

A syringe with a needle and a pile of white powder on a black surface. The syringe is positioned diagonally in the upper right, and the powder is in the center. A clear plastic bag containing more powder is in the lower left.

# N.C. Harm Reduction and Immunity Laws

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## **A Refresher on North Carolina's Needle Exchange Law and Other Harm Reduction Immunities**



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In response to the opioid crisis, North Carolina passed several protections designed to alleviate some of the legal liability surrounding drug use in the interest of harm reduction and public health. One of those protections authorized needle exchange programs (alternatively known as safe syringes programs). [G.S. 90-113.27](#). A recent [study](#) examined how the needle exchange program is working in seven North Carolina counties and found that the law was not consistently applied. Brandon Morrison et al., *"They Don't Go by the Law Around Here": Law Enforcement Interactions After the Legalization of Syringe Services Programs in North Carolina*, vol. 19, Harm Reduction Journal, 106 (Sept. 27, 2022). Considering the study's findings, I thought a refresher on the immunity provisions for syringe exchanges and similar protections would be timely. Read



## Harm Reduction

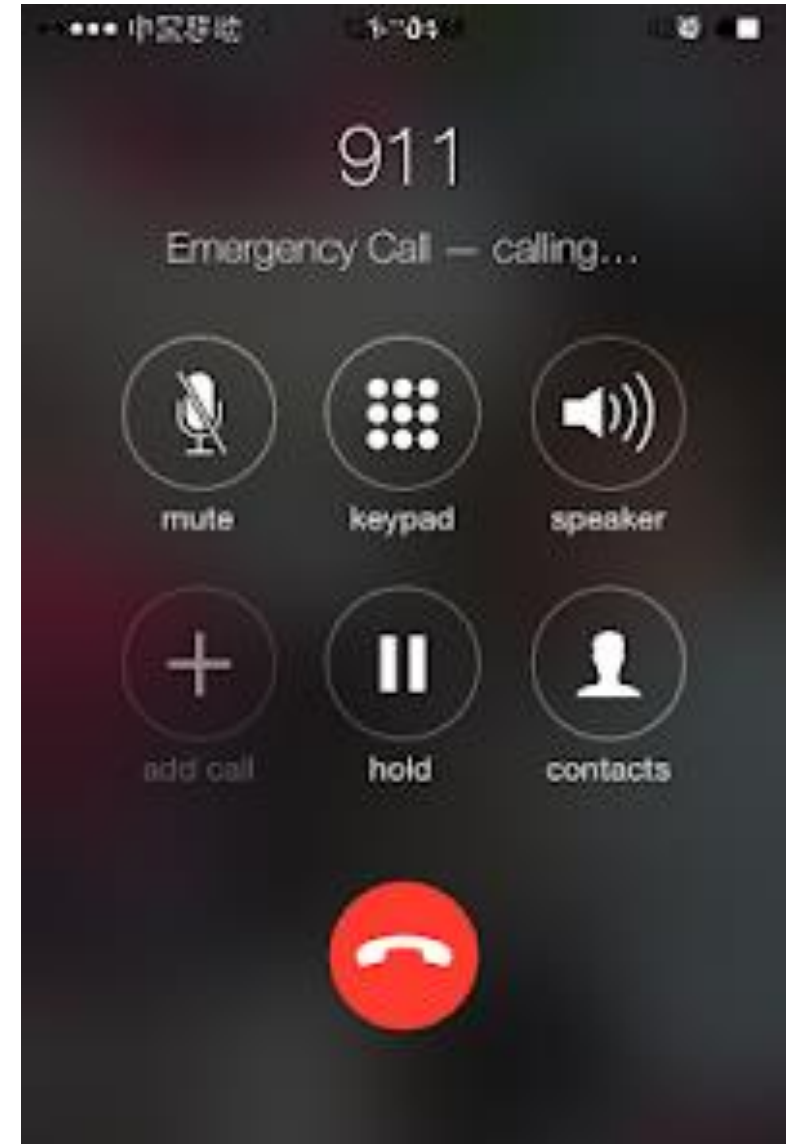
Most syringe services programs (SSPs) operate according to the [practices and philosophy of harm reduction](#). Harm reduction is an evolving set of practical strategies that reduce the negative consequences of drug use and other high-risk behaviors. It recognizes a spectrum of drug use between chaotic use and abstinence and promotes ways for people to manage their use and to use more safely.

SSPs, community naloxone distribution and drug-checking with fentanyl test strips are all harm reduction techniques that reduce the risks associated with drug use. Harm reduction is also a philosophy based on the belief that people who use drugs deserve to protect themselves and their loved ones, whether or not they are seeking treatment. Meeting people where they are to provide services allows harm reduction programs to work with participants to address drug use and conditions of use. It is an effective model: people engaged in SSPs are five times more likely to enter treatment for substance use disorder than non-participants.

