

ACT 81

H.B. NO. 2346

A Bill for an Act Relating to Endangering the Welfare of a Minor.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 709-903.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Except as provided in subsection (2), a person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person:

- (a) Intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor; or
- (b) Intentionally or knowingly causes or permits the minor to inject, ingest [methamphetamine-], inhale, or otherwise introduce into the minor’s body any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 that has not been prescribed by a physician for the minor, except as permitted under section 329-122.”

SECTION 2. Section 709-904, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Except as provided in section 709-903.5(2), a person commits the offense of endangering the welfare of a minor in the second degree if, having care or custody of a minor, the person:

- (a) Recklessly allows another person to inflict serious or substantial bodily injury on the minor; or
- (b) Recklessly causes or permits the minor to inject, ingest [~~methamphetamine~~], inhale, or otherwise introduce into the minor's body any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 that has not been prescribed by a physician for the minor, except as permitted under section 329-122. This subsection shall not apply to nursing mothers who may cause the ingestion or introduction of detectable amounts of any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 to their minor children through breastfeeding.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2008.

(Approved May 16, 2008.)