

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
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S.B. 828
PRINCIPAL CLERK

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SENATE BILL DRS15423-MLa-136

Short Title: Child Abuse - Positive Drug Test.

(Public)

Sponsors: Senator Edwards (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT FELONY CHILD ABUSE IF A CHILD TESTS POSITIVE FOR
3 CERTAIN CONTROLLED SUBSTANCES AND TO APPROPRIATE FUNDS TO THE
4 DEPARTMENT OF PUBLIC SAFETY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-318.4 reads as rewritten:

7 "§ 14-318.4. Child abuse a felony.

8 ...

9 (a7) A parent or any other person providing care to or supervision of a child less than 10
10 years of age whose child tests positive for a controlled substance during the course of that care
11 or supervision, and the presence of the controlled substance is not due to medical treatment
12 prescribed or administered by a licensed health care professional, is guilty of one of the
13 following:

14 (1) A Class C felony if the presence of the controlled substance in the child's body
15 results in (i) serious bodily injury to the child or (ii) permanent or protracted
16 loss or impairment of any mental or emotional function of the child.

17 (2) A Class E felony if the presence of the controlled substance in the child's body
18 results in serious physical injury to the child.

19 (3) A Class G felony for any other violation of this section.

20 ...

21 (d) The following definitions apply in this section:

22 (1) Controlled substance. – A controlled substance classified in Schedule I or II
23 under Article 5 of Chapter 90 of the General Statutes.

24 (1a) Serious bodily injury. – Bodily injury that creates a substantial risk of death
25 or that causes serious permanent disfigurement, coma, a permanent or
26 protracted condition that causes extreme pain, or permanent or protracted loss
27 or impairment of the function of any bodily member or organ, or that results
28 in prolonged hospitalization.

29 (2) Serious physical injury. – Physical injury that causes great pain and suffering.
30 The term includes serious mental injury."

31 SECTION 2. There is appropriated from the General Fund to the Department of
32 Public Safety the sum of twenty-five thousand dollars (\$25,000) in nonrecurring funds for the
33 2022-2023 fiscal year to be used to educate the public about the law set forth in
34 G.S. 14-318.4(a7), as enacted by Section 1 of this act.



* D R S 1 5 4 2 3 - M L A - 1 3 6 *

1 **SECTION 3.** Section 1 of this act becomes effective December 1, 2022, and applies
2 to offenses committed on or after that date. The remainder of this act becomes effective July 1,
3 2022.