

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS45356-MG-92A

Short Title: Substance Use Disorder Safety Act. (Public)

Sponsors: Senators Edwards and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT MAKING IMPROVEMENTS AND PROVIDING GREATER ACCOUNTABILITY  
3 WITH RESPECT TO NEEDLE AND HYPODERMIC SYRINGE EXCHANGE  
4 PROGRAMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-113.27 reads as rewritten:

7 "§ 90-113.27. Needle and hypodermic syringe exchange programs authorized; limited  
8 immunity.

9 (a) Any governmental or nongovernmental organization, including a local or district  
10 health department or an organization that promotes scientifically proven ways of mitigating  
11 health risks associated with drug use and other high-risk behaviors, may establish and operate a  
12 needle and hypodermic syringe exchange ~~program~~ program in a facility that offers professional  
13 counseling or rehabilitation services for individuals with drug use disorders. The objectives of  
14 the program shall be to do all of the following:

- 15 (1) Reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne  
16 diseases in this State.  
17 (2) Reduce needle stick injuries to law enforcement officers and other emergency  
18 personnel.  
19 (3) ~~Encourage~~ Require individuals who use drugs illicitly to enroll in  
20 evidence-based treatment.  
21 (4) Reduce the number of drug overdoses in this State.

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

- 23 ...  
24 (2) Needles, hypodermic syringes, and other injection supplies at no cost and in  
25 quantities sufficient to ensure that needles, hypodermic syringes, and other  
26 injection supplies are not shared or reused. The host of any program  
27 established under this section shall ensure that all program supplies are  
28 engraved or marked with a symbol or logo that clearly identifies the program.

29 ...  
30 (c) Notwithstanding any provision of the Controlled Substances Act in Article 5 of  
31 Chapter 90 of the General Statutes or any other law, no employee, volunteer, or participant of a  
32 program established pursuant to this section shall be charged with or prosecuted for possession  
33 of any of the following:

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



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

4 The limited immunity provided ~~in~~ by this subsection shall apply only if the person claiming  
5 immunity provides written verification that a needle, syringe, or other injection supplies were  
6 obtained from a needle and hypodermic syringe exchange program established pursuant to this  
7 section. In addition to any other applicable immunity or limitation on civil liability, a law  
8 enforcement officer who, acting on good faith, arrests or charges a person who is thereafter  
9 determined to be entitled to immunity from prosecution under this section shall not be subject to  
10 civil liability for the arrest or filing of charges.

11 The limited immunity provided by this subsection does not apply to individuals in possession  
12 of any program supplies within an area designated as a school zone in G.S. 20-141.1.

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  
21 pursuant to this section, and every 12 months thereafter, each organization operating such a  
22 program shall submit a report of the following information to the North Carolina Department of  
23 Health and Human Services, 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  
30 to programs that provide access to naloxone hydrochloride that is approved  
31 by the federal Food and Drug Administration for the treatment of a drug  
32 overdose.  
33 (5) The legal name of the organization or agency operating the program, along  
34 with the names of the individuals who own or operate the program, and each  
35 licensed practitioner who provides on-site professional counseling or  
36 substance use disorder rehabilitation services.  
37 (6) The number of individuals enrolled in professional counseling or substance  
38 use disorder rehabilitation services offered by the program and the attendance  
39 record of each individual enrolled to receive such services.  
40 (7) A log demonstrating that written verification such as a participant card or  
41 other documentation was requested during operating hours to confirm the  
42 identity of program participants. The written verification required by this  
43 subdivision does not require the program to disclose the identity of the  
44 program participants.  
45 (8) Proof of insurance that meets the requirements of subsection (g) of this  
46 section.

47 (f) Prior to commencing a new program and in order to continue an existing program  
48 authorized by this section, the program operator shall prioritize neighborhood and school safety  
49 by doing all of the following:

- 50 (1) Locating or relocating the program to a place that is outside a 3-mile radius of  
51 a school zone.

- 1           (2)    Operating the program at a fixed location. Mobile program sites are not  
2                    allowed.
- 3           (3)    If a residential neighborhood is located within 800 yards of the program site,  
4                    the program shall do the following:
  - 5                    a.    In the case of a new program, obtain the affirmative vote of a majority  
6                            of the residents in attendance at a meeting in which at least fifty  
7                            percent (50%) of the neighborhood residents participate.
  - 8                    b.    In the case of a new or existing program, comply with all ordinances  
9                            and homeowners association rules applicable to the neighborhood.
- 10          (4)    Demonstrating to the satisfaction of the North Carolina Department of Health  
11                    and Human Services that all owners, board members, officers, and registered  
12                    agents of the program have passed a background check confirming no prior  
13                    felony pleas or convictions of any kind or misdemeanor pleas or convictions  
14                    for drug offenses. The background check shall be conducted by the law  
15                    enforcement agency with jurisdiction over the program site.
- 16          (5)    For programs located in noncommercial areas, requesting program  
17                    participants for an identification card and requiring participating sex offenders  
18                    to be logged on to a publicly accessible website.
- 19          (g)    Any person operating a program authorized by this section shall maintain general  
20                    liability insurance and professional liability insurance in the amount of one million dollars  
21                    (\$1,000,000) each. Any lapse in the insurance coverage required by this subsection shall  
22                    constitute immediate cause for termination of the program."

23           **SECTION 2.** Not later than 180 days after the effective date of this act, each needle  
24           exchange program in operation in this State shall take all necessary actions to be in full  
25           compliance with G.S. 90-113.27, as amended by Section 1 of this act.

26           **SECTION 3.** This act becomes effective October 1, 2021, and applies to needle and  
27           hypodermic syringe exchange programs operating in the State on or after that date.