**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 16‑3‑100 AND 16‑3‑110 SO AS TO CREATE THE OFFENSES OF HOMICIDE AND GREAT BODILY INJURY BY FENTANYL, MORPHINE, METHAMPHETAMINE, OR HEROIN, RESPECTIVELY, TO PROVIDE PENALTIES, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑100. (A) A person is guilty of homicide by fentanyl, morphine, methamphetamine, or heroin if the person:

(1) causes the death of a person while giving, selling, or distributing fentanyl, morphine, methamphetamine, or heroin, or their derivatives, salts, isomers, and salts of isomers and the death of a person is caused by these substances; or

(2) knowingly aids and abets another person to give, sell, or distribute fentanyl, morphine, methamphetamine, or heroin, or their derivatives, salts, isomers, and salts of isomers and the death of a person is caused by these substances.

(B) A person who violates the provisions of this section:

(1) pursuant to subsection (A)(1), is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum of twenty years, but not more than life imprisonment; and

(2) pursuant to subsection (A)(2), is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum of ten years but not more than twenty years.

(C) No part of the mandatory minimum provided in subsection (B) may be suspended nor probation granted.

(D) The provisions of this section do not apply to medical personnel using the drugs delineated in this section in the lawful and proper treatment of a patient.

(E) For purposes of this section, the term:

(1) ‘Derivative’ means a compound that is derived from a similar compound by a chemical reaction.

(2) ‘Isomer’ means any optical, positional, or geometric isomer. An isomer of a molecule has the same number of atoms of each element but has a different arrangement of the atoms. It has the same molecular formula as the other molecule but with a different chemical structure.

(3) ‘Salt’ means any drug chemically made into its salt forms to enhance how the drug dissolves and to boost its absorption into a person’s bloodstream.”

SECTION 2. Article 3, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑110. (A) A person is guilty of great bodily injury by fentanyl, morphine, methamphetamine, or heroin if the person:

(1) causes the great bodily injury of a person while giving, selling, or distributing fentanyl, morphine, methamphetamine, or heroin, or their derivatives, salts, isomers, and salts of isomers and the great bodily injury of a person is caused by these substances; or

(2) knowingly aids and abets another person to give, sell, or distribute fentanyl, morphine, methamphetamine, or heroin, or their derivatives, salts, isomers, and salts of isomers and the great bodily injury of a person is caused by these substances.

(B) A person who violates the provisions of this section:

(1) pursuant to subsection (A)(1), is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum of two years but not more than fifteen years; and

(2) pursuant to subsection (A)(2), is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum of one year but not more than ten years.

(C) No part of the mandatory minimum provided in subsection (B) may be suspended nor probation granted.

(D) The provisions of this section do not apply to medical personnel using the drugs delineated in this section in the lawful and proper treatment of a patient.

(E) For purposes of this section, the term:

(1) ‘Derivative’ means a compound that is derived from a similar compound by a chemical reaction.

(2) ‘Great bodily injury’ means bodily injury which causes:

(a) a substantial risk of death;

(b) serious, permanent disfigurement; or

(c) protracted loss or impairment of the function of a bodily member or organ.

(3) ‘Isomer’ means any optical, positional, or geometric isomer. An isomer of a molecule has the same number of atoms of each element but has a different arrangement of the atoms. It has the same molecular formula as the other molecule but with a different chemical structure.

(4) ‘Salt’ means any drug chemically made into its salt forms to enhance how the drug dissolves and to boost its absorption into a person’s bloodstream.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