

House File 2576 - Introduced

HOUSE FILE 2576
BY THOMSON

A BILL FOR

1 An Act establishing the criminal offenses of possession of lethal
2 narcotics and reckless homicide by lethal narcotic transfer,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

POSSESSION OF LETHAL NARCOTICS

Section 1. LEGISLATIVE FINDINGS AND PURPOSE. The general assembly finds and declares all of the following:

1. Extraordinary and unique lethality. Fentanyl, methamphetamine, and heroin are uniquely dangerous controlled substances whose illicit possession and use routinely result in overdose, death, and severe community harm. Fentanyl, in particular, has a lethal dose measured in micrograms, such that even trace exposure can be fatal.

2. No safe quantity in the illicit market. Due to uncontrolled potency, adulteration, and cross-contamination, no quantity of fentanyl, methamphetamine, or heroin can be safely possessed or circulated outside of lawful and tightly regulated contexts.

3. Market participation and foreseeability. Knowing possession of these substances sustains illicit markets in which serious bodily injury and death are predictable outcomes, imposing unacceptable risks on users, bystanders, first responders, and the broader community.

4. Need for escalated penalties. Existing misdemeanor penalties for possession fail to reflect the gravity of the harm caused, undermine deterrence, and are inconsistent with the state's compelling interest in protecting public safety.

5. Proportionality. Graduated felony penalties for possession of lethal narcotics are proportionate to the severity of the conduct when paired with rebuttable, treatment-oriented discretion for first-time offenders and sharper incapacitation for repeat offenders.

6. Purpose. The purposes of this division of this Act are to reduce demand for lethal narcotics, deter continued possession and use, and protect the public by aligning criminal penalties with the known dangers of these substances.

Sec. 2. Section 124.101, Code 2026, is amended by adding the following new subsection:

1 NEW SUBSECTION. 18A. "Lethal narcotic" means fentanyl or
2 any fentanyl analog, methamphetamine, heroin, or any mixture or
3 compound containing a detectable amount of any such substance.

4 Sec. 3. NEW SECTION. **124.401H Possession of lethal**
5 **narcotics.**

6 1. Notwithstanding section 124.401, subsection 5, a person
7 who knowingly possesses a lethal narcotic is guilty of the
8 following:

9 a. (1) For a first offense, a class "D" felony.

10 (2) All or any part of a sentence imposed pursuant to this
11 paragraph may be suspended and the person placed upon probation
12 upon such terms and conditions as the court may impose.

13 (3) The court shall order a substance use disorder evaluation
14 as a condition of the sentence or supervision and may require
15 the active participation by such person in a drug treatment,
16 rehabilitation, or education program approved by the court.

17 b. For a second offense, a class "C" felony. No such
18 judgment, sentence, or part thereof shall be deferred or
19 suspended.

20 c. For a third or subsequent offense, a class "B" felony.
21 No such judgment, sentence, or part thereof shall be deferred or
22 suspended.

23 2. A person in the immediate possession or control of a
24 firearm while participating in a violation of this section shall
25 be sentenced to two times the term otherwise imposed by law, and
26 no such judgment, sentence, or part thereof shall be deferred or
27 suspended.

28 3. A person in the immediate possession or control of
29 an offensive weapon, as defined in section 724.1, while
30 participating in a violation of this subsection, shall be
31 sentenced to three times the term otherwise imposed by law, and
32 no such judgment, sentence, or part thereof shall be deferred or
33 suspended.

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DIVISION II

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RECKLESS HOMICIDE BY LETHAL NARCOTIC TRANSFER

1 Sec. 4. LEGISLATIVE FINDINGS AND PURPOSE. The general
2 assembly finds and declares all of the following:

3 1. Extraordinary and unique lethality — the microdose of
4 death. Fentanyl is an ultra-potent synthetic opioid with a
5 lethal dose measured in micrograms. A quantity too small to
6 be seen, smelled, or tasted can cause respiratory failure and
7 death within minutes. When fentanyl is added to an illicit
8 substance, the substance becomes a lethal instrument capable of
9 indiscriminate death. Methamphetamine and heroin, in illicit
10 form, present comparably catastrophic overdose and mortality
11 risks due to uncontrolled potency and adulteration.

12 2. Market reality — a system of predictable death. The
13 illicit drug market is a systemic chain in which adulteration,
14 substitution, dilution, and cross-contamination are routine and
15 foreseeable. Fatal overdoses are not aberrations but predictable
16 outcomes of this system, sustained by each unlawful transfer.

