WEST VIRGINIA CODE: §60a-4-416

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a)(1) 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, in violation of the provisions of §60A-4-401 of this code 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 using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than 15 years.

(2) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in exchange for money or any other thing of value in violation of the provisions of §60A-4-401 of this code 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 using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ten nor more than 40 years. A person imprisoned pursuant to the provisions of this subdivision is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) 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 thereof, shall be imprisoned for a determinate sentence of not less than two years nor more than 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentence provided in subdivision (2), subsection (a) of this section is mandatory. A person convicted of an offense set forth in subdivision (2), subsection (a) of this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) As used in this section:

(1) The phrase “engaged in illegal use of a controlled substance with another person” means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or while in the presence of a person engaged in illegal drug use knowingly facilitating illegal drug use by the other person so engaged.

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(2) “Seek medical assistance” means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose, and in the case of an opioid overdose, to administer or cause the administration of a commercially produced medically recognized opioid antagonist.

(e) The revisions to subsections (a), (b), (c), and (d) of this section enacted during the 2025 regular legislative session shall be known as Lauren’s Law.

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