

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 481

Short Title: Reduce Needle Stick Injuries. (Public)

Sponsors: Representatives Insko and Harrison (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary.

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO REDUCE NEEDLE STICK INJURIES AMONG LAW ENFORCEMENT OFFICERS, EMERGENCY RESPONDERS, AND OTHERS 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.

Whereas, as of December 31, 2010, approximately 25,000 North Carolinians are living with HIV/AIDS; and

Whereas, approximately 150,000 North Carolinians are currently living with Hepatitis C; and

Whereas, nearly twenty-three percent (23%) of North Carolinians who have contracted HIV/AIDS acquired the disease through sharing infected syringes and other injection equipment; and

Whereas, law enforcement officers, emergency responders, and others are at risk of acquiring HIV/AIDS, Hepatitis C, and other bloodborne diseases through needle stick injuries; and

Whereas, in its report entitled, "North Carolina Law Enforcement Attitudes Towards Syringe Decriminalization, 2012," the North Carolina Harm Reduction Coalition reports that overall, law enforcement officers view syringe decriminalization as a positive means of increasing the safety of the community and decreasing the number of needle stick injuries among law enforcement officers; and

Whereas, criminal laws prohibiting the possession, use, and distribution of syringes and other injection equipment have been shown to reduce access to sterile syringes and other injection equipment; and

Whereas, increased access to sterile syringes and other injection equipment does not increase or encourage drug use; and

Whereas, increased access to sterile syringes and other injection equipment has been shown to decrease needle stick injuries to law enforcement officers; and

Whereas, increased access to sterile syringes and other injection equipment has been shown to decrease transmission of HIV/AIDS and other bloodborne diseases among drug users as well as the general public; Now, therefore,

The General Assembly of North Carolina enacts:

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



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

- 8 (1) Kits for planting, propagating, cultivating, growing, or harvesting any
9 species of plant which is a controlled substance or from which a controlled
10 substance can be derived;
- 11 (2) Kits for manufacturing, compounding, converting, producing, processing, or
12 preparing controlled substances;
- 13 (3) Isomerization devices for increasing the potency of any species of plant
14 which is a controlled substance;
- 15 (4) Testing equipment for identifying, or analyzing the strength, effectiveness,
16 or purity of controlled substances;
- 17 (5) Scales and balances for weighing or measuring controlled substances;
- 18 (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite,
19 dextrose, and lactose for mixing with controlled substances;
- 20 (7) Separation gins and sifters for removing twigs and seeds from, or otherwise
21 cleaning or refining, marijuana;
- 22 (8) Blenders, bowls, containers, spoons, and mixing devices for compounding
23 controlled substances;
- 24 (9) Capsules, balloons, envelopes and other containers for packaging small
25 quantities of controlled substances;
- 26 (10) Containers and other objects for storing or concealing controlled substances;
- 27 ~~(11) Hypodermic syringes, needles, and other objects for parenterally injecting~~
28 ~~controlled substances into the body;~~
- 29 (12) Objects for ingesting, inhaling, or otherwise introducing marijuana, cocaine,
30 hashish, or hashish oil into the body, such as as any of the following:
31 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
32 without screens, permanent screens, hashish heads, or punctured
33 metal ~~bowls~~; bowls.
34 b. Water ~~pipes~~; pipes.
35 c. Carburetion tubes and ~~devices~~; devices.
36 d. Smoking and carburetion ~~masks~~; masks.
37 e. Objects, commonly called roach clips, for holding burning material,
38 such as a marijuana cigarette, that has become too small or too short
39 to be held in the ~~hand~~; hand.
40 f. Miniature cocaine spoons and cocaine ~~vials~~; vials.
41 g. Chamber ~~pipes~~; pipes.
42 h. Carburetor ~~pipes~~; pipes.
43 i. Electric ~~pipes~~; pipes.
44 j. Air-driven ~~pipes~~; pipes.
45 k. ~~Chillums~~; Chillums.
46 l. ~~Bongs~~; Bongs.
47 m. Ice pipes or chillers."

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

49 "(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug
50 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
51 produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a

1 controlled substance which it would be unlawful to possess, or to ~~inject~~, ingest, inhale, or
2 otherwise introduce into the body a controlled substance which it would be unlawful to
3 possess."

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

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

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

14 "**§ 90-113.25. Use, possession, manufacture, or delivery of injection equipment not**
15 **unlawful.**

16 Notwithstanding any provision of this Article, it is not unlawful for any person to do any of
17 the following:

18 (1) Use, or possess with intent to use, a hypodermic syringe, needle, or other
19 equipment, product, or material that is (i) used to parenterally inject a
20 controlled substance into the body; or (ii) used in conjunction with other
21 equipment, product, or material used to parenterally inject a controlled
22 substance into the body.

23 (2) Deliver, possess with intent to deliver, or manufacture with intent to deliver
24 a hypodermic syringe, needle, or other equipment, product, or material that
25 is (i) used to parenterally inject a controlled substance into the body; or (ii)
26 used in conjunction with other equipment, product, or material used to
27 parenterally inject a controlled substance into the body."

28 **SECTION 5.** This act becomes effective December 1, 2013, and applies to acts
29 committed on or after that date.