

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 20  
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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; 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; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON.

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



1 violation of G.S. 90-113.22 if the evidence for prosecution under those sections was obtained  
2 as a result of the drug-related overdose and need for medical assistance.

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

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

8 **"§ 90-106.2. Treatment of overdose with opioid antagonist; immunity.**

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

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

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

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

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

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

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

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

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

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

38 **SECTION 3.** Chapter 18B of the General Statutes is amended by adding a new  
39 section to read:

40 **"§ 18B-302.2. Medical treatment; limited immunity.**

41 Notwithstanding any other provision of law, a person under the age of 21 shall not be  
42 prosecuted for a violation of G.S. 18B-302 for the possession or consumption of alcoholic  
43 beverages if law enforcement, including campus safety police, became aware of the possession  
44 or consumption of alcohol by the person solely because the person was seeking medical  
45 assistance for another individual. This section shall apply if, when seeking medical assistance  
46 on behalf of another, the person did all of the following:

47 (1) Acted in good faith, upon a reasonable belief that he or she was the first to  
48 call for assistance.

49 (2) Used his or her own name when contacting authorities.

50 (3) Remained with the individual needing medical assistance until help arrived."

51 **SECTION 4.** This act is effective when it becomes law.