

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

State of Arkansas As Engrossed: S1/19/23 S1/30/23 S3/15/23 S3/16/23

94th General Assembly

A Bill

Regular Session, 2023

SENATE BILL 7

By: Senator B. King

For An Act To Be Entitled

AN ACT TO ADD THE CRIMINAL OFFENSE OF PRESCRIPTION
DRUG HARM OR HOMICIDE; AND FOR OTHER PURPOSES.

Subtitle

TO ADD THE CRIMINAL OFFENSE OF
PRESCRIPTION DRUG HARM OR HOMICIDE.

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

SECTION 1. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended to add an additional section to read as follows:

5-63-206. Prescription drug harm or homicide.

(a) As used in this section:

(1) "Executive officer" means a president, chair of an executive committee, chief financial officer, or other individual with managerial authority who performs similar functions to a president, chair of an executive committee, or chief financial officer;

(2)(A) "Pharmaceutical company" means a business that is licensed with the United States Food and Drug Administration to commercially research, develop, market, manufacture, and distribute prescription drugs.

(B) "Pharmaceutical company" does not include a licensed, registered, or otherwise permitted healthcare provider or healthcare facility, such as a pharmacy, hospital, or pharmacist; and

(3) "Uses" means ingests, inhales, injects, or otherwise introduces into the body.

(b) A person commits prescription drug harm or homicide if:

(1) The person is an executive officer for a pharmaceutical



company and is eighteen (18) years of age or older;

(2) The person introduces into the market a prescription drug produced by the pharmaceutical company;

(3) The person knowingly hides, conceals, omits, or otherwise withholds evidence, documentation, or information that the prescription drug has dangerous effects;

(4) Another person is prescribed the prescription drug and in this state uses the prescription drug; and

(5) The use of the prescription drug causes the death of or serious physical injury to the other person.

(c) Prescription drug harm or homicide is an unclassified felony with a sentence of imprisonment of not less than one (1) year and not more than life.

SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1277. Prescription Drug Harm or Homicide Offense Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Prescription Drug Harm or Homicide Offense Fund".

(b) The fund shall consist of:

(1) Federal funds received through a grant;

(2) Appropriations from the General Assembly; and

(3) Other revenues and funds authorized by law.

(c) The Attorney General shall use the fund to provide funding and support for the prosecution of the offense of prescription drug harm or homicide under § 5-63-206.

SECTION 3. DO NOT CODIFY. Expiration date.

(a) This act expires on December 31, 2026.

(b) On or after December 31, 2026, the Bureau of Legislative Research or the Arkansas Code Revision Commission may remove from the Arkansas Code the sections created in Sections 1 and 2 of this act.

(c) Any funds in the Prescription Drug Harm or Homicide Offense Fund on December 31, 2026, shall be transferred to the General Revenue Fund Account of the State Apportionment Fund.

/s/B. King