

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H1/19/21
A Bill

HOUSE BILL 1024

By: Representative Watson

For An Act To Be Entitled

AN ACT CONCERNING THREATS OR STATEMENTS THAT A PERSON INTENDS TO USE A CONTROLLED SUBSTANCE WHILE PREGNANT OR INTRODUCE A CONTROLLED SUBSTANCE INTO THE BODY OF A PREGNANT WOMAN; CONCERNING THE INTRODUCTION OF A CONTROLLED SUBSTANCE INTO THE BODY OF A PREGNANT WOMAN; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE THREAT OF OR ACTUAL
INTRODUCTION OF A CONTROLLED SUBSTANCE
INTO THE BODY OF A PREGNANT WOMAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-1-102(13)(B)(i)(a), concerning the definition of "person" and its application in the Arkansas Criminal Code, is amended to read as follows:

(B)(i)(a) As used in §§ 5-10-101 – 5-10-105 and 5-13-210, "person" also includes an unborn child in utero at any stage of development.

SECTION 2. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended to add an additional section to read as follows:

5-13-212. Threatening to introduce controlled substance into body of pregnant woman.

(a) A person commits the offense of threatening to introduce a controlled substance into body of pregnant woman if the person knowingly:

(1) Is pregnant and makes a statement to another person that a



reasonable person would have cause to believe is true that she has a purpose to introduce a Schedule I or Schedule II controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq., into her own body;
or

(2) Makes a statement to another person that a reasonable person would have cause to believe is true that he or she has a purpose to introduce a Schedule I or Schedule II controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq., into the body of another person whom the person knows is pregnant.

(b) Threatening to introduce a controlled substance into the body of a pregnant woman is a Class A misdemeanor.

(c) A law enforcement officer who has probable cause to believe that a person has committed an offense under subdivision (a)(1) of this section may take the person into custody and shall not release the person before his or her first court appearance unless the law enforcement officer believes that the person is no longer able to introduce a Schedule I or Schedule II controlled substance as defined by the Uniform Controlled Substances Act, § 5-64-101 et seq., into her own body.

(d) It is an exception to this offense that the controlled substance was ordered for the person receiving the Schedule I or Schedule II controlled substance by a practitioner licensed by the state to prescribe controlled substances in the schedule involved for a legitimate medical purpose.

/s/Watson