[North Carolina Safer Syringe Initiative](#)[Syringe Services](#)[SSP Sign-up Form](#)[SSP Annual Report](#)[SSP Models](#)[Funding SSPs](#)[Harm Reduction](#)[Quick Answers for](#)[Participant Cards](#)

# NC Harm Reduction Laws

- G.S. 90-96.2
- Immunity for overdosing person and person reporting an overdose in limited situations
- “Good Samaritan” Law





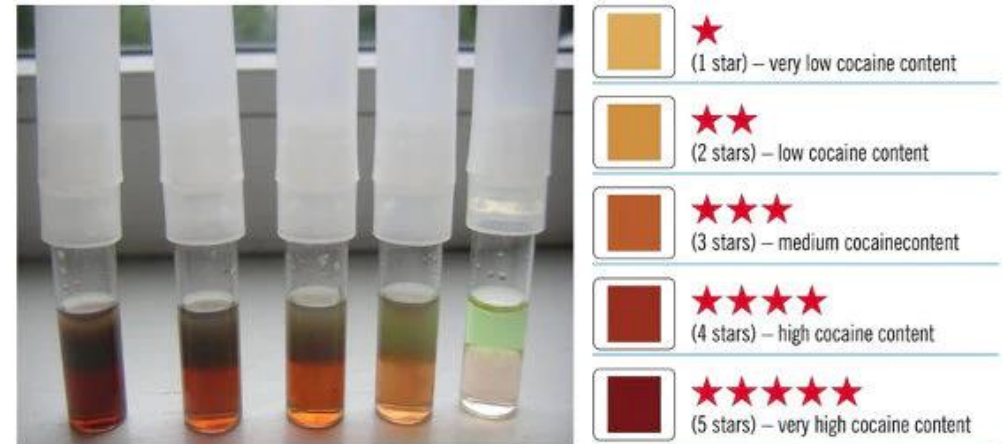


# Naloxone (a/k/a Narcan) Immunity

- Limited immunity for distribution or administration of Narcan under G.S. 90-12.7
- Narcan Nasal Spray 4mg. now FDA approved for OTC sales
- Other brands have yet to obtain OTC approval but may be obtained pursuant to standing orders

# NC Harm Reduction Laws

- G.S. 90-113.22
  - Immunity for disclosing the existence of needles or other sharps prior to search by law enforcement
  - Testing kits to determine drug identity, purity, or strength are no longer considered drug paraphernalia







# #NCSYRINGEACCESS

## PARTICIPANT IDENTIFICATION CARD

CLIENT ID: \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

LAW ENFORCEMENT

The carrier of this card is a participant in a certified North Carolina-approved syringe access program as specified in NC G.S. 90-113.27. As such, the carrier of this card is exempt from charge and prosecution for the possession of syringes and other injection supplies, as well as exempt from charge and prosecution for any residual amounts of a controlled substance contained in the syringe or other injection supplies. Possession of syringes and other injection supplies, obtained from the NCHRC to reduce the spread of HIV and other blood borne pathogens, is authorized by the law.



To verify an individual's participation in NCHRC's syringe exchange program, please call (910) 685-5596

## NC Harm Reduction Laws

- G.S. 90-113.27
  - Limited immunity for workers, volunteers, and participants in a needle exchange program (a/k/a safe syringe programs or SSPs)

# Purposes of SSP

- Reduce HIV, AIDS, hepatitis, and other bloodborne diseases
- Reduce needle stick injuries to officers and other first responders
- Reduce drug overdose deaths
- Encourage drug users to seek treatment





# SSP programs must:

Dispose	Dispose of used needles
Distribute	Distribute unused needles and other injection supplies
Supply	Supply educational materials on various health issues, including drug treatment
Provide	Provide access to Naloxone or referrals to programs that provide it
Maintain	Maintain security of program sites, provide plans to local LEOs, and update the plans annually

# For an SSP to lawfully operate:

- SSP must report to NCDHHS the name of the organization or agency operating the program, the area and population to be served, and its proposed methods for meeting the program requirements
- Once established, the SSP must report to NCDHHS annually on numbers of people served, equipment distributed, naloxone distributed, and the type and number of treatment referrals

# What SSPs Do:

- Any employee, volunteer, or participant in the SSP is immune from charge or prosecution for any drug paraphernalia related to injection supplies and for any residual amounts of drugs in a used needle obtained from or returned to the SSP
- Person claiming immunity must provide written documentation that injection supplies are from the SSP
- Immunity from civil liability for officers who arrest or charge a SSP participant when acting in good faith



Research | [Open Access](#) | [Published: 27 September 2022](#)

## "They don't go by the law around here": law enforcement interactions after the legalization of syringe services programs in North Carolina

[Brandon Morrissey](#), [Tamera Hughes](#), [Bayla Ostrach](#), [Loftin Wilson](#), [Reid Getty](#), [Tonya L. Combs](#), [Jesse Bennett](#) & [Jennifer J. Carroll](#) 

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### Abstract

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#### Background



# Statutory Authorities

G.S. 90-113.27 – Needle Exchange Law/SSP

G.S. 90-113.22 – Sharps and Testing Kits Immunities

G.S. 90-96.2 – Good Samaritan Immunity

G.S. 90-12.7 – Naloxone Immunity

# Resources

- <https://www.ncdhhs.gov/divisions/public-health/north-carolina-safer-syringe-initiative>
- <https://www.nchrc.org/syringe-services-programs/>
- <https://canons.sog.unc.edu/2023/01/a-refresher-on-north-carolinas-needle-exchange-law-and-other-harm-reduction-immunities/>

# Questions?

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