

FENTANYL LAWS

► Fentanyl Possession

Being arrested with fentanyl or any substance that has fentanyl in it can result in serious legal charges. This is also true for other opioids that are like fentanyl.

If you are caught with one gram or less of fentanyl you can be charged with a misdemeanor. If you have **more than one gram and less than four grams** of fentanyl, the charge is a level 4 drug felony.

If you are caught with a substance that contains any amount of fentanyl, the charges are similar. A gram or less of the substance is a misdemeanor. **More than a gram and less than 4 grams is a level 4 drug felony.**

Fentanyl-Only Offenses

Fentanyl Possession	Drug Charge
One gram or less of Fentanyl	Level 1 Misdemeanor
More than one gram and not more than four grams	Level 4 Felony

Offenses for Any Substance That Contains Fentanyl

Offense	Drug Charge	Exceptions
One gram or less of any substance that contains fentanyl	Level 1 Misdemeanor	After 3 violations, the charge is a level 4 felony.
More than one and not more than four grams of any substance that contains fentanyl	Level 4 Felony	If a person can show they didn't know fentanyl was in the substance, the charge may be dropped to a level 1 misdemeanor.
More than 4 grams and not more than 50 grams of any substance that contains fentanyl	Level 2 Felony	None
More than 50 grams of any substance that contains fentanyl	Level 1 Felony	None

► Focus on Early Treatment and Fresh Starts

If you are convicted of any of the crimes listed above, you must be assessed for opioid addiction, which is sometimes called opioid use disorder. The court can order you to receive treatment instead of time in jail if you are found to have a problem with opioids.

The law also says that you can get your charges lowered if you complete your treatment. For example, a level 4 drug felony may be lowered to a misdemeanor. And you can ask for any drug misdemeanor or level 4 felony to be sealed two years after completing probation.

