

## **A Proposed ACT**

**TO REQUIRE THE INVESTIGATION OF OVERDOSE DEATHS AS POTENTIAL HOMICIDES;  
TO ADDRESS DEATHS CAUSED BY THE POISONED ILLICIT DRUG SUPPLY;  
AND FOR OTHER PURPOSES.**

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### **SECTION 1. TITLE**

This act shall be known and may be cited as

**“Logan’s Law: Arkansas Overdose Death Investigation and Accountability Act.”**

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### **SECTION 2. LEGISLATIVE FINDINGS AND INTENT**

The General Assembly finds that:

1. Arkansas continues to experience a significant number of fatal overdoses linked to the illicit drug market.
2. The illicit drug supply is inherently unstable and deceptive, frequently containing substances not disclosed to or knowingly consumed by the victim.
3. Fentanyl, fentanyl analogs, carfentanil, xylazine, medetomidine, and other emerging substances are routinely substituted, combined, or misrepresented.
4. Individuals who obtain substances through the illicit market are often unable to determine the contents, potency, or pharmacological effects of the substances ingested.
5. Deaths resulting from poisoned, adulterated, substituted, or fraudulently represented substances are not the result of informed or consensual exposure.
6. Failure to investigate overdose deaths as potential unlawful deaths undermines public safety, accountability, and justice for victims and their families.

**It is the intent of the General Assembly** that overdose deaths be investigated with the same rigor as other suspected unlawful deaths and that criminal liability attach to individuals who distribute substances that cause death through deception, adulteration, substitution, or concealment, regardless of whether the specific substance was known or scheduled at the time of distribution.

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### SECTION 3. PURPOSE

The purpose of this act is to:

1. Ensure that all overdose deaths occurring within the State of Arkansas are treated as **potential unlawful deaths** and investigated accordingly.
2. Recognize that deaths resulting from the poisoned, adulterated, substituted, or fraudulently represented illicit drug supply are fundamentally distinct from voluntary or informed consumption.
3. Establish that exposure to undisclosed or non-consensual substances constitutes a foreseeable and preventable harm for which criminal accountability may exist.
4. Mandate consistent investigative standards across jurisdictions, regardless of the victim's prior substance use history or the specific substances identified.
5. Eliminate stigma-driven discretion in overdose death investigations by affirming that victims are entitled to the same dignity and justice as victims of any other unlawful death.
6. Provide law enforcement and prosecutors with authority to investigate and pursue accountability involving emerging or unknown substances without the need for future statutory amendment.

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### SECTION 4. DEFINITIONS

As used in this act:

**(1) "Overdose death"** means a fatality resulting from the ingestion, inhalation, injection, or absorption of one or more substances, as determined by medical examination, toxicology, or investigative findings.

**(2) "Controlled substance"** means a drug, compound, mixture, preparation, analog, derivative, or substance regulated under the Arkansas Controlled Substances Act, including substances substantially similar in chemical structure or effect.

**(3) "Fentanyl and fentanyl analogs"** means fentanyl and any structurally or pharmacologically related synthetic opioid, whether scheduled or unscheduled.

**(4) "Carfentanil"** means a synthetic opioid of extreme potency associated with a high risk of fatal overdose even at trace levels.

(5) **“Xylazine”** means a non-opioid veterinary sedative not approved for human use and commonly identified as an adulterant in the illicit drug supply.

(6) **“Medetomidine”** means a non-opioid veterinary sedative increasingly identified in the illicit drug supply, including as a substitute for or adjunct to xylazine.

(7) **“Undisclosed or non-consensual substance”** means any substance, adulterant, analog, cutting agent, or pharmacologically active compound present without the victim’s knowledge or informed consent, including substances misrepresented as another drug.

(8) **“Poisoned drug supply”** means the illicit distribution environment in which substances are routinely adulterated, substituted, mislabeled, or fraudulently represented, preventing consumers from reliably determining contents or risk.

(9) **“Homicide investigation”** means a law enforcement investigation into a death involving a poisoned or fraudulently represented substance conducted to determine criminal liability.

(10) **“Crime scene preservation”** means securing and documenting the location of an overdose death to protect potential evidence.

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## SECTION 5. MANDATORY INVESTIGATION OF OVERDOSE DEATHS

(a) Any overdose death occurring in this state shall be classified as a **potential homicide** and investigated accordingly.

(b) Law enforcement agencies shall treat overdose death scenes with the same forensic rigor as other suspected unlawful death investigations.

(c) The Arkansas State Crime Laboratory shall prioritize toxicological testing in overdose death cases and provide results to investigating agencies as promptly as practicable.

(d) A full criminal investigation shall be conducted when evidence, circumstances, or toxicology indicate the presence of:

1. fentanyl or fentanyl analogs,
2. carfentanil,
3. xylazine,
4. medetomidine, or

5. any undisclosed or non-consensual substance, whether currently known or identified in the future.

(e) The duty to investigate is not limited by:

1. the scheduling status of a substance,
2. the absence of a specifically named substance, or
3. the victim's history of substance use.

(f) Investigative actions may include, without limitation:

1. securing and documenting the scene,
2. preserving physical evidence and packaging,
3. collection and analysis of electronic communications,
4. witness interviews, and
5. identification of the source and distribution chain.

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## **SECTION 6. SCENE TAMPERING**

(a) A person shall not alter, remove, conceal, or destroy evidence at the scene of an overdose death.

(b) A violation of this section is:

1. a misdemeanor for minor interference; or
2. a felony for material obstruction or destruction of evidence.

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## **SECTION 7. PROSECUTION AND ACCOUNTABILITY**

(a) A person identified as supplying a substance that results in an overdose death may be prosecuted under applicable Arkansas law, including:

1. drug-induced homicide,
2. manslaughter, or
3. distribution of a controlled substance resulting in death.

- (b) Proof of intent to cause death is not required when death results from the distribution of a poisoned or fraudulently represented substance.
- (c) The Attorney General may provide assistance to prosecuting attorneys as necessary.
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## **SECTION 8. TRAINING AND RESOURCES**

(a) The Arkansas State Police, in coordination with the Department of Health, shall develop training on:

1. emerging drug threats,
2. adulterants and analogs,
3. digital evidence collection, and
4. investigative best practices related to the poisoned drug supply.

(b) Funding may be allocated to support training and investigations.

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## **SECTION 9. REPORTING**

The Department of Public Safety shall compile and publish annual data regarding overdose death investigations and prosecutions under this act.

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## **SECTION 10. SEVERABILITY**

If any provision of this act is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

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## **SECTION 11. EFFECTIVE DATE**

This act is effective on and after the date of its approval by the Governor or upon becoming law without approval.