



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 17, 2009

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, with the following amendments:

1. *Page 1, Line 26 through Page 2, Line 28:*

26 ▶ provides an affirmative defense to the crime described above, if the controlled
27 substance is obtained by lawful prescription {~~and is used or possessed in accordance~~
28 ~~with the prescription instructions~~} ;

2. *Page 6, Line 182 through Page 7, Line 185:*

182 (e) "Exposed to" means that the child or vulnerable adult is able to:
183 (i) access or view {~~a~~} an unlawfully possessed:
 (A) controlled substance {~~.~~} ;
 (B) chemical substance {~~.~~} ; or
 (C) drug paraphernalia; or
184 (ii) smell an odor produced during, or as a result of, the manufacture or production of
 a
185 controlled substance.

3. *Page 7, Lines 202 through 206:*

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202 (3) It is an affirmative defense to a violation of this section that the controlled
203 substance:
204 (a) was obtained by lawful prescription; and
205 (b) is used or possessed by the person to whom it was lawfully prescribed {in
206 accordance with the prescription instructions provided with the controlled
substance} .

Respectfully,

D. Chris Buttars
Committee Chair

Voting: 4-1-2

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