

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH90050-LH-96 (02/21)

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

Sponsors: Representatives McElraft, Randleman, and McLawhorn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A SHERIFF OR A DESIGNATED DEPUTY SHERIFF
3 INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED
4 SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL
5 RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE
6 REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND
7 HUMAN SERVICES.

8 The General Assembly of North Carolina enacts:

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

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

12 ...

13 (9) A sheriff or a designated deputy sheriff who is assigned to investigate the
14 diversion and illegal use of prescription medication or pharmaceutical
15 products identified in Article 5 of this Chapter of the General Statutes as
16 Schedule II through V controlled substances, provided that the sheriff or
17 designated deputy sheriff is engaged in a bona fide specific investigation
18 relating to the enforcement of laws governing licit drugs. The sheriff or
19 designated deputy sheriff shall notify the Office of the Attorney General of
20 North Carolina of each request for inspection of records maintained by the
21 Department."

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

23 **"§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.**

24 Prescriptions, order forms and records, required by this Article, and stocks of controlled
25 substances included in Schedules I through VI of this Article shall be open for inspection only
26 to federal and State officers, whose duty it is to enforce the laws of this State or of the United
27 States relating to controlled substances included in Schedules I through VI of this Article, ~~and~~
28 to authorized employees of the North Carolina Department of Health and Human ~~Services.~~
29 Services, and to a sheriff or a designated deputy sheriff who is assigned to investigate the
30 diversion and illegal use of prescription medication or pharmaceutical products included in
31 Schedules I through V of this Article, provided that the sheriff or designated deputy sheriff is
32 engaged in a bona fide specific investigation relating to the enforcement of laws governing licit
33 drugs. No officer having knowledge by virtue of his office of any such prescription, order, or
34 record shall divulge such knowledge other than to other law-enforcement officials or agencies,
35 except in connection with a prosecution or proceeding in court or before a licensing board or



1 officer to which prosecution or proceeding the person to whom such prescriptions, orders, or
2 records relate is a party."

3 **SECTION 3.** This act becomes effective December 1, 2011.