

House File 365 - Introduced

HOUSE FILE 365
BY DUNWELL

A BILL FOR

1 An Act establishing a cause of action for murder in the
2 first degree by causing the death of another by delivering,
3 dispensing, or providing fentanyl or a fentanyl-related
4 substance, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 707.2, subsection 1, Code 2025, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. g. (1) A person who unlawfully delivers,
4 dispenses, or otherwise provides fentanyl, as defined in section
5 124.204, subsection 2, paragraphs "at" through "cl", or a
6 fentanyl-related substance, as defined in section 124.204,
7 subsection 9, paragraph "a", to another person, in violation of
8 the provisions of section 124.401, that results in the death
9 of the other person, if the proximate cause of the death of
10 the other person is the injection, inhalation, absorption, or
11 ingestion of any amount of the fentanyl or fentanyl-related
12 substance.

13 (2) It is not a defense pursuant to this paragraph that
14 the other person contributed to the person's own death by
15 the purposeful, knowing, reckless, or negligent injection,
16 inhalation, absorption, or ingestion of the controlled substance
17 or by consenting to the administration of the controlled
18 substance by another person.

19 EXPLANATION

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

22 This bill establishes a cause of action for murder in the
23 first degree by causing the death of another by delivering,
24 dispensing, or providing fentanyl or a fentanyl-related
25 substance.

26 The bill provides that a person who unlawfully delivers,
27 dispenses, or otherwise provides fentanyl or a fentanyl-related
28 substance to another person that results in the death of the
29 other person, and the proximate cause of the death of the other
30 person is the injection, inhalation, absorption, or ingestion
31 of any amount of the fentanyl or fentanyl-related substance,
32 commits murder in the first degree. Murder in the first degree
33 is a class "A" felony. A class "A" felony is punishable by
34 confinement for life without possibility of parole.

35 The bill provides that it is not a defense that the

1 other person contributed to the person's own death by
2 the purposeful, knowing, reckless, or negligent injection,
3 inhalation, absorption, or ingestion of the controlled substance
4 or by consenting to the administration of the controlled
5 substance by another person.

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