

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-MGa-137D [v.1]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: Heroin & Opioid Prevention & Enforcement Act. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING LAWS PERTAINING TO THE NORTH CAROLINA CONTROLLED
3 SUBSTANCES ACT AND THE NORTH CAROLINA CONTROLLED SUBSTANCES
4 REPORTING SYSTEM ACT, INCLUDING THE REVISION AND ESTABLISHMENT
5 OF PENALTIES FOR CERTAIN VIOLATIONS; AND APPROPRIATING ADDITIONAL
6 FUNDS FOR COMMUNITY-BASED SUBSTANCE USE DISORDER TREATMENT
7 AND RECOVERY SERVICES, THE PURCHASE OF OVERDOSE MEDICATIONS,
8 AND OPERATION MEDICINE DROP.

9 The General Assembly of North Carolina enacts:

10
11 **PART I. TITLE**

12 **SECTION 1.** This act shall be known and may be cited as "The Heroin and Opioid
13 Prevention and Enforcement (HOPE) Act of 2018."
14

15 **PART II. AMENDMENTS TO THE NORTH CAROLINA CONTROLLED**
16 **SUBSTANCES ACT**

17 **SECTION 2.** G.S. 90-89(3)ee. reads as rewritten:

18 "ee.

19 ~~5-Methoxy-n-diisopropyltryptamine.~~ 5-Methoxy-N,N-diisopropyl
20 ryptamine."

21 **SECTION 3.** For each NBOMe compound listed in G.S. 90-89(6)a. through l., the
22 Revisor of Statutes is authorized to replace the hyphen that appears after "NBOMe" and before
23 "2" with a space.

24 **SECTION 4.** G.S. 90-90(2) is amended by adding a new sub-subdivision to read:

25 "h1. Fentanyl immediate precursor chemical,
26 4-anilino-N-phenethyl-4-piperidine (ANPP)."

27 **SECTION 5.** G.S. 90-95(d2) is amended by adding a new subdivision to read:

28 "(29a) N-phenethyl-4-piperidinone (NPP)."

29 **SECTION 6.** G.S. 90-95(d2)(31) reads as rewritten:

30 "(31) ~~Phenyl-2-propane.~~ Phenyl-2-propanone."

31 **SECTION 7.** G.S. 90-95(h) reads as rewritten:

32 "(h) Notwithstanding any other provision of law, the following provisions apply except as
33 otherwise provided in this Article.
34 ...



