

1 S.58

2 Senator Sears moves that the Senate concur with the House proposal of
3 amendment with further instance of amendment as follows:

4 First: In Sec. 14, 18 V.S.A. § 4233a, by striking out subsection (d) in its
5 entirety and inserting in lieu thereof the following:

6 (d) As used in this section, “knowingly” means actual knowledge that
7 one or more preparations, compounds, mixtures, or substances contain fentanyl
8 or consciously ignoring a substantial risk that one or more preparations,
9 compounds, mixtures, or substances contain fentanyl.

10 Second: In Sec. 15, 18 V.S.A. § 4234, by striking out subdivision (b)(4) in
11 its entirety and inserting in lieu thereof the following:

12 (4) As used in this section, “knowingly” means actual knowledge that
13 one or more preparations, compounds, mixtures, or substances contain the
14 regulated drug identified in this section or consciously ignoring a substantial
15 risk that one or more preparations, compounds, mixtures, or substances contain
16 the regulated drug identified in this section.

17 Third: In Sec. 16, 18 V.S.A. § 4233b, by adding a subsection (d) to read as
18 follows:

19 (d) As used in this section, “knowingly” means actual knowledge that
20 one or more preparations, compounds, mixtures, or substances contain

1 xylazine or consciously ignoring a substantial risk that one or more
2 preparations, compounds, mixtures, or substances contain xylazine.

3 Fourth: By adding a new section to be Sec. 17a to read as follows:

4 Sec. 17a. VERMONT SENTENCING COMMISSION; PERMISSIVE
5 INFERENCE

6 Not later than October 15, 2024, the Vermont Sentencing Commission shall
7 make a recommendation to the General Assembly whether in 18 V.S.A.
8 § 4250, selling or dispensing with death resulting, there should be a permissive
9 inference that the proximate cause of death is the person’s use of the regulated
10 drug if the regulated drug contains fentanyl.

11 Fifth: In Sec. 18, 18 V.S.A. § 4252a, after the first sentence, by inserting
12 the following:

13 Unless the person is held without bail for another offense, the State’s Attorney
14 shall request conditions of release. The court may include as a condition of
15 release that the person is prohibited from coming within a fixed distance of the
16 dwelling.