

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**HOUSE BILL 712
RATIFIED BILL**

**AN ACT TO DIRECT THE STATE BUREAU OF INVESTIGATION TO ESTABLISH AND
IMPLEMENT A USED NEEDLE AND HYPODERMIC SYRINGE DISPOSAL PILOT
PROGRAM.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) Pilot Program. – By no later than December 1, 2015, the State Bureau of Investigation, in consultation and collaboration with the North Carolina Harm Reduction Coalition, shall establish and implement a used needle and hypodermic syringe disposal pilot program. The pilot program shall offer the free disposal of used needles and hypodermic syringes to reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases through needle stick injuries resulting from physical contact with improperly discarded used needles and hypodermic syringes. The pilot program shall include all of the following:

- (1) Reasonable and adequate security of disposal sites and equipment.
- (2) An accounting of the approximate number of used needles and hypodermic syringes returned and disposed of.
- (3) Within each of the counties chosen pursuant to subsection (b) of this section, a general report of the availability of relevant educational materials; HIV and viral hepatitis counseling and testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis transmission; and drug abuse prevention and treatment counseling and referral services.

SECTION 1.(b) Sites. – The State Bureau of Investigation shall select two counties in which to operate the pilot program initially but may select up to four counties total in which to operate the pilot program after successful demonstration of the pilot in at least two counties. The State Bureau of Investigation shall collaborate with the local health departments and local law enforcement agencies of the counties when implementing and operating the pilot program established under this section.

SECTION 1.(c) Limited Immunity. – Any person participating in the pilot program established under this section shall not be charged with or prosecuted for possession of drug paraphernalia for any used needle or hypodermic syringe returned and disposed of, or for residual amounts of a controlled substance contained in the used needle or hypodermic syringe returned and disposed of. The limited immunity under this subsection does not apply to the possession of needles or hypodermic syringes that are not a part of the pilot program established under this section.

SECTION 1.(d) Report. – No later than one year after implementing the pilot program required by this section, the State Bureau of Investigation shall report the results of the pilot program to the chairs of the Joint Legislative Oversight Committee on Health and Human Services and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety. If the State Bureau of Investigation deems the initial pilot program in two counties a success, the report may include a recommendation to continue the pilot in those counties for an additional year and may include a recommendation to add two additional counties to the pilot program; this would allow the extension of the pilot program for an additional year, and at the conclusion of that second year, the State Bureau of Investigation shall provide another report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety.

SECTION 1.(e) Expiration. – The pilot program required by this section shall expire upon the submission of the report required by subsection (d) of this section.

SECTION 2. G.S. 90-113.22(c) reads as rewritten:



"(c) Prior to searching a person, a person's premises, or a person's vehicle, an officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer or whether such a hypodermic needle or other sharp object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or other sharp object on the person, on the person's premises, or in the person's vehicle and the person alerts the officer of that fact prior to the search, the person shall not be charged with or prosecuted for possession of drug paraphernalia for the needle or sharp ~~object-object,~~ or for residual amounts of a controlled substance contained in the needle or sharp object. The exemption under this subsection does not apply to any other drug paraphernalia that may be present and found during the search. For purposes of this subsection, the term "officer" includes "criminal justice officers" as defined in G.S. 17C-2(3) and a "justice officer" as defined in G.S. 17E-2(3)."

SECTION 3. Section 2 of this act becomes effective December 1, 2015. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of September, 2015.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Paul Stam
Presiding Officer of the House of Representatives

Pat McCrory
Governor

Approved _____m. this _____ day of _____, 2015