



# (U) West Virginia Senate Bill 196 Increases Penalties for Drug- Related Crimes

*(U) This DEA Bulletin is based on preliminary reporting and may be subject to updating as additional information becomes available.*

## (U) Statement of Analysis

(U) On April 12, 2025, Senate Bill 196, also known as Lauren's Law, was passed by the West Virginia State Legislature. Effective July 11, 2025, Lauren's Law amends the West Virginia criminal code to increase penalties for drug-related crimes, particularly those involving fentanyl. The law's criminal justice approach supplements the state's successful treatment and prevention efforts, which have reportedly contributed to a decline in overdose deaths that surpassed the national average decrease from November 2023 to November 2024.

## (U) Details

(U) Senate Bill 196 was drafted to recognize Lauren Renee Cole, a 26-year-old Morgantown resident and West Virginia University graduate, who died after ingesting drugs unknowingly laced with fentanyl. Lauren Cole's ten-year battle with opiate addiction highlighted the significance of Opioid Use Disorder, a chronic disease that requires a multi-pronged approach for successful recovery. Lauren Cole's family characterized her death as a poisoning rather than an overdose, calling for action that prompted the governor to issue a statement against the "heinous act...more synonymous with a murder than a drug deal" committed by the dealers convicted of giving the fentanyl-laced substance to Lauren Cole, and subsequently sentenced to 15 years in prison. Senate Bill 196 institutes a penalty of up to 40 years in prison for the same offenses. Lauren's Law hopes to deter drug dealing, hold drug dealers accountable, protect communities, and ultimately save lives in West Virginia.

(U) An overview of the Instituted Penalties for Drug Related Offenses under Lauren's Law is outlined in Appendix A. Specific drugs, additional offenses, and their corresponding penalties highlighted in the law include, among others:

- Synthetic cannabinoids
- Fentanyl as an adulterant
- Delivery or distribution to a minor



- Equipment used to create and affix markings or labels
- Counterfeit and imitation controlled substances
- Updated penalties regarding controlled or counterfeit Schedule I-V substances
- Mandatory sentencing guidelines
- Drug delivery resulting in death, and
- Failure to render aid

(U) From November 2023 to November 2024, West Virginia experienced a nearly 38 percent decline in drug overdose deaths, surpassing the national average decrease of 26.5 percent, according to the West Virginia Department of Health. The West Virginia Department of Human Services attributes the decrease to the “real-life impact of West Virginia’s shift toward recovery-focused, family-centered care.” The state’s community interventions include naloxone distribution, quick response teams, stigma reduction efforts, and other treatment programs.

## (U) Outlook

(U) Lauren’s Law is deemed as instrumental in helping the state cope with the drug poisoning and overdose epidemic by directly addressing the actions of drug dealers, continuing West Virginia’s historically criminal justice-centric approach to the opioid epidemic. Mandatory prison sentences, and the creation of new offense categories for drug delivery and drug kingpins, may provide incentives for law enforcement agencies to pursue state, rather than federal, charges to obtain quicker sentencing. However, those in opposition have advocated for recovery and treatment programs over criminalization.



## (U) APPENDIX A

### (U) Instituted Penalties for Drug Related Offenses under Lauren's Law

(U) Any person who knowingly or intentionally possesses a controlled substance that was not obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of their professional practice is guilty of a misdemeanor and upon conviction may be confined in jail for 90 days to 6 months and/or fined up to \$1,000.

*Note: Any first offense for possession of certain synthetic cannabinoids or < 15 grams of marijuana shall be disposed of.*

### (U) Fentanyl as an Adulterant; Delivery or Distribution to a Minor

*Note: A controlled substance has been adulterated if fentanyl has been mixed or packed with it.*

(U) The use of fentanyl as an adulterant to another controlled substance, the creation of a counterfeit or imitation substance using fentanyl, or to cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl is guilty of a felony and upon conviction may be imprisoned in a state correction facility for 3-15 years and/or fined up to \$50,000.

(U) Any person 18-years old or more who violates this subsection and delivers or distributes an imitation controlled substance to a minor child who is at least 3 years younger than that person is guilty of a felony and upon conviction may be imprisoned in a state correctional facility for 1-3 years and/or fined up to \$10,000.

### (U) Penalties Regarding Equipment for the Purposes of Creating Markings and Labels for Counterfeit and Imitation Controlled Substances

(U) Any person who knowingly or intentionally creates, possesses, sells, or otherwise transfers equipment with the intent to create markings or affix labels to a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit or imitation controlled substance is guilty of a misdemeanor and upon conviction may be confined in jail for 6 months to 1 year and/or fined up to \$5,000.

### (U) Penalties for Controlled and Counterfeit Substances by Schedule

(U) Table 1. Penalties for Manufacturing, Delivering, Possessing with Intent to Deliver or Manufacture Controlled or Counterfeit Substance, by Schedule					
Schedule	Type of Drug	Crime	Prison Time	Jail Time	Fine
I or II	Narcotic Drug or Methamphetamine	Felony	1-15 years	-	Up to \$25,000
I or II	Fentanyl		3-15 years		Up to \$50,000
I, II, or III	-		1-5 years		Up to \$15,000
IV			1-3 years		Up to \$10,000
V		Misdemeanor	-	6 months – 1 year	Up to \$5,000



### (U) Penalties Involving Transportation into West Virginia by Schedule

(U) Table 2. Penalties Involving Transportation with the Intent to Deliver or Manufacture in West Virginia, by Schedule					
Schedule	Type of Drug	Crime	Prison Time	Jail Time	Fine
I or II	Narcotic Drug	Felony	5-20 years	-	Up to \$50,000
I, II, or III	-		1-10 years		Up to \$15,000
IV			1-5 years		Up to \$10,000
V		Misdemeanor	-	6 months - 1 year	Up to \$5,000

*Note: The transportation into West Virginia of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.*

(U) These offenses are in addition to and a separate and distinct offense from any other listed in the current West Virginia criminal code.

