

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 788\*

Short Title: Study/Opioid Abuse and Incapacity to Proceed. (Public)

Sponsors: Senators Randleman, Tucker (Primary Sponsors); and McInnis.

Referred to: Health Care

May 2, 2016

A BILL TO BE ENTITLED

AN ACT TO STUDY OPIOID ABUSE AND HEROIN RESURGENCE IN ADULTS, YOUTH, AND FAMILIES; TO INVESTIGATE THE USE OF VIVITROL AS PART OF THE STATE-FUNDED ALCOHOL AND OPIOID ABUSE TREATMENT SERVICES; AND TO ALLOW REPORTS RECEIVED BY THE COURT ON INCAPACITY TO PROCEED TO BE SHARED WITH TREATMENT PROVIDERS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Study. – The Governor's Task Force on Mental Health and Substance Abuse shall continue to study the resurgence of opioid and heroin abuse in adults, youth, and families.

**SECTION 1.(b)** Report. – The Governor's Task Force on Mental Health and Substance Abuse shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Oversight Committee on Justice and Public Safety and to the Joint Legislative Oversight Committee on Health and Human Services in the 2017 Regular Session of the 2017 General Assembly, upon its reconvening.

**SECTION 2.(a)** Study. – The Department of Health and Human Services in conjunction with the Department of Public Safety shall study the use of Vivitrol as a treatment offered in State-funded alcohol and opioid abuse centers.

**SECTION 2.(b)** Report. – The Department of Health and Human Services and the Department of Public Safety shall report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety and to the Joint Legislative Oversight Committee on Health and Human Services in the 2017 Regular Session of the 2017 General Assembly, upon its reconvening.

**SECTION 3.(a)** G.S. 15A-1002(d) reads as rewritten:

"(d) Any report made to the court pursuant to this section shall be forwarded to the clerk of superior court in a sealed envelope addressed to the attention of a presiding judge, with a covering statement to the clerk of the fact of the examination of the defendant and any conclusion as to whether the defendant has or lacks capacity to proceed. If the defendant is being held in the custody of the sheriff, the clerk shall send a copy of the covering statement to the sheriff. The sheriff and any persons employed by the sheriff shall maintain the copy of the covering statement as a confidential record. A copy of the full report shall be forwarded to defense counsel, or to the defendant if he is not represented by counsel. If the question of the defendant's capacity to proceed is raised at any time, a copy of the full report must be forwarded to the district attorney, as provided in G.S. 122C-54(b). Until such report becomes a public record, the full report to the court shall be kept under such conditions as are directed by the court, and its contents shall not be revealed except the report and the relevant confidential information previously ordered released



1 under subdivision (b)(4) of this section that shall be provided as follows: (i) to clinicians at the  
2 program where the defendant is receiving capacity restoration; (ii) to clinicians designated by the  
3 Secretary of Health and Human Services, and (iii) as directed by the court. Any report made to the  
4 court pursuant to this section shall not be a public record unless introduced into evidence."

5           **SECTION 3.(b)** This act is effective when it becomes law.