17 3. Constructive notice — affirmative acceptance of a fatal
18 risk. Any person who knowingly possesses or transfers an illegal
19 controlled substance does so with irrefutable constructive notice
20 that the substance may contain fentanyl, methamphetamine, heroin,
21 or similarly lethal adulterants. Voluntary participation in
22 the illicit market constitutes an affirmative acceptance of an
23 extreme and unjustifiable risk of death to others, demonstrating
24 reckless indifference to human life. Ignorance of precise
25 chemical composition is not exculpatory because the danger arises
26 from the market participation itself.

27 4. No safe quantity — the invisible threat. Because
28 microscopic amounts can be fatal and dosage is uncontrolled, no
29 detectable amount of a lethal narcotic can be safely possessed or
30 transferred outside of lawful and tightly regulated contexts.

31 5. Proportionality determination. Enhanced criminal
32 penalties and civil liability are proportionate to the
33 foreseeability of death, magnitude of harm, and degree of
34 reckless indifference involved, particularly when paired with
35 narrow postconviction proportionality review.

1 6. Purpose. The purposes of this division of this Act are to
2 treat drug-induced death as foreseeable homicide; to incapacitate
3 those who sustain lethal markets; to deter participation by
4 aligning penalties with real-world consequences; and to protect
5 the public from substances functioning as weapons of mass
6 casualty when unlawfully circulated.

7 Sec. 5. NEW SECTION. **707.12 Reckless homicide by lethal**
8 **narcotic transfer.**

9 1. A person violates this section when the person knowingly
10 transfers a controlled substance, in violation of chapter 124,
11 that contains a lethal narcotic that is a proximate cause of the
12 death of another person by the injection, inhalation, absorption,
13 or ingestion of the lethal narcotic. It is not a defense that
14 the other person voluntarily ingested the substance, contributed
15 to the death, or consented to the administration of the lethal
16 narcotic. For purposes of this section, "lethal narcotic" means
17 the same as defined in section 124.101.

18 2. Notwithstanding any other provision of law, a person
19 committing a violation of this section is guilty of a class "A"
20 felony.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill establishes the criminal offenses of possession
25 of lethal narcotics and reckless homicide by lethal narcotic
26 transfer. The bill contains legislative findings and purposes.

27 DIVISION I. The bill defines "lethal narcotic" as fentanyl or
28 any fentanyl analog, methamphetamine, heroin, or any mixture or
29 compound containing a detectable amount of any such substance.

30 The bill provides that, notwithstanding Code section
31 124.401(5), for a first offense, a person who knowingly possesses
32 a lethal narcotic is guilty of a class "D" felony. All or
33 any part of a sentence imposed may be suspended and the person
34 placed upon probation upon such terms and conditions as the court
35 may impose. The court shall order a substance use disorder

1 evaluation as a condition of the sentence or supervision and
2 may require the active participation by such person in a drug
3 treatment, rehabilitation, or education program approved by the
4 court. For a second offense, the person is guilty of a class "C"
5 felony, and no such judgment, sentence, or part thereof may be
6 deferred or suspended. For a third or subsequent offense, the
7 person is guilty of a class "B" felony, and no such judgment,
8 sentence, or part thereof may be deferred or suspended.

9 A class "D" felony is punishable by confinement for no more
10 than five years and a fine of at least \$1,025 but not more than
11 \$10,245. A class "C" felony is punishable by confinement for no
12 more than 10 years and a fine of at least \$1,370 but not more
13 than \$13,660. A class "B" felony is punishable by confinement
14 for no more than 25 years.

15 The bill provides that a person in the immediate possession or
16 control of a firearm while participating in a violation of this
17 division of the bill shall be sentenced to two times the term
18 otherwise imposed by law, and no such judgment, sentence, or part
19 thereof shall be deferred or suspended. The bill provides that
20 a person in the immediate possession or control of an offensive
21 weapon, as defined in Code section 724.1, while participating in
22 a violation of the bill, shall be sentenced to three times the
23 term otherwise imposed by law, and no such judgment, sentence, or
24 part thereof shall be deferred or suspended.

25 DIVISION II. The bill provides that a person commits reckless
26 homicide by lethal narcotic transfer when the person knowingly
27 transfers a controlled substance that contains a lethal narcotic
28 that is a proximate cause of the death of another person by
29 the injection, inhalation, absorption, or ingestion of the lethal
30 narcotic. It is not a defense that the other person voluntarily
31 ingested the substance, contributed to the death, or consented to
32 the administration of the lethal narcotic. A person committing
33 reckless homicide by lethal narcotic transfer is guilty of a
34 class "A" felony.

35 A class "A" felony is punishable by confinement for life

1 without possibility of parole.

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