

HOUSE No. 3798

House bill No. 3755, as amended and passed to be engrossed by the House. October 7, 2015.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the trafficking of fentanyl.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 32E of chapter 94C of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (c) the following subsection:-

3 (c¹/₂) Any person who trafficks in fentanyl, or any derivative thereof, by knowingly or
4 intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture,
5 distribute, dispense, or by bringing into the commonwealth a net weight of more than 10 grams
6 of fentanyl or any derivative thereof or any mixture containing more than 10 grams of fentanyl or
7 any derivate thereof shall be punished by a term of imprisonment in state prison for not more
8 than 20 years.

9 (c³/₄) Any person who trafficks in fentanyl, or any derivative thereof, by knowingly or
10 intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture,
11 distribute, dispense, or by bringing into the commonwealth a net weight of 10 grams or more of
12 fentanyl, or a net weight of 10 grams or more of any mixture containing more than 10 grams of

13 fentanyl or any derivative thereof, if the net weight of fentanyl or any derivative thereof, or any
14 mixture thereof is:

15 (1) Ten grams or more but less than 36 grams, be punished by a term of imprisonment in
16 the state prison for not less than 2 not more than 20 years. No sentence imposed under this clause
17 shall be for less than a minimum term of imprisonment of 2 years.

18 (2) Thirty-six grams or more, but less than 100 grams, be punished by a term of
19 imprisonment in the state prison for not less than 3 1/2 nor more than 20 years. No sentence
20 imposed under this clause shall be for less than a mandatory minimum term of imprisonment of 3
21 1/2 years.

22 (3) One hundred grams or more, but less than 200 grams, be punished by a term of
23 imprisonment in the state prison for not less than 8 nor more than 20 years. No sentence imposed
24 under the provisions of this clause shall be for less than a mandatory minimum term of
25 imprisonment of 8 years.

26 (4) Two hundred grams or more, be punished by a term of imprisonment in the state
27 prison for not less than 12 nor more than 20 years. No sentence imposed under the provisions of
28 this clause shall be for less than a mandatory minimum term of imprisonment of 12 years.

29 SECTION 2. Notwithstanding any general or special law to the contrary, the provisions
30 of subsection (c³/₄) of section 32E of chapter 94C of the General Laws, as inserted by section 1 of
31 this act, shall not take effect until such time as the executive office for administration and
32 finance, in conjunction with the executive office of public safety and security , has furnished a
33 study of the legislation's impact on the local economy and the revenue cost to the
34 commonwealth and its municipalities and political subdivisions, including, but not limited to, a

35 distributional analysis showing the impact on taxpayers of varying income levels, the current
36 practice of other states and any anticipated change in employment and ancillary economic
37 activity to the joint committee on judiciary, and until legislation has been filed and enacted
38 pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.