

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1267

5 By: Representative Hutchinson
6
7

For An Act To Be Entitled

8 AN ACT TO CREATE THE CRIMINAL OFFENSE OF EXPOSING
9 A CHILD TO A CONTROLLED SUBSTANCE; PROVIDING
10 PENALTIES; AND FOR OTHER PURPOSES.
11
12

Subtitle

13 AN ACT TO CREATE THE CRIMINAL OFFENSE OF
14 EXPOSING A CHILD TO A CONTROLLED
15 SUBSTANCE; PROVIDING PENALTIES.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 5, Chapter 27, Subchapter 2 is amended
22 to add an additional section to read as follows:

23 5-27-230. Exposure of child to a controlled substance or chemical
24 substance.

25 (a) For purposes of this section:

26 (1)(A) "Chemical substance" means a substance intended to be
27 used as a precursor in the manufacture of a controlled substance, or any
28 other chemical intended to be used in the manufacture of a controlled
29 substance.

30 (B) Intent may be demonstrated by the substance's use,
31 quantity, manner of storage, or proximity to other precursors or equipment
32 used to manufacture controlled substances;

33 (2) "Child" means any person under the age of eighteen (18)
34 years;

35 (3) "Controlled substance" has the same meaning as provided in
36 § 5-64-101; and



1 (4) "Prescription" has the same meaning as provided in § 5-64-
2 308.

3 (b)(1) Unless a greater penalty is provided by some other applicable
4 law of this state, any person who knowingly or intentionally causes or
5 permits a child to be exposed to, ingest, inhale, or have any contact with a
6 controlled or chemical substance is guilty of a Class C felony.

7 (2) Unless a greater penalty is provided by some other
8 applicable law of this state, any person who violates subsection (b)(1) of
9 this section, and a child suffers bodily injury, substantial bodily injury,
10 or serious bodily injury because of the violation, is guilty of a Class B
11 felony.

12 (3) Unless a greater penalty is provided by some other
13 applicable law of this state, any person who violates subsection (b)(1) of
14 this section, and the death of a child results because of the violation, is
15 guilty of a Class A felony.

16 (c) It is an affirmative defense that the controlled substance was
17 provided to the child in accordance with a written or oral prescription of a
18 practitioner, and administered to the child in accordance with the
19 instructions and dosage limitations provided with the controlled substance.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36