### (U) Penalties Involving Transportation into West Virginia by Weight

*Note: For the purpose of determining the weight of any controlled substance, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance.*

(U) Table 3. Penalties Involving Transportation with the Intent to Manufacture, Deliver, Possess with Intent to Manufacture or Deliver Controlled Substances into West Virginia, by Weight		
Weight	Crime	Prison Time
Heroin		
1+ kg	Felony	15-30 years <b>MANDATORY*</b>
100 - < 1,000 g		7-20 years
10 - 100 g		5-20 Years
Cocaine or Cocaine Base		
1+ kg	Felony	15-30 years <b>MANDATORY*</b>
100 - < 1,000 g		7-20 years
10 - 100 g		5-20 Years
PCP		
100+ g	Felony	15-30 years <b>MANDATORY*</b>
10 - < 100 g		7-20 years
2 - 10 g		5-20 Years
LSD		
10+ g	Felony	15-30 years <b>MANDATORY*</b>
1 - < 10 g		7-20 years
200 micrograms - 1 g		5-20 Years
Methamphetamine		
50+ g	Felony	15-30 years <b>MANDATORY*</b>
5 - < 50 g		7-20 years
1 - 5 g		5-20 Years
Fentanyl		
5+ g	Felony	15-30 years <b>MANDATORY*</b>
1 - < 5 g		7-20 years
< 1 g		5-20 Years

*\*15–30-year **MANDATORY** sentences are not eligible for probation, home incarceration, or suspension for any reason.*



(U) If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

### (U) Penalties Involving Conspiracy

(U) Any individual who willfully conspires with 1 or more persons to commit a felony violation involving controlled substances, or if 1 or more such persons act in any means to further such a conspiracy is guilty of a felony, and upon conviction shall be imprisoned in a state correctional facility for a **MANDATORY** sentence of 2-10 years.

*Note: Not applicable to felony violations regarding the manufacture, delivery, or possession with intent to manufacture or deliver marijuana.*

### (U) Penalties for Conspiring to Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver a Controlled Substance by Weight

*Note: For the purpose of determining the weight of any controlled substance, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.*

(U) Table 4. Penalties for Conspiring to Manufacture, Deliver, or Possess with Intent to Manufacture or Deliver a Controlled Substance, by Weight		
Weight	Crime	Prison Time
Heroin		
1+ kg	Felony	5-30 years <b>MANDATORY*</b>
100 - < 1,000 g		3-20 years
10 - 100 g		2-15 years
Cocaine or Cocaine Base		
1+ kg	Felony	5-30 years <b>MANDATORY*</b>
100 - < 1,000 g		3-20 years
10 - 100 g		2-15 years
PCP		
100+ g	Felony	5-30 years <b>MANDATORY*</b>
10 - < 100 g		3-20 years
2 – 10 g		2-15 years
LSD		
10+ g	Felony	5-30 years <b>MANDATORY*</b>
1 - < 10 g		3-20 years
200 micrograms - 1 g		2-15 years
Methamphetamine		
50+ g	Felony	5-30 years <b>MANDATORY*</b>
5 - < 50 g		3-20 years
1 – 5 g		2-15 years
Fentanyl		
5+ g	Felony	5-30 years <b>MANDATORY*</b>
1 - < 5 g		3-20 years
< 1 g		2-15 years



*\*5–30-year **MANDATORY** sentences are not eligible for probation, home incarceration, or suspension for any reason.*

*Notes: Where the conspiracy involves 2 or more controlled substances, each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.*

### **(U) Inclusion of Penalties for “Drug Kingpin” Designation**

*Note: “Drug Kingpin” is defined as an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into West Virginia a controlled dangerous substance.*

(U) A Drug Kingpin who conspires to manufacture, dispense, transport in, or bring to West Virginia a controlled dangerous substance is guilty of a felony and upon conviction shall be imprisoned in a state correctional facility for 10-40 years and fined up to \$100,000. This sentence is **MANDATORY** and not eligible for probation, home incarceration, or to have their sentence suspended for any reason.

*Note: It is not a defense to prosecution under this section that the controlled substance was brought into or transported in West Virginia solely for ultimate distribution or dispensing in another jurisdiction. These offenses are in addition to and separate and distinct from any other offenses set forth in the current West Virginia State Code.*

### **(U) Penalties Involving Drug Delivery Resulting in Death or Failure to Render Aid**

(U) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance without receiving or accepting money or any other thing of value for an illicit purpose and the use, ingestion, or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person, is guilty of a felony and upon conviction shall be imprisoned in a state correctional facility for a sentence of 3-15 years.

(U) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in exchange for money or any other thing of value for an illicit purpose and the use, ingestion, or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person is guilty of a felony and upon conviction shall be imprisoned in a state correction facility for 10-40 years and is not eligible for parole prior to having served a minimum of 10 years of their sentence.

(U) Any person who, while engaged in the illegal use of a controlled substance with another, knowingly fails to seek medical assistance for the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and upon conviction shall be imprisoned for 2-10 years and is not eligible for parole prior to having



served a minimum of two years of their sentence. This conviction is not eligible for probation, home incarceration, or suspension of sentence for any reason.



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(U) This product was prepared by the DEA Intelligence Program – Louisville Division. Comments and questions may be addressed to the DEA Indicator Programs Section at: [DEA.IntelligenceProducts@dea.gov](mailto:DEA.IntelligenceProducts@dea.gov).  
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