

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 712
PROPOSED COMMITTEE SUBSTITUTE H712-PCS30354-SH-34

Short Title: Pilot Project/Used Needle Disposal.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE STATE BUREAU OF INVESTIGATION TO ESTABLISH AND
3 IMPLEMENT A USED NEEDLE AND HYPODERMIC SYRINGE DISPOSAL PILOT
4 PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Pilot Program. – By no later than December 1, 2015, the State
7 Bureau of Investigation, in consultation and collaboration with the North Carolina Harm
8 Reduction Coalition, shall establish and implement a used needle and hypodermic syringe
9 disposal pilot program. The pilot program shall offer the free disposal of used needles and
10 hypodermic syringes to reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne
11 diseases through needle stick injuries resulting from physical contact with improperly discarded
12 used needles and hypodermic syringes. The pilot program shall include all of the following:

- 13 (1) Reasonable and adequate security of disposal sites and equipment.
14 (2) An accounting of the approximate number of used needles and hypodermic
15 syringes returned and disposed of.
16 (3) Within each of the counties chosen pursuant to subsection (b) of this section,
17 a general report of the availability of relevant educational materials; HIV
18 and viral hepatitis counseling and testing; referral services to provide
19 education regarding HIV, AIDS, and viral hepatitis transmission; and drug
20 abuse prevention and treatment counseling and referral services.

21 **SECTION 1.(b)** Sites. – The State Bureau of Investigation shall select two
22 counties in which to operate the pilot program initially but may select up to four counties total
23 in which to operate the pilot program after successful demonstration of the pilot in at least two
24 counties. The State Bureau of Investigation shall collaborate with the local health departments
25 and local law enforcement agencies of the counties when implementing and operating the pilot
26 program established under this section.

27 **SECTION 1.(c)** Limited Immunity. – Any person participating in the pilot program
28 established under this section shall not be charged with or prosecuted for possession of drug
29 paraphernalia for any used needle or hypodermic syringe returned and disposed of, or for
30 residual amounts of a controlled substance contained in the used needle or hypodermic syringe
31 returned and disposed of. The limited immunity under this subsection does not apply to the
32 possession of needles or hypodermic syringes that are not a part of the pilot program
33 established under this section.

34 **SECTION 1.(d)** Report. – No later than one year after implementing the pilot
35 program required by this section, the State Bureau of Investigation shall report the results of the
36 pilot program to the chairs of the Joint Legislative Oversight Committee on Health and Human



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1 Services and the chairs of the Joint Legislative Oversight Committee on Justice and Public
2 Safety. If the State Bureau of Investigation deems the initial pilot program in two counties a
3 success, the report may include a recommendation to continue the pilot in those counties for an
4 additional year and may include a recommendation to add two additional counties to the pilot
5 program; this would allow the extension of the pilot program for an additional year, and at the
6 conclusion of that second year, the State Bureau of Investigation shall provide another report to
7 the Joint Legislative Oversight Committee on Health and Human Services and the Joint
8 Legislative Oversight Committee on Justice and Public Safety.

9 **SECTION 1.(e)** Expiration. – The pilot program required by this section shall
10 expire upon the submission of the report required by subsection (d) of this section.

11 **SECTION 2.** G.S. 90-113.22(c) reads as rewritten:

12 "(c) Prior to searching a person, a person's premises, or a person's vehicle, an officer
13 may ask the person whether the person is in possession of a hypodermic needle or other sharp
14 object that may cut or puncture the officer or whether such a hypodermic needle or other sharp
15 object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or
16 other sharp object on the person, on the person's premises, or in the person's vehicle and the
17 person alerts the officer of that fact prior to the search, the person shall not be charged with or
18 prosecuted for possession of drug paraphernalia for the needle or sharp ~~object-object~~, or for
19 residual amounts of a controlled substance contained in the needle or sharp object. The
20 exemption under this subsection does not apply to any other drug paraphernalia that may be
21 present and found during the search. For purposes of this subsection, the term "officer" includes
22 "criminal justice officers" as defined in G.S. 17C-2(3) and a "justice officer" as defined in
23 G.S. 17E-2(3)."

24 **SECTION 3.** Section 2 of this act becomes effective December 1, 2015. The
25 remainder of this act is effective when it becomes law.