§ 90-113.151. Truth in marketing.

(a) Any marketing or advertising materials published or provided by any treatment provider, treatment facility, recovery residence, or third party providing services to any treatment provider, treatment facility, or recovery residence shall convey accurate and complete information, in plain language that is easy to understand, and shall include all of the following:

(1) Information about the types and methods of services provided or used, and information about where they are provided. Treatment providers and facilities shall also identify the categories of treatment and levels of care described in the American Society of Addiction Medicine, Patient Placement Criteria, Revised.

(2) The average lengths of stay at the residence, provider site, or facility during the preceding 12-month period for each of the categories of treatment and levels of care referenced in subdivision (1) of this subsection.

(3) The residence, provider site, or facility's name and brand.

(4) A brief summary of any financial relationships between the residence, provider site, or facility and any publisher of marketing or advertising.

(b) Each operator of a recovery residence or licensed residential treatment facility that also provides separately licensed outpatient substance use disorder services shall clearly (i) disclose the nature of those relationships, (ii) label each facility and service separately in any marketing or advertising material published or provided by the operator, and (iii) distinguish the recovery residence or licensed residential treatment facility from the licensed outpatient substance use disorder services.

(c) It is unlawful for any treatment provider, treatment facility, recovery residence, or third party providing services to any treatment provider, treatment facility, or recovery residence to do any of the following:

(1) Knowingly make a materially false or misleading statement, or provide false or misleading information, with the intent to defraud any person, about the nature, identity, or location of substance use disorder treatment services or a recovery residence in advertising materials, on a call line, on a website, or in any other marketing materials.

(2) Knowingly make a false or misleading statement, with the intent to defraud any person, about the following:

a. The treatment provider's status as an in-network or out-of-network provider.

b. The credentials, qualifications, or experiences of persons providing treatment or services.

c. The rate of recovery or success in providing services.

(d) It is unlawful for any person or entity to do any of the following:

(1) To knowingly provide, or direct any other person or entity to provide, false or misleading information, with the intent to defraud another person, about the identity of, or contact information for, any treatment provider.

(2) To knowingly include false or misleading information, with the intent to defraud another person, about the website of any treatment provider, or to surreptitiously direct or redirect the reader to another website.

(3) To knowingly make a materially false or misleading statement that a relationship with a treatment provider exists, with the intent to defraud another person, unless the treatment provider has provided express, written consent to indicate such a relationship.

(4) To knowingly make a materially false or misleading statement about substance use disorder treatment services, with the intent to defraud another person.

(e) A violation of subsection (c) or (d) of this section constitutes an unfair or deceptive trade practice under G.S. 75-1.1.

(f) Any person or entity that violates subsection (c) or (d) of this section shall be guilty of a Class G felony. Each violation of subsection (c) or (d) of this section constitutes a separate offense. (2023-141, s. 2; 2025-25, s. 29(5).)