

# H.B. 315

## CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS

Representative **Michael T. Morley** proposes the following amendments:

1. Page 6, Line 167 through Page 7, Line 199:

167 (1) As used in this section:

168 { ~~(a)~~ **"Building"** means any structure, other than a habitation or vehicle, that is:

169 ~~(i) intended to be used, capable of being used, or adapted for use, on a permanent or~~  
170 ~~temporary basis, for business or storage; or~~

171 ~~(ii) appurtenant to, or connected with, a structure described in Subsection (1)(a)(i). }~~

172 { ~~(b)~~ } (a) (i) "Chemical substance" means:

173 (A) a substance intended to be used as a precursor in the manufacture of a controlled  
174 substance;

175 (B) a substance intended to be used in the manufacture of a controlled substance; or

176 (C) any fumes or by-product resulting from the manufacture of a controlled substance.

177 (ii) Intent under this Subsection (1) { ~~(b)~~ } (a) may be demonstrated by:

178 (A) the use, quantity, or manner of storage of the substance; or

179 (B) the proximity of the substance to other precursors or to manufacturing equipment.

180 { ~~(c)~~ } (b) "Child" means a human being who is under 18 years of age.

181 { ~~(d)~~ } (c) "Controlled substance" is as defined in Section 58-37-2.

182 { ~~(e)~~ } (d) "Drug paraphernalia" is as defined in Section 58-37a-3.

183 { ~~(f)~~ } (e) "Exposed to" means { ~~to be present in:~~

184 ~~(i) a habitation or vehicle where a controlled substance, chemical substance, or drug~~  
185 ~~paraphernalia is unlawfully present; or~~

186 ~~(ii) a building, habitation, or vehicle where a controlled substance, chemical substance,~~

187 ~~or drug paraphernalia is unlawfully used, manufactured, produced, or distributed. }~~ that the child or  
vulnerable adult is able to:

(i) access or view a controlled substance, chemical substance, or drug paraphernalia; or

(ii) smell an odor produced during, or as a result of, the manufacture or production of a controlled  
substance .

188 { ~~(g)~~ } **"Habitation"** means:

189 ~~(i) a residence or dwelling, including a shed, garage, or other appurtenant structure;~~

190 ~~(ii) a hotel room or suite;~~

191 ~~(iii) a motel room or suite;~~

192 ~~(iv) an apartment unit;~~

193 ~~(v) a condominium unit; or~~

194 ~~(vi) any shelter, structure, watercraft, aircraft, trailer, sleeping car, or conveyance used;~~  
195 ~~intended to be used, or adapted for use, for overnight accommodation of a person.}~~

196 {~~(h)~~} (f) "Prescription" is as defined in Section 58-37-2.

197 {~~(i)~~} (g) "Vulnerable adult" is as defined in Subsection 76-5-111(1)(t).

198 {~~(j) "Vehicle" means a device in, on, or by which a person or property is or may be~~  
199 ~~transported, conveyed, or drawn.}~~