPITAL FELONY; PRESCRIBING A PENALTY.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Controlled Substances Act
16 is enacted to read:

17 "[NEW MATERIAL] DISTRIBUTION OF FENTANYL RESULTING IN
18 DEATH.--

19 A. Distribution of fentanyl resulting in death is
20 the intentional and unlawful distribution of any amount of
21 fentanyl or a fentanyl-related substance to another person that
22 results in the death of that person by cause of injecting,
23 inhaling, absorbing or ingesting the fentanyl or fentanyl-
24 related substance. Whoever commits distribution of fentanyl
25 resulting in death is guilty of a capital felony and shall be

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underscored material = new
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underscoring material = new
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1 sentenced pursuant to the provisions of Section 31-18-14 NMSA
2 1978.

3 B. In any prosecution for distribution of fentanyl
4 resulting in death, it is no defense that the deceased
5 purposefully, knowingly, recklessly or negligently injected,
6 inhaled, absorbed or ingested any amount of fentanyl or
7 fentanyl-related substance.

8 C. For the purposes of this section, "fentanyl-
9 related substance" means any substance not otherwise assigned a
10 number pursuant to the federal Controlled Substances Act and
11 for which no exemption or approval is in effect under Section
12 505 of the Federal Food, Drug, and Cosmetic Act that is
13 structurally related to fentanyl by one or more of the
14 following modifications:

15 (1) replacement of the phenyl portion of the
16 phenethyl group by any monocycle, whether or not further
17 substituted in or on the monocycle;

18 (2) substitution in or on the phenethyl group
19 with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino
20 or nitro groups;

21 (3) substitution in or on the piperidine ring
22 with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo,
23 haloalkyl, amino or nitro groups;

24 (4) replacement of the aniline ring with any
25 aromatic monocycle whether or not further substituted in or on

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underscoring material = new
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1 the aromatic monocycle; or
2 (5) replacement of the N-propionyl group by
3 another acyl group."

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