

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 896

Short Title: Database/Controlled Substances.

(Public)

Sponsors: Representatives Hensley and Blue.

Referred to: Health.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAINTAIN A COMPUTERIZED DATABASE OF INFORMATION REGARDING THE PRESCRIBING AND FILLING OF ORDERS FOR CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

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

"§ 90-107A. Database of information on prescribing and filling of orders for Schedules II through V controlled substances.

(a) The Department of Health and Human Services through its Drug Regulatory Section shall maintain a computerized database for prescriptions listed in Schedules II through V of this Article. This database is to be accessed only upon a reasonable belief that a violation of G.S. 90-108 has occurred or is presently occurring. Information from the database shall be available to State law enforcement officers who are authorized by law to enforce this Article and to authorized employees of the Department's Drug Regulatory Section.

(b) A pharmacy or other person providing information to the database pursuant to this section shall be immune from criminal prosecution and civil liability based on providing the information unless the pharmacy or person knew the information was false or acted in reckless disregard of whether or not the information was false.

(c) Except as authorized by law, disclosure of information from the database to a person not authorized to receive the information is a Class 3 misdemeanor and is punishable only by a fine not to exceed five hundred dollars (\$500.00) for each unauthorized disclosure.

(d) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall adopt rules for the establishment and maintenance of the database in accordance with this section."

1 **SECTION 2.** This act is effective when it becomes law.