

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**HOUSE BILL 437
PROPOSED COMMITTEE SUBSTITUTE H437-PCS10389-SA-14**

Short Title: Establish Drug-Free Homeless Service Zones.

(Public)

Sponsors:

Referred to:

March 19, 2025

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH DRUG-FREE HOMELESS SERVICE ZONES AND INCREASE
THE PUNISHMENT IMPOSED FOR COMMITTING CERTAIN DRUG OFFENSES IN
A DRUG-FREE HOMELESS SERVICE ZONE.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "The Drug-Free Homeless Service Zones Act."

SECTION 2. G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

...
(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for a child care center, or for an elementary or secondary school or within 1,000 feet of the boundary of real property used for a child care center, or for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1). For purposes of this subdivision, a child care center is as defined in G.S. 110-86(3)a., and that is licensed by the Secretary of the Department of Health and Human Services.

(8a) Any person who commits an offense under G.S. 90-95(a)(1) in a drug-free homeless service zone is guilty of a Class E felony if the person knows or reasonably should know that it is a drug-free homeless service zone. Any operator of a facility-based service who intentionally allows a person to commit an offense under G.S. 90-95(a)(1) in a drug-free homeless service zone is guilty of a Class H felony. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1). The following definitions apply in this subdivision:

a. Drug-free homeless service zone. – The following areas related to a facility-based service:

1. If the facility-based service does not provide the services described in sub-sub-subdivision 2. of this sub-subdivision, the exterior and interior of any building and any accompanying grounds used by a facility-based service and the area within



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100 feet of that building or its accompanying grounds, if at least one sign is permanently affixed in a visible manner at the exterior of the main entrance of the facility that identifies the building and its accompanying grounds as a drug-free homeless service zone. The presence of this sign shall raise a presumption that the person committing the offense knows or reasonably should know that it is a drug-free homeless service zone.

2. If the facility-based service provides shelter or housing for victims of domestic violence that may be endangered if the purpose or location of the facility were to become known, the interior of any building and any outdoor area that may only be accessed by entering through the building used by a facility-based service, if at least one sign is permanently affixed in a visible manner inside the building and within 5 feet of the main entrance of the facility that identifies the building as a drug-free homeless service zone. The presence of this sign shall raise a presumption that the person committing the offense knows or reasonably should know that it is a drug-free homeless service zone.

b. Facility-based service. – Any (i) emergency or temporary shelter, transitional housing provider, or permanent supportive housing entity that receives local, State, or federal funds for the purpose of providing shelter to homeless persons or (ii) other entity or facility that receives local, State, or federal funds and primarily provides treatment, preventive care, or other services to homeless persons.

c. Operator. – A sole proprietorship, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or any other entity or business association, or contractor or subcontractor of the same, that is the recipient of local, State, or federal funds to use for the provision of a facility-based service.

...."

SECTION 3. This act becomes effective December 1, 2025, and applies to offenses committed on or after that date.