

Introduced by

Representatives Delmore, Dosch, Hawken

Senators Cook, Flakoll, Holmberg

1 A BILL for an Act to create and enact section 19-03.1-22.2 of the North Dakota Century Code,
2 relating to exposure of children or vulnerable adults to controlled substances; to provide a
3 penalty; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 19-03.1-22.2 of the North Dakota Century Code is created and
6 enacted as follows:

7 **19-03.1-22.2. Endangerment of child or vulnerable adult.**

8 1. For purposes of this section:

9 a. "Chemical substance" means a substance intended to be used as a precursor
10 in the manufacture of a controlled substance or any other chemical intended
11 to be used in the manufacture of a controlled substance. Intent under this
12 subsection may be demonstrated by the substance's use, quantity, manner of
13 storage, or proximity to other precursors or to manufacturing equipment.

14 b. "Child" means an individual who is under the age of eighteen years.

15 c. "Controlled substance" means the same as that term is defined in section
16 19-03.1-01, except the term does not include less than one-half ounce of
17 marijuana.

18 d. "Drug paraphernalia" means the same as that term is defined in section
19 19-03.4-01.

20 e. "Prescription" means the same as that term is described in section
21 19-03.1-22.

22 f. "Vulnerable adult" means either a disabled adult or vulnerable elderly adult as
23 those terms are defined in section 12.1-31-07.

1 2. Unless a greater penalty is otherwise provided by law, a person who knowingly or
2 intentionally causes or permits a child or vulnerable adult to be exposed to, to
3 ingest or inhale, or to have contact with a controlled substance, chemical
4 substance, or drug paraphernalia as defined in subsection 1, is guilty of a class C
5 felony.

6 3. Unless a greater penalty is otherwise provided by law, a person who violates
7 subsection 2, and a child or vulnerable adult actually suffers bodily injury by
8 exposure to, ingestion of, inhalation of, or contact with a controlled substance,
9 chemical substance, or drug paraphernalia, is guilty of a class B felony unless the
10 exposure, ingestion, inhalation, or contact results in the death of the child or
11 vulnerable adult, in which case the person is guilty of a class A felony.

12 4. It is an affirmative defense to a violation of this section that the controlled
13 substance was provided by lawful prescription for the child or vulnerable adult and
14 that it was administered to the child or vulnerable adult in accordance with the
15 prescription instructions provided with the controlled substance.

16 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.