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SENATE BILL DRS45356-MG-92A

Short Title: Substance Use Disorder Safety Act. (Public)

Sponsors: Senators Edwards and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT MAKING IMPROVEMENTS AND PROVIDING GREATER ACCOUNTABILITY
3 WITH RESPECT TO NEEDLE AND HYPODERMIC SYRINGE EXCHANGE
4 PROGRAMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-113.27 reads as rewritten:

7 "§ 90-113.27. Needle and hypodermic syringe exchange programs authorized; limited
8 immunity.

9 (a) Any governmental or nongovernmental organization, including a local or district
10 health department or an organization that promotes scientifically proven ways of mitigating
11 health risks associated with drug use and other high-risk behaviors, may establish and operate a
12 needle and hypodermic syringe exchange ~~program~~ program in a facility that offers professional
13 counseling or rehabilitation services for individuals with drug use disorders. The objectives of
14 the program shall be to do all of the following:

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

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

- 23 ...
24 (2) Needles, hypodermic syringes, and other injection supplies at no cost and in
25 quantities sufficient to ensure that needles, hypodermic syringes, and other
26 injection supplies are not shared or reused. The host of any program
27 established under this section shall ensure that all program supplies are
28 engraved or marked with a symbol or logo that clearly identifies the program.

29 ...
30 (c) Notwithstanding any provision of the Controlled Substances Act in Article 5 of
31 Chapter 90 of the General Statutes or any other law, no employee, volunteer, or participant of a
32 program established pursuant to this section shall be charged with or prosecuted for possession
33 of any of the following:

- 34 (1) Needles, hypodermic syringes, or other injection supplies obtained from or
35 returned to a program established pursuant to this section.



- 1 (2) Residual amounts of a controlled substance contained in a used needle, used
2 hypodermic syringe, or used injection supplies obtained from or returned to a
3 program established pursuant to this section.

4 The limited immunity provided ~~in~~ by this subsection shall apply only if the person claiming
5 immunity provides written verification that a needle, syringe, or other injection supplies were
6 obtained from a needle and hypodermic syringe exchange program established pursuant to this
7 section. In addition to any other applicable immunity or limitation on civil liability, a law
8 enforcement officer who, acting on good faith, arrests or charges a person who is thereafter
9 determined to be entitled to immunity from prosecution under this section shall not be subject to
10 civil liability for the arrest or filing of charges.

11 The limited immunity provided by this subsection does not apply to individuals in possession
12 of any program supplies within an area designated as a school zone in G.S. 20-141.1.

13 (d) Prior to commencing operations of a program established pursuant to this section, the
14 governmental or nongovernmental organization shall report to the North Carolina Department of
15 Health and Human Services, Division of Public Health, all of the following information:

- 16 (1) The legal name of the organization or agency operating the program.
17 (2) The areas and populations to be served by the program.
18 (3) The methods by which the program will meet the requirements of subsection
19 (b) of this section.

20 (e) Not later than one year after commencing operations of a program established
21 pursuant to this section, and every 12 months thereafter, each organization operating such a
22 program shall submit a report of the following information to the North Carolina Department of
23 Health and Human Services, Division of Public Health:

- 24 (1) The number of individuals served by the program.
25 (2) The number of needles, hypodermic syringes, and needle injection supplies
26 dispensed by the program and returned to the program.
27 (3) The number of naloxone kits distributed by the program.
28 (4) The number and type of treatment referrals provided to individuals served by
29 the program, including a separate report of the number of individuals referred
30 to programs that provide access to naloxone hydrochloride that is approved
31 by the federal Food and Drug Administration for the treatment of a drug
32 overdose.
33 (5) The legal name of the organization or agency operating the program, along
34 with the names of the individuals who own or operate the program, and each
35 licensed practitioner who provides on-site professional counseling or
36 substance use disorder rehabilitation services.
37 (6) The number of individuals enrolled in professional counseling or substance
38 use disorder rehabilitation services offered by the program and the attendance
39 record of each individual enrolled to receive such services.
40 (7) A log demonstrating that written verification such as a participant card or
41 other documentation was requested during operating hours to confirm the
42 identity of program participants. The written verification required by this
43 subdivision does not require the program to disclose the identity of the
44 program participants.
45 (8) Proof of insurance that meets the requirements of subsection (g) of this
46 section.

47 (f) Prior to commencing a new program and in order to continue an existing program
48 authorized by this section, the program operator shall prioritize neighborhood and school safety
49 by doing all of the following:

- 50 (1) Locating or relocating the program to a place that is outside a 3-mile radius of
51 a school zone.

- 1 (2) Operating the program at a fixed location. Mobile program sites are not
2 allowed.
- 3 (3) If a residential neighborhood is located within 800 yards of the program site,
4 the program shall do the following:
- 5 a. In the case of a new program, obtain the affirmative vote of a majority
6 of the residents in attendance at a meeting in which at least fifty
7 percent (50%) of the neighborhood residents participate.
- 8 b. In the case of a new or existing program, comply with all ordinances
9 and homeowners association rules applicable to the neighborhood.
- 10 (4) Demonstrating to the satisfaction of the North Carolina Department of Health
11 and Human Services that all owners, board members, officers, and registered
12 agents of the program have passed a background check confirming no prior
13 felony pleas or convictions of any kind or misdemeanor pleas or convictions
14 for drug offenses. The background check shall be conducted by the law
15 enforcement agency with jurisdiction over the program site.
- 16 (5) For programs located in noncommercial areas, requesting program
17 participants for an identification card and requiring participating sex offenders
18 to be logged on to a publicly accessible website.
- 19 (g) Any person operating a program authorized by this section shall maintain general
20 liability insurance and professional liability insurance in the amount of one million dollars
21 (\$1,000,000) each. Any lapse in the insurance coverage required by this subsection shall
22 constitute immediate cause for termination of the program."

23 **SECTION 2.** Not later than 180 days after the effective date of this act, each needle
24 exchange program in operation in this State shall take all necessary actions to be in full
25 compliance with G.S. 90-113.27, as amended by Section 1 of this act.

26 **SECTION 3.** This act becomes effective October 1, 2021, and applies to needle and
27 hypodermic syringe exchange programs operating in the State on or after that date.