

HOUSE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Judiciary.

HB22-1326 be amended as follows:

- 1 Amend printed bill, page 6, lines 6 and 7, strike "amend (2)(a); and".
- 2 Page 6, line 7, after "add" insert "(2.5) and".
- 3 Page 6, strike lines 8 through 20 and substitute:

**"18-18-403.5. Unlawful possession of a controlled substance.**

5 (2.5) NOTWITHSTANDING SUBSECTION (2)(c) OF THIS SECTION, ON  
6 OR AFTER JULY 1, 2022, A PERSON WHO VIOLATES SUBSECTION (1) OF THIS  
7 SECTION BY KNOWINGLY POSSESSING:

8 (a) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT  
9 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND  
10 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG  
11 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), AND THE PERSON  
12 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE MATERIAL,  
13 COMPOUND, MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF  
14 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN  
15 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 4 DRUG FELONY.

16 (b) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT  
17 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF  
18 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN  
19 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 1 DRUG MISDEMEANOR;  
20 EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE FOR A VIOLATION OF  
21 THIS SUBSECTION (2.5)(b) IS A LEVEL 4 DRUG FELONY.".

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