

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

FILED SENATE  
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S.B. 796  
PRINCIPAL CLERK

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SENATE BILL DRS45518-NBa-181

Short Title: Sacred Relationship/Doctor/Patient. (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT THE SACRED RELATIONSHIP OF PATIENT AND PHYSICIAN,  
3 PHYSICIAN ASSISTANT, AND NURSE PRACTITIONER.

4 The General Assembly of North Carolina enacts:

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

7 **"§ 90-12.8. Limited prescription, treatment, and administration protection for certain**  
8 **health care professionals.**

9 (a) The North Carolina Medical Board and the North Carolina Board of Nursing shall not  
10 revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician  
11 licensed to practice medicine under this Article, (ii) a physician assistant licensed under  
12 G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for prescribing or  
13 administering a medication or supplement, including any of the drugs listed in this subsection,  
14 the physician, physician assistant, or nurse practitioner believes is medically necessary for the  
15 treatment of COVID-19 to a patient for at-home use or for use in a health care facility. For the  
16 purposes of this section, the term "COVID-19" means the disease caused by the SARS-CoV-2  
17 virus.

- 18 (1) Ascorbic Acid.  
19 (2) Aspirin.  
20 (3) Atorvastatin.  
21 (4) Azithromycin.  
22 (5) Budesonide.  
23 (6) Chloroquine.  
24 (7) Colchicine.  
25 (8) Cyproheptadine.  
26 (9) Dutasteride.  
27 (10) Famotidine.  
28 (11) Flutamide.  
29 (12) Fluvoxamine.  
30 (13) Heparin.  
31 (14) Hydroxychloroquine.  
32 (15) Ivermectin.  
33 (16) Melatonin.  
34 (17) Methylprednisolone.  
35 (18) N-Acetyl-L-Cysteine.  
36 (19) Naltrexone.



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- 1           (20) Nitazoxanide.
- 2           (21) Prednisone.
- 3           (22) Spiroinolactone.
- 4           (23) Thiamine.
- 5           (24) Vitamin D.
- 6           (25) Zinc.

7           (b) The North Carolina Medical Board and the North Carolina Board of Nursing shall not  
8 revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician  
9 licensed to practice medicine under this Article, (ii) a physician assistant licensed under  
10 G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for doing any of the  
11 following actions:

- 12           (1) Providing a medical exemption to a patient who is unable to wear a protective  
13 mask, undergo a COVID-19 test, or receive a vaccination for COVID-19.
- 14           (2) Treating a patient who is unable to wear a protective mask, undergo a  
15 COVID-19 test, or receive a vaccination for COVID-19 for religious, medical,  
16 or philosophical reasons.
- 17           (3) Documenting a COVID-19 vaccine injury.

18           (c) A physician acting in good faith in accordance with this section shall not solely  
19 constitute immoral or dishonorable conduct, as defined in G.S. 90-14(a)(1), or unprofessional  
20 conduct, as defined in G.S. 90-14(a)(6).

21           (d) Nothing in this section shall be construed to grant greater liability protection to a  
22 physician's actions in accordance with this section than provided in Article 1B of this Chapter or  
23 other applicable provisions of law in this State.

24           (e) If the North Carolina Medical Board or the North Carolina Board of Nursing violates  
25 this section, the physician, physician assistant, or nurse practitioner against whom the violation  
26 occurred may contest the case under all available administrative remedies available to the  
27 aggrieved party. For each separate violation of this section, the Board may be assessed a civil  
28 penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any civil penalty  
29 assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in  
30 accordance with G.S. 115C-457.2."

31           **SECTION 2.** Article 4A of Chapter 90 of the General Statutes is amended by adding  
32 a new section to read:

33 **"§ 90-85.15C. Limited protection for dispensing certain medications.**

34           (a) The North Carolina Board of Pharmacy shall not revoke, fail to renew, suspend, or  
35 take any other disciplinary action against a pharmacist for dispensing or administering a  
36 medication or supplement, including any of the drugs listed in this subsection, for the treatment  
37 of COVID-19 to a patient for at-home use or for use in a health care facility. For the purposes of  
38 this section, the term "COVID-19" means the disease caused by the SARS-CoV-2 virus.

- 39           (1) Ascorbic Acid.
- 40           (2) Aspirin.
- 41           (3) Atorvastatin.
- 42           (4) Azithromycin.
- 43           (5) Budesonide.
- 44           (6) Chloroquine.
- 45           (7) Colchicine.
- 46           (8) Cyproheptadine.
- 47           (9) Dutasteride.
- 48           (10) Famotidine.
- 49           (11) Flutamide.
- 50           (12) Fluvoxamine.
- 51           (13) Heparin.

- 1 (14) Hydroxychloroquine.
- 2 (15) Ivermectin.
- 3 (16) Melatonin.
- 4 (17) Methylprednisolone.
- 5 (18) N-Acetyl-L-Cysteine.
- 6 (19) Naltrexone.
- 7 (20) Nitazoxanide.
- 8 (21) Prednisone.
- 9 (22) Spiroinolactone.
- 10 (23) Thiamine.
- 11 (24) Vitamin D.
- 12 (25) Zinc.

13 (b) If the North Carolina Board of Pharmacy violates this section, the licensee against  
14 whom the violation occurred may contest the case under all available administrative remedies  
15 available to the aggrieved party. For each separate violation of this section, the Board may be  
16 assessed a civil penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any  
17 civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund  
18 in accordance with G.S. 115C-457.2."

19 **SECTION 3.** The North Carolina Medical Board, the North Carolina Board of  
20 Nursing, and the North Carolina Board of Pharmacy shall adopt temporary rules to implement  
21 the provisions of this act.

22 **SECTION 4.** There is appropriated from the General Fund to the Department of  
23 Health and Human Services the nonrecurring sum of ten thousand dollars (\$10,000) for the  
24 2022-2023 fiscal year to monitor the compliance of the North Carolina Medical Board, the North  
25 Carolina Board of Nursing, and the North Carolina Board of Pharmacy with the provisions of  
26 this act.

27 **SECTION 5.** Section 4 of this act becomes effective July 1, 2022. The remainder of  
28 this act becomes effective October 1, 2022, and applies to acts or omissions on or after that date.