

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 253

Short Title: LEO May Inspect Pharmaceutical Records. (Public)

Sponsors: Senators J. Davis (Primary Sponsor); and Randleman.

Referred to: Judiciary I.

March 12, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A SHERIFF, DESIGNATED DEPUTY SHERIFF, POLICE
3 CHIEF, OR DESIGNATED POLICE OFFICER INVESTIGATING THE DIVERSION
4 AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY INSPECT
5 PRESCRIPTION AND PHARMACEUTICAL RECORDS AND MAY ALSO OBTAIN
6 DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED
7 BY THE DEPARTMENT OF HEALTH AND 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, designated deputy sheriff, police chief, or designated police officer
14 who is assigned to investigate the diversion and illegal use of prescription
15 medication or pharmaceutical products identified in Article 5 of this Chapter
16 of the General Statutes as Schedule II through V controlled substances,
17 provided that the sheriff, designated deputy sheriff, police chief, or
18 designated police officer is engaged in a bona fide investigation specifically
19 relating to the enforcement of laws governing licit drugs. The sheriff,
20 designated deputy sheriff, police chief, or designated police officer shall
21 notify the Office of the Attorney General of North Carolina of each request
22 for inspection of records maintained by the Department."

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

24 **"§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.**

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



1 connection with a prosecution or proceeding in court or before a licensing board or officer to
2 which prosecution or proceeding the person to whom such prescriptions, orders, or records
3 relate is a party."

4 **SECTION 3.** This act becomes effective December 1, 2013.