

239.98 DISTRIBUTION OF CERTAIN [FOOD][BEVERAGE] PROHIBITED—
POISONOUS CHEMICAL, COMPOUND, OR FOREIGN SUBSTANCE. FELONY.

The defendant has been charged with distribution of any [food] [beverage] (or other) [[eatable] [drinkable] substance] containing a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]].

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion] any [food] [beverage] (or other) [[eatable] [drinkable] substance].

And Second, at the time that the food was [distributed] [sold] [given away] [caused to be placed in a position of human [accessibility][ingestion], the defendant knew the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]. [(*Name substance*) is a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]. [In determining whether (*name substance*) was a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]], you should consider the nature of (*name foreign substance*) and its propensity to cause death, serious physical injury or serious physical pain and discomfort when ingested.]¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance], knowing the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. The statute gives by way of example items such as razor blades, pins, or ground glass. The definition is not limited to these items.