

House Bill 458

By: Representatives Cummings of the 39th, Crowe of the 118th, Hitchens of the 161st, New of the 40th, and Neal of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia
2 Annotated, relating to schedules, offenses, and penalties regarding controlled substances, so
3 as to clarify that the sale, manufacture, delivery, or possession of four grams or more of
4 fentanyl and fentanyl analog structural class is included within the prohibition of trafficking
5 certain drugs; to provide for related matters; to provide for an effective date; to provide for
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
10 relating to schedules, offenses, and penalties regarding controlled substances, is amended by
11 revising subsection (b) of Code Section 16-13-31, relating to trafficking in cocaine, illegal
12 drugs, marijuana, or methamphetamine and penalties, as follows:

13 "(b) Except as authorized by this article, any person who sells, manufactures, delivers,
14 brings into this state, or has possession of four grams or more of any morphine, opium,
15 fentanyl or fentanyl analog structural class, or substance identified in subparagraph (RR)
16 or (SS) of paragraph (1) or paragraph (13), (14), or (15) of Code Section 16-13-25, or

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17 subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of paragraph (2) of Code
18 Section 16-13-26 or any salt, isomer, or salt of an isomer thereof, including heroin, as
19 described in Schedules I and II, or four grams or more of any mixture containing any such
20 substance in violation of this article commits the felony offense of trafficking in illegal
21 drugs and, upon conviction thereof, shall be punished as follows:

22 (1) If the quantity of such substances involved is four grams or more, but less
23 than 14 grams, the person shall be sentenced to a mandatory minimum term of
24 imprisonment of five years and shall pay a fine of \$50,000.00;

25 (2) If the quantity of such substances involved is 14 grams or more, but less
26 than 28 grams, the person shall be sentenced to a mandatory minimum term of
27 imprisonment of ten years and shall pay a fine of \$100,000.00; and

28 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
29 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
30 of \$500,000.00."

31 **SECTION 2.**

32 This Act shall become effective on July 1, 2025, and shall apply to all offenses committed
33 on or after such date.

34 **SECTION 3.**

35 All laws and parts of laws in conflict with this Act are repealed.