

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 106
PROPOSED COMMITTEE SUBSTITUTE S106-PCS45089-TT-8

Short Title: Clarify Limited Immunity/Overdose Victims.

(Public)

Sponsors:

Referred to:

February 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE APPLICABILITY OF LIMITED IMMUNITY FOR DRUG
3 OVERDOSE VICTIMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 90-96.2 reads as rewritten:

6 "**§ 90-96.2. Drug-related overdose treatment; limited immunity.**

7 ...

8 (b) Limited Immunity for Samaritan. – A person shall not be prosecuted for any of the
9 offenses listed in subsection (c3) of this section if all of the following requirements and
10 conditions are met:

- 11 (1) The person sought medical assistance for an individual experiencing a
12 drug-related overdose by contacting the 911 system, a law enforcement
13 officer, or emergency medical services personnel.
14 (2) The person acted in good faith when seeking medical assistance, upon a
15 reasonable belief that he or she was the first to call for assistance.
16 (3) The person provided his or her own name to the 911 system or to a law
17 enforcement officer upon arrival.
18 (4) The person did not seek the medical assistance during the course of the
19 execution of an arrest warrant, search warrant, or other lawful search.
20 (5) The evidence for prosecution of the offenses listed in subsection (c3) of this
21 section was obtained as a result of the person seeking medical assistance for
22 the drug-related overdose.

23 (c) Limited Immunity for Overdose Victim. – ~~The immunity described in subsection (b)~~
24 ~~of this section shall extend to the person who experienced the drug-related overdose if all of the~~
25 ~~requirements and conditions listed in subdivisions (1), (2), (4), and (5) of subsection (b) of this~~
26 ~~section are satisfied.~~The person who experienced the drug-related overdose shall not be
27 prosecuted for any of the offenses listed in subsection (c3) of this section if the evidence for
28 prosecution of those offenses was obtained as a result of any person seeking medical assistance
29 for the drug-related overdose.

30"

31 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
32 committed on or after that date.



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