

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S1/19/23 S1/30/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 7

4

5 By: Senator B. King

6

7

For An Act To Be Entitled

8

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

10

11

12

Subtitle

13

TO ADD THE CRIMINAL OFFENSE OF

14

PRESCRIPTION DRUG HARM OR HOMICIDE.

15

16

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

18

19 SECTION 1. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended
20 to add an additional section to read as follows:

21

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

22

(a) As used in this section:

23

(1) "Executive officer" means a president, chair of an executive

24

committee, chief financial officer, or other individual with managerial

25

authority who performs similar functions to a president, chair of an

26

executive committee, or chief financial officer;

27

(2)(A) "Pharmaceutical company" means a business that is licensed

28

with the United States Food and Drug Administration to commercially research,

29

develop, market, manufacture, and distribute prescription drugs.

30

(B) "Pharmaceutical company" does not include a licensed,

31

registered, or otherwise permitted healthcare provider or healthcare

32

facility, such as a pharmacy, hospital, or pharmacist; and

33

(3) "Uses" means ingests, inhales, injects, or otherwise

34

introduces into the body.

35

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

36

(1) The person is an executive officer for a pharmaceutical



1 company and is eighteen (18) years of age or older;

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

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

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

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

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

14
15 *SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is*
16 *amended to add an additional section to read as follows:*

17 19-5-1277. Prescription Drug Harm or Homicide Offense Fund.

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

21 (b) The fund shall consist of:

22 (1) Federal funds received through a grant;

23 (2) Any money received from a court settlement involving
24 prescription drugs;

25 (3) Appropriations from the General Assembly; and

26 (4) 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.

30
31 */s/B. King*