

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1119

Short Title: Sheriff/Inspect Prescription & Drug Records. (Public)

Sponsors: Representatives McLawhorn, Justus, R. Warren (Primary Sponsors); Lucas, Setzer, Starnes, and Wray.

Referred to: Health, if favorable, Judiciary III.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A SHERIFF OR A DESIGNATED DEPUTY SHERIFF INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-113.74(c) is amended by adding a new subdivision to read:

"(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.
- (2) An individual who requests the individual's own controlled substances reporting system information.
- (3) Special agents of the North Carolina State Bureau of Investigation who are assigned to the Diversion & Environmental Crimes Unit and whose primary duties involve the investigation of diversion and illegal use of prescription medication and who are engaged in a bona fide specific investigation related to enforcement of laws governing licit drugs. The SBI shall notify the Office of the Attorney General of North Carolina of each request for inspection of records maintained by the Department.
- (4) Primary monitoring authorities for other states pursuant to a specific ongoing investigation involving a designated person, if information concerns the dispensing of a Schedule II through V controlled substance to an ultimate user who resides in the other state or the dispensing of a Schedule II through V controlled substance prescribed by a licensed health care practitioner whose principal place of business is located in the other state.
- (5) To a court pursuant to a lawful court order in a criminal action.
- (6) The Division of Medical Assistance for purposes of administering the State Medical Assistance Plan.
- (7) Licensing boards with jurisdiction over health care disciplines pursuant to an ongoing investigation by the licensing board of a specific individual licensed by the board.
- (8) A sheriff or a designated deputy sheriff who is assigned to investigate the diversion and illegal use of prescription medication or pharmaceutical



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1 products identified in Article 5 of this Chapter as Schedule II through V
2 controlled substances."

3 **SECTION 2.** G.S. 90-107 reads as rewritten:

4 "**§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.**

5 Prescriptions, order forms and records, required by this Article, and stocks of controlled
6 substances included in Schedules I through VI of this Article shall be open for inspection only
7 to federal and State officers, whose duty it is to enforce the laws of this State or of the United
8 States relating to controlled substances included in Schedules I through VI of this Article, ~~and~~
9 to authorized employees of the North Carolina Department of Health and Human ~~Services.~~
10 Services, and to a sheriff or a designated deputy sheriff who is assigned to investigate the
11 diversion and illegal use of prescription medication or pharmaceutical products included in
12 Schedules I through V of this Article. No officer having knowledge by virtue of his office of
13 any such prescription, order, or record shall divulge such knowledge other than to other
14 law-enforcement officials or agencies, except in connection with a prosecution or proceeding in
15 court or before a licensing board or officer to which prosecution or proceeding the person to
16 whom such prescriptions, orders, or records relate is a party."

17 **SECTION 3.** This act becomes effective December 1, 2009.