

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

S

1

SENATE BILL 828

Short Title: Child Abuse - Positive Drug Test. (Public)

Sponsors: Senator Edwards (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 27, 2022

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.



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.