GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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HOUSE DRH80225-LH-194 (03/25)

Short Title:	Sheriff/Inspect Prescription & Drug Records.	(Public)
Sponsors:	Representatives McLawhorn, Justus, and R. Warren (Primary Sponsors)	
Referred to:		

A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT A SHERIFF OR A DESIGNATED DEPUTY SHERIFF 3 INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED 4 SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL 5 RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE 6 REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND 7 HUMAN SERVICES. 8 The General Assembly of North Carolina enacts: 9 **SECTION 1.** G.S. 90-113.74(c) is amended by adding a new subdivision to read: 10 "(c) The Department shall release data in the controlled substances reporting system to the following persons only: 11 Persons authorized to prescribe or dispense controlled substances for the 12 (1)purpose of providing medical or pharmaceutical care for their patients. 13 14 An individual who requests the individual's own controlled substances (2)reporting system information. 15 Special agents of the North Carolina State Bureau of Investigation who are 16 (3) 17 assigned to the Diversion & Environmental Crimes Unit and whose primary duties involve the investigation of diversion and illegal use of prescription 18 19 medication and who are engaged in a bona fide specific investigation related 20 to enforcement of laws governing licit drugs. The SBI shall notify the Office of the Attorney General of North Carolina of each request for inspection of 21 records maintained by the Department. 22 Primary monitoring authorities for other states pursuant to a specific ongoing 23 (4) 24 investigation involving a designated person, if information concerns the dispensing of a Schedule II through V controlled substance to an ultimate 25 user who resides in the other state or the dispensing of a Schedule II through 26 27 V controlled substance prescribed by a licensed health care practitioner whose principal place of business is located in the other state. 28 29 To a court pursuant to a lawful court order in a criminal action. (5) 30 The Division of Medical Assistance for purposes of administering the State (6)Medical Assistance Plan. 31 32 Licensing boards with jurisdiction over health care disciplines pursuant to an (7) 33 ongoing investigation by the licensing board of a specific individual licensed by the board. 34



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General Assembly of North Carolina Session 2009
(8) A sheriff or a designated deputy sheriff who is assigned to investigate the
diversion and illegal use of prescription medication or pharmaceutical
products identified in Article 5 of this Chapter as Schedule II through V
controlled substances."
SECTION 2. G.S. 90-107 reads as rewritten:
"§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.
Prescriptions, order forms and records, required by this Article, and stocks of controlled
substances included in Schedules I through VI of this Article shall be open for inspection only
to federal and State officers, whose duty it is to enforce the laws of this State or of the United
States relating to controlled substances included in Schedules I through VI of this Article, and
to authorized employees of the North Carolina Department of Health and Human Services.
Services, and to a sheriff or a designated deputy sheriff who is assigned to investigate the
diversion and illegal use of prescription medication or pharmaceutical products included in
Schedules I through V of this Article. No officer having knowledge by virtue of his office of
any such prescription, order, or record shall divulge such knowledge other than to other
law-enforcement officials or agencies, except in connection with a prosecution or proceeding in
court or before a licensing board or officer to which prosecution or proceeding the person to
whom such prescriptions, orders, or records relate is a party."
SECTION 3. This act becomes effective December 1, 2009.