* 2 0 1 7 - M G A - 1 3 7 D - V - 1 *

- 1 (3d) Any person who sells, manufactures, delivers, transports, or possesses 28
2 grams or more of ~~MDPV~~any substituted cathinone or any mixture containing
3 such substance shall be guilty of a felony, which felony shall be known as
4 "trafficking in ~~MDPV,~~substituted cathinones," and if the quantity of such
5 substance or mixture involved:
- 6 a. Is 28 grams or more, but less than 200 grams, such person shall be
7 punished as a Class F felon and shall be sentenced to a minimum term
8 of 70 months and a maximum term of 93 months in the State's prison
9 and shall be fined not less than fifty thousand dollars (\$50,000);
- 10 b. Is 200 grams or more, but less than 400 grams, such person shall be
11 punished as a Class E felon and shall be sentenced to a minimum term
12 of 90 months and a maximum term of 120 months in the State's prison
13 and shall be fined not less than one hundred thousand dollars
14 (\$100,000);
- 15 c. Is 400 grams or more, such person shall be punished as a Class C felon
16 and shall be sentenced to a minimum term of 225 months and a
17 maximum term of 282 months in the State's prison and shall be fined
18 at least two hundred fifty thousand dollars (\$250,000).
- 19 ~~(3e) Any person who sells, manufactures, delivers, transports, or possesses 28~~
20 ~~grams or more of mephedrone or any mixture containing such substance shall~~
21 ~~be guilty of a felony, which felony shall be known as "trafficking in~~
22 ~~mephedrone," and if the quantity of such substance or mixture involved:~~
- 23 ~~a. Is 28 grams or more, but less than 200 grams, such person shall be~~
24 ~~punished as a Class F felon and shall be sentenced to a minimum term~~
25 ~~of 70 months and a maximum term of 93 months in the State's prison~~
26 ~~and shall be fined not less than fifty thousand dollars (\$50,000);~~
- 27 ~~b. Is 200 grams or more, but less than 400 grams, such person shall be~~
28 ~~punished as a Class E felon and shall be sentenced to a minimum term~~
29 ~~of 90 months and a maximum term of 120 months in the State's prison~~
30 ~~and shall be fined not less than one hundred thousand dollars~~
31 ~~(\$100,000);~~
- 32 ~~e. Is 400 grams or more, such person shall be punished as a Class C felon~~
33 ~~and shall be sentenced to a minimum term of 225 months and a~~
34 ~~maximum term of 282 months in the State's prison and shall be fined~~
35 ~~at least two hundred fifty thousand dollars (\$250,000).~~
- 36 (4) Any person who sells, manufactures, delivers, transports, or possesses four
37 grams or more of ~~opium or opiate~~opium, opiate, or opioid, or any salt,
38 compound, derivative, or preparation of ~~opium or opiate~~opium, opiate, or
39 opioid (except apomorphine, nalbuphine, analoxone and naltrexone and their
40 respective salts), including heroin, or any mixture containing such substance,
41 shall be guilty of a felony which felony shall be known as "trafficking in
42 ~~opium~~opium, opiate, opioid, or heroin" and if the quantity of such controlled
43 substance or mixture involved:
- 44 a. Is four grams or more, but less than 14 grams, such person shall be
45 punished as a Class F felon and shall be sentenced to a minimum term
46 of 70 months and a maximum term of 93 months in the State's prison
47 and shall be fined not less than fifty thousand dollars (\$50,000);
- 48 b. Is 14 grams or more, but less than 28 grams, such person shall be
49 punished as a Class E felon and shall be sentenced to a minimum term
50 of 90 months and a maximum term of 120 months in the State's prison

1 and shall be fined not less than one hundred thousand dollars
 2 (\$100,000);
 3 c. Is 28 grams or more, such person shall be punished as a Class C felon
 4 and shall be sentenced to a minimum term of 225 months and a
 5 maximum term of 282 months in the State's prison and shall be fined
 6 not less than five hundred thousand dollars (\$500,000).

7 ...

8 (4b) Any person who sells, manufactures, delivers, transports, or possesses 100 or
 9 more tablets, capsules, or other dosage units, or 28 grams or more of
 10 3,4-methylenedioxyamphetamine (MDA), including its salts, isomers, and
 11 salts of isomers, or 3,4-methylenedioxymethamphetamine (MDMA),
 12 including its salts, isomers, and salts of isomers, or any mixture containing
 13 such substances, shall be guilty of a felony, which felony shall be known as
 14 "trafficking in ~~MDA~~MDA/MDMA." If the quantity of the substance or
 15 mixture involved:

- 16 a. Is 100 or more tablets, capsules, or other dosage units, but less than
 17 500 tablets, capsules, or other dosage units, or 28 grams or more, but
 18 less than 200 grams, the person shall be punished as a Class G felon
 19 and shall be sentenced to a minimum term of 35 months and a
 20 maximum term of 51 months in the State's prison and shall be fined
 21 not less than twenty-five thousand dollars (\$25,000);
- 22 b. Is 500 or more tablets, capsules, or other dosage units, but less than
 23 1,000 tablets, capsules, or other dosage units, or 200 grams or more,
 24 but less than 400 grams, the person shall be punished as a Class F felon
 25 and shall be sentenced to a minimum term of 70 months and a
 26 maximum term of 93 months in the State's prison and shall be fined
 27 not less than fifty thousand dollars (\$50,000);
- 28 c. Is 1,000 or more tablets, capsules, or other dosage units, or 400 grams
 29 or more, the person shall be punished as a Class D felon and shall be
 30 sentenced to a minimum term of 175 months and a maximum term of
 31 222 months in the State's prison and shall be fined not less than two
 32 hundred fifty thousand dollars (\$250,000).

