

1 INTERIM STUDY PROPOSAL 2023-104

2 State of Arkansas *As Engrossed: S1/19/23 S1/30/23 S3/15/23 S3/16/23*

3 94th General Assembly

A Bill

4 Regular Session, 2023

SENATE BILL 7

5
6 By: Senator B. King

7 Filed with: Senate Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO ADD THE CRIMINAL OFFENSE OF PRESCRIPTION
11 DRUG HARM OR HOMICIDE; AND FOR OTHER PURPOSES.

Subtitle

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15 TO ADD THE CRIMINAL OFFENSE OF
16 PRESCRIPTION DRUG HARM OR HOMICIDE.

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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 63, Subchapter 2, is amended
22 to add an additional section to read as follows:

23 5-63-206. Prescription drug harm or homicide.

24 (a) As used in this section:

25 (1) "Executive officer" means a president, chair of an executive
26 committee, chief financial officer, or other individual with managerial
27 authority who performs similar functions to a president, chair of an
28 executive committee, or chief financial officer;

29 (2)(A) "Pharmaceutical company" means a business that is licensed
30 with the United States Food and Drug Administration to commercially research,
31 develop, market, manufacture, and distribute prescription drugs.

32 (B) "Pharmaceutical company" does not include a licensed,
33 registered, or otherwise permitted healthcare provider or healthcare
34 facility, such as a pharmacy, hospital, or pharmacist; and

35 (3) "Uses" means ingests, inhales, injects, or otherwise
36 introduces into the body.

1 (b) A person commits prescription drug harm or homicide if:

2 (1) The person is an executive officer for a pharmaceutical
3 company and is eighteen (18) years of age or older;

4 (2) The person introduces into the market a prescription drug
5 produced by the pharmaceutical company;

6 (3) The person knowingly hides, conceals, omits, or otherwise
7 withholds evidence, documentation, or information that the prescription drug
8 has dangerous effects;

9 (4) Another person is prescribed the prescription drug and in
10 this state uses the prescription drug; and

11 (5) The use of the prescription drug causes the death of or
12 serious physical injury to the other person.

13 (c) Prescription drug harm or homicide is an unclassified felony with
14 a sentence of imprisonment of not less than one (1) year and not more than
15 life.

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17 *SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is*
18 *amended to add an additional section to read as follows:*

19 19-5-1277. Prescription Drug Harm or Homicide Offense Fund.

20 (a) There is created on the books of the Treasurer of State, the
21 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
22 be known as the "Prescription Drug Harm or Homicide Offense Fund".

23 (b) The fund shall consist of:

24 (1) Federal funds received through a grant;

25 (2) Appropriations from the General Assembly; and

26 (3) Other revenues and funds authorized by law.

27 (c) The Attorney General shall use the fund to provide funding and
28 support for the prosecution of the offense of prescription drug harm or
29 homicide under § 5-63-206.

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31 *SECTION 3. DO NOT CODIFY. Expiration date.*

32 (a) This act expires on December 31, 2026.

33 (b) On or after December 31, 2026, the Bureau of Legislative Research
34 or the Arkansas Code Revision Commission may remove from the Arkansas Code
35 the sections created in Sections 1 and 2 of this act.

1 (c) Any funds in the Prescription Drug Harm or Homicide Offense Fund
2 on December 31, 2026, shall be transferred to the General Revenue Fund
3 Account of the State Apportionment Fund.

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5 */s/B. King*
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8 Referred by Senator B. King

9 Prepared by: JMB/JMB

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