**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3591**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Mitchell, Gilliam, Bailey and Wooten

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Prefiled in the House on December 12, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Drug-induced homicide

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/12/2024 House Prefiled

 12/12/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3591_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑3‑80 SO AS TO CREATE THE OFFENSE OF DRUG‑INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; AND BY AMENDING SECTION 16‑1‑10, RELATING TO THE CATEGORIZATION OF FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG‑INDUCED HOMICIDE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑80. (A) A person who knowingly and unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl‑related substance as defined in Section 44‑53‑190(B) and Section 44‑53‑210(c)(6) to another person, in violation of the provisions of Section 44‑53‑370, commits the felony offense of fentanyl‑induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl‑related substance that was unlawfully delivered, dispensed, or otherwise provided.

 (B) A person convicted of a fentanyl‑induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

 (C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide. A person charged with a violation of this section may also be charged for any other applicable drug‑related offense to include an assisted suicide pursuant to the provisions of Section 16‑3‑1090.

 (D) This section does not apply to a person who shares any drug or substance without knowledge that the drug or substance contains fentanyl or a fentanyl‑related substance.

 (E) For purposes of this section only, a person must not be charged under this section or Section 44‑53‑370 if they otherwise act in conformance with Article 19, Chapter 53, Title 44 except a person who violates subsection (A) with knowledge that the substance contained fentanyl or a fentanyl‑related substance.

 SECTION 2. Section 16‑1‑10(D) of the S.C. Code is amended by adding a new offense to read:

 Section 16-3-80. Fentanyl‑induced homicide

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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