

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.

