

State of Arkansas *As Engrossed: S1/16/25 S3/6/25*

95th General Assembly

## A Bill

Regular Session, 2025

SENATE BILL 5

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  
registered 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           (1) The person is an executive officer for a pharmaceutical  
2 company and is eighteen (18) years of age or older;

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

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

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

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

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

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

18           19-5-1287. Prescription Drug Harm or Homicide Offense Fund.

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

22           (b) The fund shall consist of:

23                   (1) Federal funds received through a grant;

24                   (2) Appropriations from the General Assembly; and

25                   (3) Other revenues and funds authorized by law.

26           (c) The fund shall be used to provide funding and support for the  
27 prosecution of the offense of prescription drug harm or homicide under § 5-  
28 63-206.

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30           SECTION 3. DO NOT CODIFY. Expiration date.

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

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

35           (c) Any funds in the Prescription Drug Harm or Homicide Offense Fund  
36 on December 31, 2026, shall be transferred to the General Revenue Fund

1 Account.

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*/s/B. King*

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