

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 506
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40285-LH-91 (03/07)

Short Title: Chemical Endangerment of a Child. (Public)

Sponsors: Representative Dobson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE FELONY OFFENSE OF CHEMICAL ENDANGERMENT OF
3 A CHILD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 39 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "§ 14-318.6. Chemical endangerment of a child; death of a child by chemical
8 endangerment.

9 (a) Intentional Chemical Endangerment of a Child. – Any person who intentionally
10 causes or permits a child less than 16 years of age to ingest, inhale, or have contact with any
11 controlled substance under Article 5 of Chapter 90 of the General Statutes (North Carolina
12 Controlled Substances Act) is guilty of a Class D felony.

13 (b) Negligent Chemical Endangerment of a Child. – Any person who, in reckless
14 disregard of the consequences of the action, causes or permits a child less than 16 years of age
15 to ingest, inhale, or have contact with any controlled substance under Article 5 of Chapter 90 of
16 the General Statutes (North Carolina Controlled Substances Act) is guilty of a Class G felony.

17 (c) Death of Child by Chemical Endangerment. – A person is guilty of a Class B1
18 felony if all of the following apply:

19 (1) The person commits a violation of subsection (b) of this section and
20 unintentionally causes the death of a child less than 16 years of age.

21 (2) The violation of subsection (b) of this section is the proximate cause of the
22 death of the child.

23 (d) Affirmative Defense. – It is an affirmative defense to a violation of this section that
24 the controlled substance was provided by lawful prescription for the child and that it was
25 administered to the child in accordance with the prescription instructions provided with the
26 controlled substance."

27 SECTION 2. This act becomes effective December 1, 2017, and applies to
28 offenses committed on or after that date.

