

By: Senator(s) Watson, Hill

To: Judiciary, Division B;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2797

1 AN ACT TO CREATE THE OFFENSE OF CHEMICAL ENDANGERMENT OF A
2 CHILD OR FETUS AND TO PRESCRIBE PUNISHMENT THEREFOR; AND FOR
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) A person commits the crime of chemical
6 endangerment of a child or chemical endangerment of a fetus if the
7 person knowingly, recklessly, or intentionally causes or permits a
8 child or a fetus to be exposed to, to ingest or inhale, or to have
9 contact with:

10 (a) A controlled substance; or

11 (b) A precursor drug or chemical as defined in Section
12 41-29-313.

13 (2) A person who violates this section shall be guilty of a
14 felony and, upon conviction, punished as follows:

15 (a) If the child or fetus suffers serious physical
16 injury by exposure to, ingestion of, inhalation of, or contact
17 with a controlled substance or precursor drug or chemical



18 substance, by confinement in the custody of the Department of
19 Corrections for a period not to exceed ten (10) years;

20 (b) If the exposure to, ingestion of, inhalation of, or
21 contact with a controlled substance or precursor drug or chemical
22 substance results in the death of the child or fetus, by
23 confinement in the custody of the Department of Corrections for a
24 period not to exceed twenty-five (25) years.

25 (3) The court shall impose punishment pursuant to this
26 section rather than imposing punishment authorized under any other
27 provision of law, unless another provision of law provides for a
28 greater penalty or a longer term of imprisonment.

29 (4) It is an absolute defense to a violation of this section
30 that the controlled substance was:

31 (a) Provided by lawful prescription for the child, and
32 that it was administered to the child in accordance with the
33 prescription instructions provided with the controlled substance.

34 (b) Provided by lawful prescription for the pregnant
35 mother of the fetus, and that it was administered to the mother in
36 accordance with the prescription instructions provided with the
37 controlled substance.

38 (5) Nothing in this section shall apply to any lawful act or
39 lawful omission by a pregnant woman with respect to her own fetus,
40 or to any lawful medical or surgical procedure to which the
41 pregnant woman consents if performed by a health care professional
42 licensed to perform the procedure.



43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2015.