33"

34 **SECTION 8.** G.S. 90-107 reads as rewritten:

35 "**§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.**

36 Prescriptions, order forms and records, required by this Article, and stocks of controlled
 37 substances included in Schedules I through VI of this Article shall be open for inspection only to
 38 ~~federal~~the following individuals:

- 39 (1) Federal and State officers, whose duty it is to enforce the laws of this State or
 40 of the United States relating to controlled substances included in Schedules I
 41 through VI of this ~~Article~~Article.
- 42 (2) Certified diversion investigators affiliated with a qualified law enforcement
 43 agency, as those terms are defined in G.S. 90-113.74(i).
- 44 (3) Authorized employees of the North Carolina Department of Health and
 45 Human Services.

46 No officer having knowledge by virtue of his or her office of any such prescription, order, or
 47 record shall divulge such knowledge other than to other law-enforcement officials or agencies,
 48 except in connection with a prosecution or proceeding in court or before a licensing board or
 49 officer to which prosecution or proceeding the person to whom such prescriptions, orders, or
 50 records relate is a party."

51 **SECTION 9.** G.S. 90-108 reads as rewritten:

"§ 90-108. Prohibited acts; penalties.

(a) It shall be unlawful for any person:

- (1) Other than practitioners licensed under Articles 1, 2, 4, 6, 11, 12A of this Chapter to represent to any registrant or practitioner who manufactures, distributes, or dispenses a controlled substance under the provision of this Article that he or she is a licensed practitioner in order to secure or attempt to secure any controlled substance as defined in this Article or to in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner as listed above and who is licensed by this ~~State;~~State.
- (2) Who is subject to the requirements of G.S. 90-101 or a practitioner to distribute or dispense a controlled substance in violation of G.S. 90-105 or ~~90-106;~~G.S. 90-106.
- (3) Who is a registrant to manufacture, distribute, or dispense a controlled substance not authorized by his or her registration to another registrant or other authorized ~~person;~~person.
- (4) To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or its ~~successor;~~successor.
- (5) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this ~~Article;~~Article.
- (6) To refuse any entry into any premises or inspection authorized by this ~~Article;~~Article.
- (7) To knowingly keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled substances in violation of this Article for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this ~~Article;~~Article.
- (8) Who is a registrant or a practitioner to distribute a controlled substance included in Schedule I or II of this Article in the course of his or her legitimate business, except pursuant to an order form as required by ~~G.S. 90-105;~~G.S. 90-105.
- (9) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another ~~person;~~person.
- (10) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or ~~subterfuge;~~subterfuge.
- (11) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Article, or any record required to be kept by this ~~Article;~~Article.
- (12) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled ~~substance;~~substance.
- (13) To obtain controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more ~~practitioners;~~practitioners.
- (14) Who is a registrant or practitioner or an employee of a registrant or practitioner and who is authorized to possess controlled substances or has access to

1 controlled substances by virtue of his—employment, to embezzle or
 2 fraudulently or knowingly and willfully misapply or divert to his or her own
 3 use or other unauthorized or illegal use or to take, make away with or secrete,
 4 with intent to embezzle or fraudulently or knowingly and willfully misapply
 5 or divert to his or her own use or other unauthorized or illegal use any
 6 controlled substance which shall have come into his or her possession or under
 7 his or her care.

8 (15) Who is not a registrant or practitioner nor an employee of a registrant or
 9 practitioner and who, by virtue of his or her occupation or profession,
 10 administers or provides medical care, aid, emergency treatment, or any
 11 combination of these to a person who is prescribed a controlled substance, to
 12 embezzle or fraudulently or knowingly and willfully misapply or divert to his
 13 or her own use or other unauthorized or illegal use or to take, make away with,
 14 or secrete, with intent to embezzle or fraudulently or knowingly and willfully
 15 misapply or divert to his or her own use or other unauthorized or illegal use
 16 any controlled substance that is prescribed to another.

