

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Apr 28, 2016
S.B 794
PRINCIPAL CLERK

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SENATE BILL DRS15328-MGa-143B (03/15)

Short Title: Authorize Needle Exchange Programs. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING GOVERNMENTAL AND NONGOVERNMENTAL ORGANIZATIONS TO ESTABLISH AND OPERATE HYPODERMIC SYRINGE AND NEEDLE EXCHANGE PROGRAMS AND OFFERING LIMITED IMMUNITY TO EMPLOYEES, VOLUNTEERS, AND PARTICIPANTS OF AUTHORIZED HYPODERMIC SYRINGE AND NEEDLE EXCHANGE PROGRAMS.

The General Assembly of North Carolina enacts:

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

"§ 90-113.27. Needle and hypodermic syringe exchange programs authorized; limited immunity.

(a) Any governmental or nongovernmental organization, including a local or district health department or an organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high risk behaviors, may establish and operate a needle and hypodermic syringe exchange program. The objectives of the program shall be to do all of the following:

(1) Reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases in this State.

(2) Reduce needlestick injuries to law enforcement officers and other emergency personnel.

(3) Encourage individuals who inject drugs to enroll in evidence-based treatment.

(b) Programs established pursuant to this section shall offer all of the following:

(1) Disposal of used needles and hypodermic syringes.

(2) Needles, hypodermic syringes, and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused.

(3) Reasonable and adequate security of program sites, equipment, and personnel.

(4) Educational materials on all of the following:

a. Overdose prevention.

b. The prevention of HIV, AIDS, and viral hepatitis transmission.

c. Drug abuse prevention.

d. Treatment for mental illness, including treatment referrals.

e. Treatment for substance abuse, including referrals for medication assisted treatment.

(5) Access to naloxone kits that contain naloxone hydrochloride that is approved by the federal Food and Drug Administration for the treatment of a drug overdose.



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1 or referrals to programs that provide access to naloxone hydrochloride that is
2 approved by the federal Food and Drug Administration for the treatment of a
3 drug overdose.

4 (c) Notwithstanding any provision of the Controlled Substances Act in Article 5 of
5 Chapter 90 of the General Statutes or any other law, no employee, volunteer, or participant of a
6 program established pursuant to this section shall be charged with or prosecuted for possession of
7 any of the following:

8 (1) Needles, hypodermic syringes, or other injection supplies obtained from or
9 returned to a program established pursuant to this section.

10 (2) Residual amounts of a controlled substance contained in a used needle, used
11 hypodermic syringe, or used injection supplies obtained from or returned to a
12 program established pursuant to this section.

13 (d) Prior to commencing operations of a program established pursuant to this section, the
14 governmental or nongovernmental organization shall report to the North Carolina Department of
15 Health and Human Services, Division of Public Health, all of the following information:

16 (1) The legal name of the organization or agency operating the program.

17 (2) The areas and populations to be served by the program.

18 (3) The methods by which the program will meet the requirements of subsection
19 (b) of this section.

20 (e) Not later than one year after commencing operations of a program established pursuant
21 to this section, and every 12 months thereafter, each organization operating such a program shall
22 report the following information to the North Carolina Department of Health and Human Services,
23 Division of Public Health:

24 (1) The number of individuals served by the program.

25 (2) The number of needles, hypodermic syringes, and needle injection supplies
26 dispensed by the program and returned to the program.

27 (3) The number of naloxone kits distributed by the program.

28 (4) The number and type of treatment referrals provided to individuals served by
29 the program, including a separate report of the number of individuals referred to
30 programs that provide access to naloxone hydrochloride that is approved by the
31 federal Food and Drug Administration for the treatment of a drug overdose."

32 **SECTION 2.** There is appropriated from the General Fund to the Department of
33 Health and Human Services, Division of Public Health, the sum of one hundred thousand dollars
34 (\$100,000) for the 2016-2017 fiscal year. The Department shall use these funds to perform the
35 review of needle exchange programs and report information required to be submitted to the
36 Department under G.S. 90-113.27(d) and (e), as enacted by Section 1 of this act.

37 **SECTION 3.** This act becomes effective July 1, 2016.