

**JOINT COMMITTEE ON THE JUDICIARY**  
**BILL SUMMARY**

**BILL NO:** H2056

**TITLE:** An Act relative to fentanyl arrests

**SPONSOR:** Rep. Steven G. Xiarhos and Rep. Carol A. Doherty

**COSPONSORS:** Rep. Norman J. Orrall  
Rep. James K. Hawkins  
Rep. Kelly W. Pease

**HEARING DATE:** May 6, 2025

**PRIOR HISTORY:** H1822 (2023-2024)

**SENATE BILL:** S1094 (Fattman)

**CURRENT LAW:** Section 31 of Chapter 94C of the General Laws designates the classes and types of controlled drugs in the commonwealth. Class A primarily includes opioids and derivatives of opioids and fentanyl. Class B includes methamphetamines, opium poppy and poppy straw. Class C includes Psilocybin, Clonazepam, and Diazepam. Class D includes Marijuana. Class E includes all prescription drugs not otherwise listed in the classes.

Section 32 of Chapter 94C governs specified crimes involving Class A controlled substances.

Section 32E of Chapter 94C prohibits the trafficking of fentanyl and imposes a sentence of 3.5 years to 20 years. It further prohibits the trafficking of carfentanil and imposes a sentence of 3.5 years to 20 years.

Section 32F of Chapter 94C criminalizes the unlawful manufacture, distribution, dispensing or possession with intent to manufacture of Class A to C substances.

Section 42 of Chapter 276 of the General Laws requires a court commit a prisoner to jail for trial unless the prisoner may be

admitted to bail. Bail is only permitted if the crime is bailable, and sufficient bail is offered. The court has less discretion to issue bail when the arrest is for: (i) violation of a court no contact or abuse order; (ii) an act that would constitute abuse; (ii) an act of violence against a family member; or (iii) strangulation or suffocation.

Sections 57 and 58 of Chapter 276 permit a court to order pretrial detention without bail if either necessary to assure the defendant's appearance at a future court proceeding or is a potential danger if not held.

**BILL SUMMARY:**

Section 1 – Adds language to Section 42 of Chapter 276 providing that that an arrest for the manufacture, sale or distribution of fentanyl or carfentanil (as specified in Section 32, 32E and 32F of Chapter 94C) will have bail assessed under Section 58 of Chapter 276.

Sections 2 and 3 – Amend Sections 57 and 58 of Chapter 276 by adding language that specifies that an adult arrested for the manufacture, sale or distribution of fentanyl or carfentanil (as specified in Section 32, 32E and 32F of Chapter 94C) may only be admitted to bail within 6 hours of arrest by a judge in open court.