17 (b) Any person who violates this section shall be guilty of a Class 1 misdemeanor.
 18 Provided, that if the criminal pleading alleges that the violation was committed intentionally, and
 19 upon trial it is specifically found that the violation was committed intentionally, such violations
 20 shall be a Class I felony unless one of the following applies:

- 21 (1) A person who violates subdivision (7) of subsection (a) of this section and
 22 also fortifies the structure, with the intent to impede law enforcement entry,
 23 (by barricading windows and doors) shall be punished as a Class I felon.
 24 (2) A person who violates subdivision (14) or (15) of subsection (a) of this section
 25 shall be punished as a Class G felon.
 26 (3) A person who violates subdivision (14) or (15) of subsection (a) of this section
 27 and intentionally diverts any controlled substance by means of dilution or
 28 substitution or both shall be punished as a Class E felon. As used in this
 29 subdivision, the following terms have the following meanings:
 30 a. Dilution. – The act of diluting or the state of being diluted; the act of
 31 reducing the concentration of a mixture or solution.
 32 b. Substitution. – To take the place of or replace."

34 PART III. AMENDMENTS TO THE NORTH CAROLINA CONTROLLED 35 SUBSTANCES REPORTING SYSTEM ACT

36 SECTION 10. G.S. 90-113.73(b) reads as rewritten:

37 "(b) The Commission shall adopt rules requiring dispensers to report the following
 38 information. The Commission may modify these requirements as necessary to carry out the
 39 purposes of this Article. The dispenser shall report:

- 40 (1) ~~The dispenser's~~Dispenser's DEA number.
 41 (1a) Dispenser's national provider identification number.
 42 (2) ~~The~~Except as provided in subdivision (2a) of this subsection, the name of the
 43 patient for whom the controlled substance is being dispensed, and the
 44 patient's:
 45 a. Full address, including city, state, and zip ~~code,~~code.
 46 b. Telephone ~~number, and~~number.
 47 c. Date of birth.
 48 (2a) For veterinary medicine, the name, age, and type of animal for whom the
 49 controlled substance is being dispensed and the animal owner's:
 50 a. First and last name.
 51 b. Full address, including city, state, and zip code.

- 1 c. Date of birth.
- 2 (3) The date the prescription was written.
- 3 (4) The date the prescription was filled.
- 4 (5) The prescription number.
- 5 (6) Whether the prescription is new or a refill.
- 6 (7) Metric quantity of the dispensed drug.
- 7 (8) Estimated days of supply of dispensed drug, if provided to the dispenser.
- 8 (9) National Drug Code of dispensed drug.
- 9 (10) Prescriber's DEA number.
- 10 (10a) Prescriber's national provider identification number.
- 11 (10b) With respect to any Schedule II controlled substance, or any of the Schedule
- 12 III controlled substances listed in subdivisions (1) through (8) of
- 13 G.S. 90-91(d):
- 14 a. Name of the person seeking the dispensation.
- 15 b. Pursuant to G.S. 90-106.1(a), type of photographic identification
- 16 presented by the person seeking the dispensation.
- 17 c. Photographic identification number.
- 18 (11) Method of payment for the prescription."

SECTION 11. G.S. 90-113.74 reads as rewritten:

"§ 90-113.74. Confidentiality.

...

(b1) The Department may review the prescription information data in the controlled substances reporting system and upon review may:

- (1) Notify practitioners that a patient may have obtained prescriptions for controlled substances in a manner that may represent abuse, diversion of controlled substances, or an increased risk of harm to the patient.
- (1a) Notify practitioners and their respective licensing boards of prescribing behavior that (i) increases risk of diversion of controlled substances, (ii) increases risk of harm to the patient, or (iii) is an outlier among other practitioner behavior.
- (2) Report information regarding the prescribing practices of a practitioner to the agency responsible for licensing, registering, or certifying the practitioner pursuant to rules adopted by the agency as set forth below in subsection (b2) of this section.
- (3) Report to the Medicaid Investigations Division of the North Carolina Department of Justice information regarding data analysis that discloses trends in prescribing practices that suggest possible fraudulent activities.

