

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS15087-LH-80A (02/10)

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

Sponsors: Senators B. Jackson and Pate (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF PRENATAL NARCOTIC DRUG  
3 USE.

4 The General Assembly of North Carolina enacts:

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

7 "§ 14-34.11. Criminal prenatal narcotic drug use.

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

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

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

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

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



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