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SENATE BILL NO. 655  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee for Courts of Justice  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Senator Durant)

*A BILL to amend and reenact § 18.2-371.1 of the Code of Virginia, relating to abuse and neglect of children; possession of or exposure to fentanyl by child under 15 prohibited; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-371.1 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-371.1. Abuse and neglect of children; penalties; abandoned infant.**

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 or a child day program or family day system as defined in § 22.1-289.02 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or Article 3 (§ 22.1-289.010 et seq.) of Chapter 14.1 of Title 22.1 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child within the first 30 days of the child's life to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. 1. Any parent, guardian, or other person who is 18 years of age or older and is responsible for the care

32 of a child under the age of 18 whose willful act or omission causes or enables that child to gain possession of  
33 a firearm (i) after having received notice of a preliminary determination pursuant to § 22.1-79.4 that the child  
34 poses a threat of violence or physical harm to self or others or (ii) when such parent, guardian, or other person  
35 responsible for the care of the child knows or reasonably should know that such child has charges pending for  
36 or has been convicted or adjudicated delinquent of a violent juvenile felony as defined in § 16.1-228 is guilty  
37 of a Class 5 felony.

38 2. No person shall be subject to arrest or prosecution for a violation of this subsection (i) related to clause  
39 (i) of subdivision 1 after such person has received notice that the threat assessment team that made such  
40 preliminary determination has concluded that the child does not indicate a threat of violence or physical harm  
41 to self or others or that any case or review opened or conducted by that threat assessment team as a result of  
42 such preliminary determination has been closed or (ii) related to clause (ii) of subdivision 1 after such person  
43 has received notice that any pending charge for a violent juvenile felony has been dismissed or a nolle  
44 prosequi has been entered.

45 3. It is an affirmative defense to prosecution for a violation of this subsection if the parent, guardian, or  
46 other person responsible for the care of a child caused or enabled such child to gain possession of a firearm  
47 while in a dwelling because of a reasonable belief that he or such child was in imminent danger of bodily  
48 injury.

49 D. Any parent, guardian, or other person having care, custody, or control of a minor child who in good  
50 faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices  
51 of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of  
52 this section.

53 *E. Any parent, guardian, or other person that is 18 years of age or older who is responsible for the care of*  
54 *a child under the age of 15 whose willful act or omission causes or enables such child to gain possession of*  
55 *or be exposed to any substance that such person knows contains fentanyl, including its derivatives, isomers,*  
56 *esters, ethers, salts, and salts of isomers, is guilty of a Class 5 felony, unless such substance was obtained*  
57 *directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his*  
58 *professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).*

59 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
60 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
61 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities; therefore,**

62 **Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to**  
63 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the**  
64 **estimated amount of the necessary appropriation is \_\_\_\_\_ for periods of commitment to the custody**  
65 **of the Department of Juvenile Justice.**