...

(c) The Department shall release data in the controlled substances reporting system to the following persons only:

- (1) Persons authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for their patients. A person authorized to receive data pursuant to this paragraph may delegate the authority to receive the data to other persons working under his or her direction and supervision, provided the Department approves this delegation.

The administrator of a hospital emergency department or hospital acute care facility shall provide the Department with a list of prescribers who are authorized to prescribe controlled substances for the purpose of providing medical care for patients of the hospital emergency department or hospital acute care facility and a list of delegates who are authorized to receive data on behalf of the providers listed. The administrator acting under this paragraph

1 shall submit the lists to the Department no later than December 1 of the
2 calendar year preceding the year during which the delegates are to receive data
3 and may provide updated lists at any time during the course of the year. Within
4 one week of receiving the initial or updated lists described in this paragraph,
5 the Department shall establish all of the delegate accounts necessary to enable
6 each delegate listed by the administrator of the hospital emergency department
7 or hospital acute care facility to receive data on behalf of the listed prescribers.
8 Delegations made pursuant to this paragraph are valid during the calendar year
9 for which submitted by the administrator.

- 10 (2) An individual who requests the individual's own controlled substances
11 reporting system information.
- 12 (3) Special agents of the North Carolina State Bureau of Investigation who are
13 assigned to the Diversion & Environmental Crimes Unit and whose primary
14 duties involve the investigation of diversion and illegal use of prescription
15 medication. SBI agents assigned to the Diversion & Environmental Crimes
16 Unit may then provide this information to other SBI agents who are engaged
17 in a bona fide specific investigation related to enforcement of laws governing
18 licit drugs. ~~The SBI shall notify the Office of the Attorney General of North~~
19 ~~Carolina of each request for inspection of records maintained by the~~
20 ~~Department.~~ The Attorney General of North Carolina or a designee shall have
21 access to the system to monitor requests for inspection of records.
- 22 (4) Primary monitoring authorities for other states pursuant to a specific ongoing
23 investigation involving a designated person, if information concerns the
24 dispensing of a Schedule II through V controlled substance to an ultimate user
25 who resides in the other state or the dispensing of a Schedule II through V
26 controlled substance prescribed by a licensed health care practitioner whose
27 principal place of business is located in the other state.
- 28 (5) ~~To a sheriff or designated deputy sheriff or a police chief or a designated~~
29 ~~police investigator who is assigned to investigate the diversion and illegal use~~
30 ~~of prescription medication or pharmaceutical products identified in Article 5~~
31 ~~of this Chapter of the General Statutes as Schedule II through V controlled~~
32 ~~substances and who is engaged in a bona fide specific investigation related to~~
33 ~~the enforcement of laws governing licit drugs pursuant to a lawful court order~~
34 ~~specifically issued for that purpose.~~
- 35 (5a) Local law enforcement officers pursuant to subsection (i) of this section.
- 36 (6) The Division of Medical Assistance for purposes of administering the State
37 Medical Assistance Plan.
- 38 (6a) The Medicaid Investigations Division of the North Carolina Department of
39 Justice pursuant to an active investigation relating to Medicaid fraud, patient
40 abuse, or patient neglect in a health care facility.
- 41 (7) Licensing boards with jurisdiction over health care disciplines pursuant to an
42 ongoing investigation by the licensing board of a specific individual licensed
43 by the board.
- 44 (8) Any county medical examiner appointed by the Chief Medical Examiner
45 pursuant to G.S. 130A-382 and the Chief Medical Examiner, for the purpose
46 of investigating the death of an individual.
- 47 (9) ~~The federal Drug Enforcement Administration's Office of Diversion~~
48 ~~Control.~~ Control or Tactical Diversion Squad in North Carolina.
- 49 (10) The North Carolina Health Information Exchange Authority (NC HIE
50 Authority), established under Article 29B of this Chapter, through
51 Web-service calls.

