

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-159
HOUSE BILL 325**

AN ACT REMOVING THE REQUIREMENT THAT BUPRENORPHINE PRESCRIBERS REGISTER WITH THE STATE, IN ADDITION TO REGISTERING WITH THE FEDERAL GOVERNMENT; DECRIMINALIZING THE USE OF DRUG TESTING EQUIPMENT TO DETECT CONTAMINANTS; BROADENING THE OBJECTIVES OF SYRINGE EXCHANGE PROGRAMS TO ENCOMPASS REDUCING THE NUMBER OF DRUG OVERDOSES IN THE STATE; AND REMOVING THE BAN ON THE USE OF STATE FUNDS TO PURCHASE CERTAIN SUPPLIES.

The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF STATE REGISTRATION REQUIREMENT FOR BUPRENORPHINE PRESCRIBERS

SECTION 1.1. G.S. 90-101(a1) is repealed.

PART II. DECRIMINALIZATION OF DRUG TESTING EQUIPMENT USED TO DETECT CONTAMINANTS IN CONTROLLED SUBSTANCES

SECTION 2.1. G.S. 90-113.22 is amended by adding a new subsection to read:

"(d) Notwithstanding the provisions of subsection (a) of this section, it is not unlawful for (i) a person who introduces a controlled substance into his or her body, or intends to introduce a controlled substance into his or her body, to knowingly use, or to possess with intent to use, testing equipment for identifying or analyzing the strength, effectiveness, or purity of that controlled substance or (ii) a governmental or nongovernmental organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors to possess such testing equipment or distribute such testing equipment to a person who intends to introduce a controlled substance into his or her body."

SECTION 2.2. G.S. 90-113.22A is amended by adding a new subsection to read:

"(c) Notwithstanding the provisions of subsection (a) of this section, it is not unlawful for (i) a person who introduces a controlled substance into his or her body, or intends to introduce a controlled substance into his or her body, to knowingly use, or to possess with intent to use, testing equipment for identifying or analyzing the strength, effectiveness, or purity of that controlled substance or (ii) a governmental or nongovernmental organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors to possess such testing equipment or distribute such testing equipment to a person who intends to introduce a controlled substance into his or her body."

PART III. BROADENING THE OBJECTIVES OF SYRINGE EXCHANGE PROGRAMS TO ENCOMPASS REDUCING THE NUMBER OF DRUG OVERDOSES IN THE STATE AND REMOVING THE BAN ON THE USE OF STATE FUNDS TO PURCHASE CERTAIN SUPPLIES

SECTION 3.1. G.S. 90-113.27 reads as rewritten:

"§ 90-113.27. Needle and hypodermic syringe exchange programs authorized; limited immunity.



(a) Any governmental or nongovernmental organization, including a local or district health department or an organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors, may establish and operate a needle and hypodermic syringe exchange program. The objectives of the program shall be to do all of the following:

- (1) Reduce the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases in this State.
- (2) Reduce needle stick injuries to law enforcement officers and other emergency personnel.
- (3) Encourage individuals who ~~inject~~ use drugs illicitly to enroll in evidence-based treatment.
- (4) Reduce the number of drug overdoses in this State.

(b) Programs established pursuant to this section shall offer all of the following:

...

- (2) Needles, hypodermic syringes, and other injection supplies at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, and other injection supplies are not shared or reused. ~~No State funds may be used to purchase needles, hypodermic syringes, or other injection supplies.~~

...."

PART VI. EFFECTIVE DATE

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

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:53 p.m. this 22nd day of July, 2019