

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 20
PROPOSED COMMITTEE SUBSTITUTE S20-PCS35078-RK-7

Short Title: Good Samaritan Law/Naloxone Access.

(Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN
2 DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS
3 MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED
4 OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN
5 INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF
6 MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR
7 CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE, DISPENSE,
8 OR DISTRIBUTE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND
9 (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A
10 PERSON EXPERIENCING A DRUG-RELATED OVERDOSE.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** Article 5 of Chapter 90 of the General Statutes is amended by adding
13 a new section to read:

14 **"§ 90-96.2. Drug-related overdose treatment; limited immunity.**

15 (a) As used in this section, "drug-related overdose" means an acute condition, including
16 mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use
17 of a controlled substance, or another substance with which a controlled substance was
18 combined, and that a layperson would reasonably believe to be a drug overdose that requires
19 medical assistance.

20 (b) A person acting in good faith who seeks medical assistance for an individual
21 experiencing a drug-related overdose shall not be prosecuted for (i) a misdemeanor violation of
22 G.S. 90-95(a)(3), (ii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram
23 of cocaine, (iii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of
24 heroin, or (iv) a violation of G.S. 90-113.22 if the evidence for prosecution under those sections
25 was obtained as a result of the person seeking medical assistance for the drug-related overdose.

26 (c) A person who experiences a drug-related overdose and is in need of medical
27 assistance shall not be prosecuted for (i) a misdemeanor violation of G.S. 90-95(a)(3), (ii) a
28 felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine, (iii) a
29 felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin, or (iv) a
30 violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained
31 as a result of the drug-related overdose and need for medical assistance.

32 (d) Nothing in this section shall be construed to bar the admissibility of any evidence
33 obtained in connection with the investigation and prosecution of other crimes committed by a
34 person who otherwise qualifies for limited immunity under this section."
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1 **SECTION 2.** Article 5 of Chapter 90 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 90-106.2. Treatment of overdose with opioid antagonist; immunity.**

4 (a) As used in this section, "opioid antagonist" means naloxone hydrochloride that is
5 approved by the federal Food and Drug Administration for the treatment of a drug overdose.

6 (b) A practitioner acting in good faith and exercising reasonable care may directly or by
7 standing order prescribe, dispense, or distribute an opioid antagonist to (i) a person at risk of
8 experiencing an opiate-related overdose or (ii) a family member, friend, or other person in a
9 position to assist a person at risk of experiencing an opiate-related overdose. As an indicator of
10 good faith, the practitioner, prior to prescribing, dispensing, or distributing an opioid under this
11 subsection, may require receipt of a written communication that provides a factual basis for a
12 reasonable conclusion as to either of the following:

13 (1) The person seeking the opioid antagonist is at risk of experiencing an
14 opiate-related overdose.

15 (2) The person other than the person who is at risk of experiencing an
16 opiate-related overdose, and who is seeking the opioid antagonist, is in
17 relation to the person at risk of experiencing an opiate-related overdose:

18 a. A family member, friend, or other person.

19 b. In the position to assist a person at risk of experiencing an
20 opiate-related overdose.

21 (c) A person who receives an opioid antagonist that was prescribed, dispensed, or
22 distributed pursuant to subsection (b) of this section may administer an opioid antagonist to
23 another person if (i) the person has a good faith belief that the other person is experiencing a
24 drug-related overdose and (ii) the person exercises reasonable care in administering the drug to
25 the other person. Evidence of the use of reasonable care in administering the drug shall include
26 the receipt of basic instruction and information on how to administer the opioid antagonist.

27 (d) All of the following individuals are immune from any civil or criminal liability for
28 actions authorized by this section:

29 (1) Any practitioner who prescribes, dispenses, or distributes an opioid
30 antagonist pursuant to subsection (b) of this section.

31 (2) Any person who administers an opioid antagonist pursuant to subsection (c)
32 of this section."

33 **SECTION 3.** Section 1 of this act becomes effective December 1, 2013, and
34 applies to persons needing or seeking medical assistance on or after that date. Section 2 of this
35 act becomes effective December 1, 2013, and applies to persons prescribing, dispensing,
36 distributing, or administering an opioid antagonist on or after that date. The remainder of this
37 act is effective when it becomes law.