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SENATE BILL 255

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO CONTROLLED SUBSTANCES; PROVIDING THAT A PERSON WHO
TRAFFICKS FENTANYL RESULTING IN DEATH IS GUILTY OF FIRST DEGREE
MURDER AND SHALL SERVE A MANDATORY THIRTY-YEAR SENTENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Controlled Substances Act
is enacted to read:

"[NEW MATERIAL] TRAFFICKING OF FENTANYL RESULTING IN
DEATH.--

A. Trafficking of fentanyl resulting in death
consists of the intentional and unlawful trafficking or
distribution of any amount of fentanyl to another person that
results in the death of that person by cause of injecting,
inhaling, absorbing or ingesting the fentanyl. Whoever commits
trafficking of fentanyl resulting in death is guilty of first

.232817.1

1 degree murder and shall serve a mandatory thirty-year sentence.

2 B. In any prosecution for trafficking of fentanyl
3 resulting in death, it is no defense that the deceased
4 purposefully, knowingly, recklessly or negligently injected,
5 inhaled, absorbed or ingested any amount of fentanyl."

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