

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE DRH30122-MG-30 (01/28)

Short Title: Reduce Bloodborne Disease Infection.

(Public)

Sponsors: Representatives Insko; and Harrison.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REDUCE BLOODBORNE DISEASE INFECTION AND NEEDLE STICK
INJURIES BY EXCLUDING NEEDLES, SYRINGES, AND OTHER INJECTION
EQUIPMENT FROM THE LIST OF ITEMS DESIGNATED AS DRUG
PARAPHERNALIA AND BY DECRIMINALIZING THE USE, POSSESSION,
MANUFACTURE, AND DELIVERY OF INJECTION EQUIPMENT UNDER THE
NORTH CAROLINA DRUG PARAPHERNALIA ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-113.21(a) reads as rewritten:

"(a) As used in this Article, "drug paraphernalia" means all equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Controlled Substances Act, including planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and ~~injecting~~,—ingesting, inhaling, or otherwise introducing controlled substances into the human body. "Drug paraphernalia" includes, but is not limited to, the following:

- (1) Kits for planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits for manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices for increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of controlled substances;
- (5) Scales and balances for weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose for mixing with controlled substances;
- (7) Separation gins and sifters for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons, and mixing devices for compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers for packaging small quantities of controlled substances;
- (10) Containers and other objects for storing or concealing controlled substances;



- 1 (11) Hypodermic syringes, needles, and other objects for parenterally injecting
2 controlled substances into the body;
- 3 (12) Objects for ingesting, inhaling, or otherwise introducing marijuana, cocaine,
4 hashish, or hashish oil into the body, such as:
- 5 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
6 without screens, permanent screens, hashish heads, or punctured
7 metal bowls;
- 8 b. Water pipes;
- 9 c. Carburetion tubes and devices;
- 10 d. Smoking and carburetion masks;
- 11 e. Objects, commonly called roach clips, for holding burning material,
12 such as a marijuana cigarette, that has become too small or too short
13 to be held in the hand;
- 14 f. Miniature cocaine spoons and cocaine vials;
- 15 g. Chamber pipes;
- 16 h. Carburetor pipes;
- 17 i. Electric pipes;
- 18 j. Air-driven pipes;
- 19 k. Chillums;
- 20 l. Bongs;
- 21 m. Ice pipes or chillers."

22 **SECTION 2.** G.S. 90-113.22(a) reads as rewritten:

23 "(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug
24 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
25 produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a
26 controlled substance which it would be unlawful to possess, or to ~~inject~~, ingest, inhale, or
27 otherwise introduce into the body a controlled substance which it would be unlawful to
28 possess."

29 **SECTION 3.** G.S. 90-113.23(a) reads as rewritten:

30 "(a) It is unlawful for any person to deliver, possess with intent to deliver, or
31 manufacture with intent to deliver, drug paraphernalia knowing that it will be used to plant,
32 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process,
33 prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance
34 which it would be unlawful to possess, or that it will be used to ~~inject~~, ingest, inhale, or
35 otherwise introduce into the body a controlled substance which it would be unlawful to
36 possess."

37 **SECTION 4.** Article 5B of Chapter 90 of the General Statutes is amended by
38 adding a new section to read:

39 "**§ 90-113.25. Use, possession, manufacture, or delivery of injection equipment not**
40 **unlawful.**

41 (a) Legislative Findings. – The General Assembly finds all of the following:

- 42 (1) Nearly 20,000 North Carolinians have been diagnosed with Acquired
43 Immune Deficiency Syndrome (AIDS) virus infection.
- 44 (2) Approximately 150,000 North Carolinians are currently living with Hepatitis
45 C.
- 46 (3) Nearly twenty-three percent (23%) of North Carolinians who have
47 contracted AIDS acquired the disease through sharing infected syringes and
48 other injection equipment.
- 49 (4) Law enforcement officers and others are at risk of acquiring HIV infection,
50 AIDS virus infection, Hepatitis C, and other bloodborne diseases through
51 needle stick injuries.

1 (5) Criminal laws prohibiting the possession, use, and distribution of syringes
2 and other injection equipment have been shown to reduce access to sterile
3 syringes and other injection equipment.

4 (6) Increased access to sterile syringes and other injection equipment does not
5 increase or encourage drug use.

6 (7) Increased access to sterile syringes and other injection equipment has been
7 shown to decrease needle stick injuries to law enforcement officers and to
8 decrease transmission of HIV, AIDS, and other bloodborne diseases among
9 drug users and the general public.

10 (b) Injection Equipment Not Unlawful. – It is not unlawful under this Article to do any
11 of the following:

12 (1) Use, or possess with intent to use, any equipment, product, or material used
13 to inject, or used in conjunction with any other equipment, product, or
14 material used to inject, a controlled substance into the body.

15 (2) Deliver, possess with intent to deliver, or manufacture with intent to deliver
16 any equipment, product, or material used to inject, or used in conjunction
17 with any other equipment, product, or material used to inject, a controlled
18 substance into the body."

19 **SECTION 5.** This act becomes effective December 1, 2011, and applies to acts
20 committed on or after that date.