

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 706
Judiciary I Committee Substitute Adopted 5/9/89
Third Edition Engrossed 5/10/89

Short Title: Drug-Induced Death/Crim. Liability.

(Public)

Sponsors:

Referred to:

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO ILLEGALLY MANUFACTURES,
SELLS, OR DELIVERS A SCHEDULE I OR SCHEDULE II CONTROLLED
SUBSTANCE IS STRICTLY LIABLE FOR A DRUG-INDUCED DEATH AND
IS GUILTY OF A CLASS C FELONY.

The General Assembly of North Carolina enacts:

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

§ 14-17.2. Criminal liability for drug-induced death.

Any person who manufactures, sells or delivers a Schedule I or Schedule II
controlled substance in violation of G.S. 90-95 is strictly liable, both criminally and
civilly, for a death where a proximate cause of the death is the injection, inhalation, or
ingestion of that substance. Any person violating this section is guilty of a Class C
felony.

(b) It is not a defense to a civil action or criminal prosecution under this section
that the decedent contributed to his own death by his purposeful, knowing, reckless, or
negligent injection, inhalation, or ingestion of the substance, or by his consenting to the
administration of the substance by another.

(c) Nothing in this section shall be construed to preclude or limit any prosecution
for murder or manslaughter. Notwithstanding any other provision of law, a conviction
under this section shall not merge with a conviction for a violation of G.S. 90-95 or G.S.
90-95.1."

1 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
2 offenses occurring on or after that date.