



Opportunity Through Education

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Memo

TO: Joint Judiciary Committee

FROM: Dicky Shanor, Chief of Staff

DATE: May 20, 2025

SUBJECT: Enhanced Penalties for Fentanyl Contact with Minors

Chairmen Olsen and Washut and Committee Members,

Thank you for the opportunity to speak today. During the session, Superintendent Degenfelder spoke with several of you about her concerns regarding fentanyl and children. The potency of fentanyl makes it incredibly dangerous, as even small amounts can be lethal. Its harmful effects are exacerbated by the fact that fentanyl is often mixed with other drugs, sometimes without the user's knowledge, leading to accidental overdoses and fatalities. This concealment makes fentanyl especially perilous for minors who may be experimenting with drugs and unaware of the added risk. As a result, it should be treated more harshly than other substances.

Minors are uniquely vulnerable. Their brains are still developing, and they are more susceptible to addiction. Furthermore, they lack the awareness and judgment to recognize the signs of an overdose or to seek help. When fentanyl is involved in cases with minors, it is not simply a drug offense; it is a threat to their lives and futures.

The current penalties for fentanyl distribution, while significant, do not adequately address the heightened risk when a minor is involved. We need to send a clear message that targeting our youth with this deadly drug will not be tolerated. Enhanced penalties can serve as a deterrent to potential offenders and provide law enforcement with the tools they need to hold those who harm our children accountable.

One proposal is to add a five-year enhancement to the minimum sentence for fentanyl distribution crimes where a minor is involved. This enhancement would ensure that offenders face a more substantial prison sentence, reflecting the severity of their actions and the potential harm to our youth. By increasing the penalty, we can make a statement to potential dealers that targeting minors will result in particularly severe repercussions.

Shelley Hamel – *Chief Academic Officer* | Trent Carroll – *Chief Operations Officer*
Linda Finnerty – *Chief Communications Officer* | Nathan Tedjeske – *Chief Innovations Officer*

It is important to recognize that fentanyl is a growing problem in Wyoming. It affects communities large and small, and we must be proactive in addressing the issue before it spirals further out of control. 2022 data from the Wyoming Department of Health shows 53 fatal overdoses involving fentanyl. 2 milligrams is a lethal dose (about the tip of a pencil).¹ The Wyoming crime lab data shows the number of items containing fentanyl has increased from 290 in 2022 to 836 in 2024.

Other states have taken or are considering stricter measures when it comes to fentanyl and minors:

NCSL Reports that:

“States also are examining penalties for the illicit distribution and manufacture of fentanyl. Arkansas and Kansas also added penalties for anyone who possesses, distributes or manufactures fentanyl that might appeal to a minor through shape, color, taste, design or packaging. In Arkansas, this offense is now an unclassified felony, punishable by a term of life imprisonment and a \$1 million fine. Kansas amended its law to increase the offense level for manufacturing a fentanyl-related controlled substance in pill or capsule form from a level two to a level one felony. The new law also requires presumptive imprisonment and doubling the maximum duration of incarceration.”²

Illinois is currently considering an amendment to their criminal code that:

“Creates the offense of fentanyl-related child endangerment. Provides that a person commits the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl. Provides that a violation is a Class 2 felony. Creates the offense of aggravated fentanyl-related child endangerment. Provides that a person commits the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl and the child experiences death, great bodily harm, disability, or disfigurement as a result of the fentanyl-related child endangerment.”³

Other states such as Kentucky⁴ and Washington have passed or are looking into similar statutes as well. California has enhanced sentencing for fentanyl and other like substances for offenses occurring within 1,000 feet of school grounds or youth facilities during operational hours.

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¹ <https://health.wyo.gov/publichealth/prevention/substanceabuseandsuicide/opioid-information-wyoming/synthetic-opioids-fentanyl/>

² <https://www.ncsl.org/state-legislatures-news/details/to-combat-overdose-crisis-states-bring-tough-new-laws-to-fight-against-fentanyl>

³ <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1478&GAID=18&DocTypeID=HB&LegId=157546&SessionID=114&GA=104#:~:text=Creates%20the%20offense%20of%20fentanyl,fentanyl%2C%20including%20consumption%20of%20fentanyl.>

⁴ <https://www.wymt.com/2024/04/15/safer-kentucky-act-signed-into-law/>

⁵ *Google AI was used to assist in the creation of this memorandum