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SENATE BILL 20
Judiciary II Committee Substitute Adopted 3/4/13
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Short Title: Good Samaritan Law/Naloxone Access.

(Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-96.2. Drug-related overdose treatment; limited immunity.

(a) As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

(b) A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose shall not be prosecuted for (i) a misdemeanor violation of G.S. 90-95(a)(3), (ii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine, (iii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin, or (iv) a violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained as a result of the person seeking medical assistance for the drug-related overdose.

(c) A person who experiences a drug-related overdose and is in need of medical assistance shall not be prosecuted for (i) a misdemeanor violation of G.S. 90-95(a)(3), (ii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine, (iii) a felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin, or (iv) a violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained as a result of the drug-related overdose and need for medical assistance.

(d) Nothing in this section shall be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes committed by a person who otherwise qualifies for limited immunity under this section."



1 **SECTION 2.** Article 5 of Chapter 90 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 90-106.2. Treatment of overdose with opioid antagonist; immunity.**

4 (a) As used in this section, "opioid antagonist" means naloxone hydrochloride that is
5 approved by the federal Food and Drug Administration for the treatment of a drug overdose.

6 (b) A practitioner acting in good faith and exercising reasonable care may directly or by
7 standing order prescribe an opioid antagonist to (i) a person at risk of experiencing an
8 opiate-related overdose or (ii) a family member, friend, or other person in a position to assist a
9 person at risk of experiencing an opiate-related overdose. As an indicator of good faith, the
10 practitioner, prior to prescribing an opioid under this subsection, may require receipt of a
11 written communication that provides a factual basis for a reasonable conclusion as to either of
12 the following:

13 (1) The person seeking the opioid antagonist is at risk of experiencing an
14 opiate-related overdose.

15 (2) The person other than the person who is at risk of experiencing an
16 opiate-related overdose, and who is seeking the opioid antagonist, is in
17 relation to the person at risk of experiencing an opiate-related overdose:

18 a. A family member, friend, or other person.

19 b. In the position to assist a person at risk of experiencing an
20 opiate-related overdose.

21 (c) A person who receives an opioid antagonist that was prescribed pursuant to
22 subsection (b) of this section may administer an opioid antagonist to another person if (i) the
23 person has a good faith belief that the other person is experiencing a drug-related overdose and
24 (ii) the person exercises reasonable care in administering the drug to the other person. Evidence
25 of the use of reasonable care in administering the drug shall include the receipt of basic
26 instruction and information on how to administer the opioid antagonist.

27 (d) All of the following individuals are immune from any civil or criminal liability for
28 actions authorized by this section:

29 (1) Any practitioner who prescribes an opioid antagonist pursuant to subsection
30 (b) of this section.

31 (2) Any person who administers an opioid antagonist pursuant to subsection (c)
32 of this section."

33 **SECTION 3.** Section 1 of this act becomes effective December 1, 2013, and
34 applies to persons needing or seeking medical assistance on or after that date. Section 2 of this
35 act becomes effective December 1, 2013, and applies to persons prescribing or administering
36 an opioid antagonist on or after that date. The remainder of this act is effective when it becomes
37 law.