

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 297

Short Title: Prenatal Narcotic Drug Use/Criminal Offense. (Public)

Sponsors: Senators B. Jackson, Pate (Primary Sponsors); Brock, Daniel, Harrington, Hise, Newton, Rabin, and Sanderson.

Referred to: Rules and Operations of the Senate.

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF PRENATAL NARCOTIC DRUG USE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.11. Criminal prenatal narcotic drug use.

(a) A woman may be prosecuted for assault under G.S. 14-33(a) for the illegal use of a narcotic drug as defined in G.S. 90-87, while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

(b) It is an affirmative defense to a prosecution permitted by subsection (a) of this section that the woman actively enrolled in an addiction recovery program before the child was born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the controlled substance.

(c) This section shall not apply to any lawful act or lawful omission by a pregnant woman with respect to an unborn child with which she is pregnant, or any lawful medical or surgical procedure to which a pregnant woman consents, performed by a health care professional who is licensed to perform such procedure.

(d) Nothing in this section shall be construed to amend the provisions of Article 6A or Article 11 of Chapter 14 of the General Statutes."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

