

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 606

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

Sponsors: Representatives McElraft, Randleman, and McLawhorn (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

April 5, 2011

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:

...

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

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

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

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