

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

As Engrossed: H2/14/03

A Bill

HOUSE BILL 1267

5 By: Representative Hutchinson
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For An Act To Be Entitled

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

13 AN ACT TO CREATE THE CRIMINAL OFFENSE OF
14 EXPOSING A CHILD TO A CONTROLLED
15 SUBSTANCE; PROVIDING PENALTIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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.

24 (a) For purposes of this section:

25 (1) "Child" means any person twelve (12) years of age and under;

26 (2) "Controlled substance" means a drug or substance listed in
27 Schedules I and II as authorized in §§ 5-64-203 and 5-64-205; and

28 (3) "Prescription" has the same meaning as provided in § 5-64-
29 308.

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

34 (2) Unless a greater penalty is provided by some other
35 applicable law of this state, any person who violates subsection (b)(1) of
36 this section, and a child suffers bodily injury, substantial bodily injury,



1 or serious bodily injury because of the violation, is guilty of a Class B
2 felony.

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

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/s/ Hutchinson