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DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 101

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Amend § 4751C, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as  
2 shown by underline as follows:

3 § 4751C. Quantity tiers related to drug offenses.

4 For the purposes of this subchapter:

5 (1) "Tier 3 Controlled Substances Quantity" means:

6 j. "Tier 3 Controlled Substances Quantity" means 60 or more doses containing fentanyl, or 2 grams or more  
7 of fentanyl or of any mixture containing such substance, as described in § 4716(c)(6) of this title or any analog or  
8 derivative thereof.

9 (2) "Tier 2 Controlled Substances Quantity" means:

10 j. ~~60 or more substantially identical doses of a narcotic Schedule II or III controlled substance that is a~~  
11 ~~prescription drug, or 6 grams or more of any mixture that contains a narcotic Schedule II or III controlled~~  
12 ~~substance that is a prescription drug.~~

13 j. 24 or more doses containing fentanyl, or 0.8 grams or more of fentanyl or of any mixture containing such  
14 substance, as described in § 4716(c)(6) of this title or any analog or derivative thereof; or

15 k. 60 or more substantially identical doses of a narcotic Schedule II or III controlled substance that is a  
16 prescription drug other than fentanyl, or 6 grams or more of any mixture that contains a narcotic Schedule II or III  
17 controlled substance that is a prescription drug other than fentanyl.

18 (3) "Tier 1 Controlled Substances Quantity" means:

19 j. ~~30 or more substantially identical doses of a narcotic Schedule II or III controlled substance that is a~~  
20 ~~prescription drug, or 3 grams or more of any mixture that contains a narcotic Schedule II or III controlled~~  
21 ~~substance that is a prescription drug.~~

22           j. 12 or more doses containing fentanyl, or 0.4 grams or more of fentanyl or of any mixture containing such  
23           substance, as described in § 4716(c)(6) of this title, or any analog or derivative thereof; or  
24           k. 30 or more substantially identical doses of a narcotic Schedule II or III controlled substance that is a  
25           prescription drug other than fentanyl, or 3 grams or more of any mixture that contains a narcotic Schedule II or III  
26           controlled substance that is a prescription drug other than fentanyl.

#### SYNOPSIS

This Bill amends the Uniform Controlled Substances Act to establish quantity tiers specific to drug offenses involving fentanyl. This update to the UCSA accounts for the high potency and lethality of fentanyl relative to other substances in its current statutory category, and the rise in deaths and suffering related to fentanyl throughout Delaware communities.

Author: Senator Hansen