



## **ACA 12 – Send Alexandra’s Law to the Voters**

### **Background**

Alexandra Capelouto died from a fentanyl poisoning on December 22, 2019 after ingesting half of a counterfeit pill containing fentanyl. Alexandra had a bright future. She was in her second year at Arizona State University on a full academic scholarship and was home for winter break when she purchased counterfeit Oxycodone over social media.

Under federal law, Brandon Michael McDowell was charged with distribution of fentanyl resulting in death. In February of 2023, after pleading guilty, McDowell was sentenced to nine years in federal prison.

Sadly, this is not a unique problem, with thousands across the state dying each year from accidental overdoses from synthetic opioids like fentanyl being added to other drugs in lethal amounts.

Fentanyl is now the leading cause of death for Americans aged 18-45 years.

This measure would work to penalize those who sell counterfeit drugs on a state level, helping to stymie the flow of fentanyl in California.

### **Problem Being Addressed**

As of December 2022, the Drug Enforcement Administration released that 6 of every 10 pills with fentanyl contain a potentially lethal dose. The California Department of Public Health tracks a rising rate of synthetic opioid-related overdose death rates. Together, the increased prevalence of fentanyl and fentanyl related deaths in California clearly necessitate action.

### **Which code section is affected?**

ACA 12 would add a new section to Article 1 of the State Constitution if passed by the voters.

### **Summary**

ACA 12 puts the power of passing this measure in the hands of voters. It gives them the chance to directly address the issue by putting Alexandra’s Law on the ballot.

Alexandra’s Law targets those who manufacture and distribute controlled substances by opening those who sell fentanyl-laced drugs that result in an overdose death to prosecution for homicide.

Specifically, it says that any person who is convicted of or who pleads guilty to the sale, administration, transport or manufacture of any controlled substance will be advised by the court that any death caused by these substances can be charged with homicide.

This measure is two-fold. It provides a key warning for those distributing illegal substances, while additionally providing a tool for prosecutors to go after those who kill multiple people by knowingly selling them fentanyl.

### **Staff Contact**

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### **Supporters**

*Pending*