- 1 ...
- 2 (i) The Department shall release data in the controlled substances reporting system to
- 3 local law enforcement officers in accordance with the following:
- 4 (1) The Department shall release data in the controlled substances reporting
- 5 system to a local law enforcement officer if all of the following conditions are
- 6 satisfied:
- 7 a. The local law enforcement officer is a certified diversion investigator.
- 8 b. The agency that supervises the investigator is a qualified law
- 9 enforcement agency.
- 10 c. The request is related to a bona fide active investigation related to the
- 11 enforcement of laws governing licit or illicit drugs.
- 12 (2) The conditions outlined in this subsection shall create an audit trail that may
- 13 be used to investigate or prosecute violations of this section. The Attorney
- 14 General of North Carolina or a designee and Special Agents of the State
- 15 Bureau of Investigation who are assigned to the Diversion & Environmental
- 16 Crimes Unit shall have access to the system to review the audit trail.
- 17 (3) In the event the prescription information provided to the local law
- 18 enforcement officer indicates transactions solely outside of that local law
- 19 enforcement officer's jurisdiction, the matter shall be referred to the State
- 20 Bureau of Investigation, Diversion & Environmental Crimes Unit, or to a
- 21 certified diversion investigator employed by a qualified law enforcement
- 22 agency with jurisdiction over the transactions at issue.
- 23 (4) Information obtained by certified diversion investigators from the database as
- 24 described by this subsection may be shared with other law enforcement
- 25 personnel or prosecutorial officials only upon the direction of the investigator
- 26 who originally requested the information and may only be shared with law
- 27 enforcement personnel from other law enforcement agencies who are directly
- 28 participating in an official joint investigation.
- 29 (5) As used in this subsection, the following terms have the following meanings:
- 30 a. Certified diversion investigator. – An officer affiliated with a qualified
- 31 law enforcement agency who is certified as a diversion investigator by
- 32 either the North Carolina Sheriffs' Education and Training Standards
- 33 Commission or the North Carolina Criminal Justice Education and
- 34 Training Standards Commission. Certified individuals must be
- 35 recertified every three years. If for any reason a certified diversion
- 36 investigator leaves their position involving diversion investigation, the
- 37 qualified law enforcement agency shall notify the North Carolina
- 38 Department of Health and Human Services Controlled Substance
- 39 Reporting System and the State Bureau of Investigation, Diversion &
- 40 Environmental Crimes Unit, within 72 hours of the change. The North
- 41 Carolina Sheriffs' Education and Training Standards Commission and
- 42 the North Carolina Criminal Justice Education and Training Standards
- 43 Commission may adopt any standards or curriculum necessary to
- 44 effectuate this Part.
- 45 b. Certified diversion supervisor. – The head of a municipal police
- 46 department, a county police department, a sheriff's department, or an
- 47 agency identified by G.S. 160A-288.2(d), or the designee of the
- 48 agency head with supervisory authority over that agency's diversion
- 49 investigators, who is certified as a diversion supervisor by either the
- 50 North Carolina Sheriffs' Education and Training Standards
- 51 Commission or the North Carolina Criminal Justice Education and

