

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 794

Short Title: Authorize Needle Exchange Programs. (Public)

Sponsors: Senators Bingham (Primary Sponsor), Foushee, J. Davis, Tucker, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

May 2, 2016

A BILL TO BE ENTITLED

AN ACT AUTHORIZING GOVERNMENTAL AND NONGOVERNMENTAL ORGANIZATIONS TO ESTABLISH AND OPERATE HYPODERMIC SYRINGE AND NEEDLE EXCHANGE PROGRAMS AND OFFERING LIMITED IMMUNITY TO EMPLOYEES, VOLUNTEERS, AND PARTICIPANTS OF AUTHORIZED HYPODERMIC SYRINGE AND NEEDLE EXCHANGE PROGRAMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 5C of Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 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 needlestick injuries to law enforcement officers and other emergency personnel.

(3) Encourage individuals who inject drugs to enroll in evidence-based treatment.

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

(1) Disposal of used needles and hypodermic syringes.

(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.

(3) Reasonable and adequate security of program sites, equipment, and personnel.

(4) Educational materials on all of the following:

a. Overdose prevention.

b. The prevention of HIV, AIDS, and viral hepatitis transmission.

c. Drug abuse prevention.

d. Treatment for mental illness, including treatment referrals.

e. Treatment for substance abuse, including referrals for medication assisted treatment.



1           (5)    Access to naloxone kits that contain naloxone hydrochloride that is approved by  
2                   the federal Food and Drug Administration for the treatment of a drug overdose,  
3                   or referrals to programs that provide access to naloxone hydrochloride that is  
4                   approved by the federal Food and Drug Administration for the treatment of a  
5                   drug overdose.

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

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

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

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

18           (1)   The legal name of the organization or agency operating the program.

19           (2)   The areas and populations to be served by the program.

20           (3)   The methods by which the program will meet the requirements of subsection  
21                   (b) of this section.

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

26           (1)   The number of individuals served by the program.

27           (2)   The number of needles, hypodermic syringes, and needle injection supplies  
28                   dispensed by the program and returned to the program.

29           (3)   The number of naloxone kits distributed by the program.

30           (4)   The number and type of treatment referrals provided to individuals served by  
31                   the program, including a separate report of the number of individuals referred to  
32                   programs that provide access to naloxone hydrochloride that is approved by the  
33                   federal Food and Drug Administration for the treatment of a drug overdose."

34           **SECTION 2.** There is appropriated from the General Fund to the Department of  
35    Health and Human Services, Division of Public Health, the sum of one hundred thousand dollars  
36    (\$100,000) for the 2016-2017 fiscal year. The Department shall use these funds to perform the  
37    review of needle exchange programs and report information required to be submitted to the  
38    Department under G.S. 90-113.27(d) and (e), as enacted by Section 1 of this act.

39           **SECTION 3.** This act becomes effective July 1, 2016.