

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Scott

A Bill

SENATE BILL 101

For An Act To Be Entitled

"AN ACT TO MAKE IT UNLAWFUL TO INTRODUCE A CONTROLLED
SUBSTANCE INTO A VIABLE FETUS, AND PRESCRIBING PENALTIES
THEREFOR; AND FOR OTHER PURPOSES."

Subtitle

"TO MAKE IT UNLAWFUL TO INTRODUCE A
CONTROLLED SUBSTANCE INTO A VIABLE
FETUS, AND PRESCRIBING PENALTIES
THEREFOR"

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

SECTION 1. Arkansas Code Annotated §5-13-210 is amended to read as follows:

"5-13-210. Introduction of controlled substance into body of another person.

"(a) It is unlawful for any person to inject any controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq., into the human body of another person, or into a viable fetus, unless the controlled substance has been ordered for the person receiving the controlled substance by a licensed practitioner, licensed by the state to prescribe controlled substances in the schedule involved and this being for a legitimate medical purpose.

(b) It is unlawful for any person to administer or cause to be ingested, inhaled, or otherwise introduced into the human body of another person, or into a viable fetus, a controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq., unless the controlled substance has been ordered for the person receiving the controlled substance

1 by a licensed practitioner, licensed by the state to prescribe controlled
2 substances in the schedule involved and this being for a legitimate medical
3 purpose.

4 (c) Any person who violates this section with respect to:

5 (1) A controlled substance in Schedules I or II, which is a
6 narcotic drug, is guilty of a Class Y felony;

7 (2) Any other controlled substance in Schedules I, II, or III is
8 guilty of a Class B felony;

9 (3) Any other controlled substance in Schedules IV, V, or VI is
10 guilty of a Class C felony.

11 (d) The provisions of this section and the criminal penalties provided
12 for in this section shall be in addition to all other criminal penalties a
13 person may be subjected to under provisions of the Arkansas Criminal Code and
14 the Uniform Controlled Substances Act, § 5-64-101 et seq.

15 (e) It is not a defense under the provisions of this section that the
16 person consented to being injected with the controlled substance or the
17 person ingested, inhaled, or otherwise introduced the controlled substance
18 into his human body knowingly and voluntarily. It shall be presumed for the
19 purposes of prosecutions under the provisions of this section that viable
20 fetuses are incapable of consenting to being injected with a controlled
21 substance or ingesting, inhaling, or otherwise introducing a controlled
22 substance into their body knowingly or voluntarily."

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24 SECTION 2. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