- 1 Training Standards Commission. The North Carolina Sheriffs'
2 Education and Training Standards Commission and the North Carolina
3 Criminal Justice Education and Training Standards Commission may
4 adopt any standards or curriculum necessary to effectuate this Part.
- 5 c. Qualified law enforcement agency. – Any of the following:
- 6 1. A municipal police department.
7 2. A county police department.
8 3. A sheriff's department.
9 4. An agency identified by G.S. 160A-288.2(d) whose head is a
10 certified diversion investigator or that employs a certified
11 diversion supervisor and one or more certified diversion
12 investigators and one or more certified diversion supervisors.
- 13 d. Active investigation. – An investigation that is being conducted with
14 a reasonable, good-faith belief that it could lead to the filing of
15 criminal proceedings.
- 16 (j) The Department of Health and Human Services shall develop the capabilities
17 necessary to implement subsection (i) of this section, including the capabilities necessary to do
18 all of the following:
- 19 (1) Enable each certified diversion investigator associated with a qualified law
20 enforcement agency to register with the controlled substances reporting
21 system by providing, at a minimum, the investigator's name and certification
22 number, the name of the qualified law enforcement agency for whom the
23 investigator works, and the name and certification number of each certified
24 diversion supervisor with whom the investigator works.
- 25 (2) Enable each certified diversion investigator associated with a qualified law
26 enforcement agency to request and receive data in connection with a bona fide
27 active investigation related to the enforcement of laws governing licit or illicit
28 drugs by providing, at a minimum, the case number associated with the
29 request and an acknowledgement that the certified diversion investigator is
30 aware of the penalties associated with improperly obtaining, disclosing, or
31 disseminating data from the controlled substances reporting system.
- 32 (3) Create an audit trail that may be used to investigate or prosecute violations of
33 this Part and ensure that the Attorney General of North Carolina or a designee
34 and Special Agents of the North Carolina State Bureau of Investigation who
35 are assigned to the Diversion & Environmental Crimes Unit have access to
36 the system to review the audit trail.
- 37 (k) The following penalties shall apply to any individual authorized to access data in the
38 controlled substances reporting system when that access is authorized by subdivisions (3)
39 through (10) of subsection (c) of this section:
- 40 (1) Upon a determination by the Department that an individual has negligently
41 disclosed or disseminated prescription information by failing to follow
42 protocols established to protect such information, the Department shall
43 suspend the individual's access to the controlled substances reporting system
44 for a period of not less than 12 months. The individual's access to the
45 controlled substances reporting system shall not be reinstated until the
46 individual receives remedial training on the protocols established to protect
47 such information. Upon a determination by the Department that the individual
48 has engaged in a second negligent use of the controlled substances reporting
49 system within two years after the first instance of negligence, the Department
50 shall permanently suspend the individual's access to the controlled substances
51 reporting system.

1 (2) An individual who knowingly discloses or disseminates prescription
2 information from the system or who accesses prescription information in the
3 system for a purpose not authorized by this section shall be guilty of a Class
4 3 misdemeanor.

5 (3) An individual who willfully and maliciously obtains, discloses, or
6 disseminates prescription information with the intent to use such information
7 for commercial advantage or personal gain, or to maliciously harm any person,
8 shall be guilty of a Class I felony.

9 (l) The State Bureau of Investigation, Diversion & Environmental Crimes Unit, may
10 investigate suspected violations of this section."

11 12 **PART IV. APPROPRIATIONS**

13 **SECTION 12.(a)** There is appropriated from the General Fund to the Department of
14 Health and Human Services, Division of Mental Health, Developmental Disabilities, and
15 Substance Abuse Services, the sum of ten million dollars (\$10,000,000) in recurring funds for
16 the 2018-2019 fiscal year. These funds shall not be used for any purpose other than to increase
17 the availability of community-based treatment and recovery services for substance use disorders,
18 including medication-assisted treatment. These funds shall not supplant existing funds for
19 community-based treatment and recovery services for substance abuse disorders.

20 **SECTION 12.(b)** There is appropriated from the General Fund to the Department of
21 Health and Human Services, Division of Mental Health, Developmental Disabilities, and
22 Substance Abuse Services, the sum of one million dollars (\$1,000,000) in recurring funds for the
23 2018-2019 fiscal year to purchase opioid antagonists, as defined in G.S. 90-12.7, which shall be
24 distributed at no charge to North Carolina law enforcement agencies for the reversal of
25 opioid-related drug overdoses.

26 **SECTION 12.(c)** There is appropriated from the General Fund to the State Bureau
27 of Investigation the sum of one hundred sixty thousand dollars (\$160,000) in recurring funds for
28 the 2018-2019 fiscal year to fund Operation Medicine Drop.

29 **SECTION 12.(d)** G.S. 143C-5-2 does not apply to this act.

30 31 **PART V. EFFECTIVE DATE**

32 **SECTION 13.** This act becomes effective July 1, 2018.