

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

FILED SENATE  
Feb 21, 2019  
S.B. 106  
PRINCIPAL CLERK

S

D

SENATE BILL DRS35047-MG-1

Short Title: Clarify Limited Immunity/Overdose Victims. (Public)

Sponsors: Senators J. Jackson, J. Davis, and Britt (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED  
AN ACT CLARIFYING THE APPLICABILITY OF LIMITED IMMUNITY FOR DRUG  
OVERDOSE VICTIMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-96.2 reads as rewritten:

**"§ 90-96.2. Drug-related overdose treatment; limited immunity.**

...

(b) Limited Immunity for Samaritan. – A person shall not be prosecuted for any of the offenses listed in subsection (c3) of this section if all of the following requirements and conditions are met:

- (1) The person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.
- (2) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.
- (3) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.
- (4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.
- (5) The evidence for prosecution of the offenses listed in subsection (c3) of this section was obtained as a result of the person seeking medical assistance for the drug-related overdose.

(c) Limited Immunity for Overdose Victim. – The immunity described in subsection (b) of this section ~~shall extend~~ extends to the person-individual who experienced the drug-related overdose if all of the requirements and conditions listed in subdivisions (1), (2), (4), and (5) of subsection (b) of this section are ~~satisfied~~ satisfied by the person who sought medical assistance, including when that person is the same individual who experienced the drug-related overdose.

...."

**SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

