

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
May 2, 2024
S.B. 843
PRINCIPAL CLERK

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SENATE BILL DRS35345-MGa-155

Short Title: The Freedom from Fentanyl Act. (Public)

Sponsors: Senators Batch, Smith, and Grafstein (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE FREEDOM FROM FENTANYL ACT TO RESTRICT THE SALE
3 OF VAPOR PRODUCTS NEAR CHILD CARE FACILITIES, SCHOOLS, CERTAIN
4 INSTITUTIONS OF HIGHER EDUCATION, AND RELIGIOUS PLACES OF WORSHIP;
5 TO CREATE A FENTANYL MISUSE TASK FORCE; AND TO APPROPRIATE FUNDS
6 TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
7 PUBLIC HEALTH, TO PURCHASE OPIOID ANTAGONISTS FOR LOCAL HEALTH
8 DEPARTMENTS TO DISTRIBUTE FREE OF CHARGE TO NORTH CAROLINA
9 RESIDENTS.

10 The General Assembly of North Carolina enacts:

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12 **PART I. TITLE**

13 **SECTION 1.1.** This act shall be known and may be cited as the "Freedom from
14 Fentanyl Act."

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16 **PART II. RESTRICTIONS ON THE SALE OF VAPOR PRODUCTS NEAR CHILD
17 CARE FACILITIES, SCHOOLS, CERTAIN INSTITUTIONS OF HIGHER
18 EDUCATION, AND RELIGIOUS PLACES OF WORSHIP**

19 **SECTION 2.1.(a)** Article 52 of Chapter 14 of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 14-401.28. Sale of vapor products near certain locations unlawful.**

22 (a) It is unlawful for any person, firm, or corporation in this State to sell or to purchase
23 any vapor products, as defined in G.S. 14-313, within 1,000 linear feet of the property line of any
24 of the following:

25 (1) A church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque,
26 or other building that is regularly used, and clearly identifiable, as a place for
27 religious worship.

28 (2) A child care facility, as defined in G.S. 110-86(3).

29 (3) A public school unit, or any nonpublic school, as defined in Part 1 or Part 2 of
30 Article 39 of Chapter 115C of the General Statutes. This subdivision does not
31 include home schools, as defined in G.S. 115C-563.

32 (4) A community college under the jurisdiction of the State Board of Community
33 Colleges.

34 (5) The facilities of The University of North Carolina and the grounds of those
35 facilities, as defined in G.S. 143-597(a)(6).

36 (b) A violation of this section is a Class 2 misdemeanor."



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1 **SECTION 2.1.(b)** This section becomes effective December 1, 2024, and applies to
2 offenses committed on or after that date.

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4 **PART III. CREATION OF FENTANYL MISUSE TASK FORCE**

5 **SECTION 3.1.(a)** Creation. – There is established the Fentanyl Misuse Task Force
6 (Task Force). The Task Force shall consist of representatives from the following, as well as other
7 representatives appointed by the Governor:

- 8 (1) The Division of Mental Health, Developmental Disabilities, and Substance
9 Use Services of the Department of Health and Human Services.
- 10 (2) The Division of Public Health of the Department of Health and Human
11 Services.
- 12 (3) The Office of Rural Health within the Department of Health and Human
13 Services.
- 14 (4) The Division of Juvenile Justice of the Department of Public Safety.
- 15 (5) The Division of Community Supervision and Reentry of the Department of
16 Adult Correction.
- 17 (6) The Division of Prisons of the Department of Adult Correction.
- 18 (7) The State Bureau of Investigation.
- 19 (8) The Attorney General's Office.
- 20 (9) The following health care regulatory boards with oversight of prescribers and
21 dispensers of opioids and other prescription drugs:
 - 22 a. North Carolina Board of Dental Examiners.
 - 23 b. North Carolina Board of Nursing.
 - 24 c. North Carolina Board of Podiatry Examiners.
 - 25 d. North Carolina Medical Board.
 - 26 e. North Carolina Board of Pharmacy.
 - 27 f. North Carolina Veterinary Medical Board.
- 28 (10) The UNC Injury Prevention Research Center.
- 29 (11) The substance use disorder treatment community.
- 30 (12) Governor's Institute on Substance Abuse, Inc.

31 **SECTION 3.1.(b)** Study. – The purpose of the Task Force is to study and make
32 recommendations to the Governor and the General Assembly on ways to combat the growing
33 problem of fentanyl misuse in North Carolina.

34 **SECTION 3.1.(c)** Chair; Meetings; Quorum. – The members shall elect a chair, and
35 the Task Force shall meet at the call of the chair. A majority of the Task Force shall constitute a
36 quorum for the transaction of its business.

37 **SECTION 3.1.(d)** Per Diem, Travel, and Expenses. – Members of the Task Force
38 shall receive per diem and necessary travel and subsistence expenses in accordance with
39 G.S. 120-3.1, 138-5, and 138-6, as applicable.

40 **SECTION 3.1.(e)** Meeting Space; Staffing. – The Task Force may meet in the
41 Legislative Building or in the Legislative Office Building. With the approval of the Legislative
42 Services Commission, through the Legislative Services Officer, legislative staff may be made
43 available to assist the Task Force.

44 **SECTION 3.1.(f)** Report. – The Task Force shall submit an interim report to the
45 2025 General Assembly when it reconvenes in 2026. The Task Force shall submit a final report,
46 including findings and legislative recommendations, to the 2027 General Assembly. The Task
47 Force shall terminate upon filing its final report.

48 **SECTION 3.1.(g)** Effective Date. – This section is effective when it becomes law.

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50 **PART IV. APPROPRIATIONS**

1 **SECTION 4.1.(a)** Effective July 1, 2024, there is appropriated from the General
2 Fund to the Department of Health and Human Services, Division of Public Health, the sum of
3 fifteen million dollars (\$15,000,000) in recurring funds for the 2024-2025 fiscal year. These
4 funds shall be used to purchase opioid antagonists, as defined in G.S. 90-12.7, for local health
5 departments to address opioid-related drug overdoses and reduce the number of opioid-related
6 deaths.

7 **SECTION 4.1.(b)** Local health departments receiving opioid antagonists funded by
8 this Part shall distribute them free of charge to North Carolina residents.

9 **SECTION 4.1.(c)** The Department of Health and Human Services, Division of
10 Public Health, shall collaborate with local health departments to ensure efficient and widespread
11 distribution of the opioid antagonists funded by this Part.

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13 **PART V. EFFECTIVE DATE**

14 **SECTION 5.1.** Except as otherwise provided, this act is effective when it becomes
15 law.