

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 889

Short Title: Protecting First Responders Act. (Public)

Sponsors: Senators Alexander, Britt, and Burgin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 6, 2024

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING AN ASSAULT OR AFFRAY AGAINST CERTAIN EMERGENCY RESPONDERS AND TO CRIMINALIZE EXPOSING CERTAIN EMERGENCY RESPONDERS TO FENTANYL OR OTHER HARMFUL DRUG OR CHEMICAL AGENTS; TO APPROPRIATE NONRECURRING FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO DISTRIBUTE AS GRANTS TO USE FOR EQUIPMENT TO PROTECT CERTAIN FIRST RESPONDERS; AND TO AMEND THE LABOR LAWS TO SET THE MINIMUM WAGES OF PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS AND REQUIRE FREE MENTAL HEALTH COUNSELING AND SUPPORT FOR THOSE EMPLOYEES.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known and may be cited as the "Protecting First Responders Act" or the "PROFR Act."

PART II. CRIMINALIZE EXPOSING CERTAIN EMERGENCY RESPONDERS TO FENTANYL OR OTHER HARMFUL DRUG OR CHEMICAL AGENTS

SECTION 2.(a) G.S. 14-34.6(a) reads as rewritten:

"(a) A person is guilty of a Class ~~I-H~~ felony if the person commits an assault or affray causing physical injury on any of the following persons who are discharging or attempting to discharge their official duties:

- (1) An emergency medical technician or other emergency health care provider.
- (2) A medical responder.
- (3) Hospital employee, medical practice employee, licensed health care provider, or individual under contract to provide services at a hospital or medical practice.
- ...
- (5) A firefighter.
- (6) Hospital security personnel."

SECTION 2.(b) Article 36 of Chapter 14 of the General Statutes is amended by adding a section to read:

"§ 14-286.3. Exposing certain emergency responders to fentanyl or other harmful drug or chemical agent; failure to notify certain emergency responders of presence of fentanyl or other harmful drug or chemical agent.

(a) Definitions. – The following definitions apply in this section:



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- (1) Emergency responder. – Any of the following persons who are discharging or attempting to discharge their official duties:
- a. An emergency medical technician or other emergency health care provider.
- b. A medical responder.
- c. A firefighter.
- d. A law enforcement officer.
- (2) Expose. – Creating a risk of skin contact, inhalation, ingestion, or contact with a needlestick or a mucus membrane, including the mouth, eyes, or nose.
- (b) Exposure. – A person is guilty of a Class H felony if the person unlawfully and intentionally possesses fentanyl or any other harmful drug or chemical agent and exposes an emergency responder to the fentanyl or other harmful drug or chemical agent.
- (c) Exposure Causing Serious Bodily Injury. – A person is guilty of a Class G felony if the person violates subsection (b) of this section and the emergency responder suffers serious bodily injury as a result of the exposure.
- (d) Failure to Notify. – A person is guilty of a Class I felony if the person knows fentanyl or other harmful drugs or chemical agents are unlawfully present at a location an emergency responder is responding to and willfully fails to notify the emergency responder of the presence of the fentanyl or other harmful drug or chemical agent within a reasonable time prior to the emergency responder arriving at the location.
- (e) Separate Offense. – Each violation of this section constitutes a separate offense and shall not merge with any other offense."

SECTION 2.(c) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

PART III. APPROPRIATE FUNDS FOR EQUIPMENT TO PROTECT CERTAIN FIRST RESPONDERS

SECTION 3.(a) There is appropriated from the General Fund to the Department of Public Safety the sum of ten million three hundred fifty thousand dollars (\$10,350,000) in nonrecurring funds for the 2025-2026 fiscal year to be distributed as grants, upon application, to State and local government agencies employing paramedics and emergency medical technicians registered under the National Registry of Emergency Medical Technicians (NREMT) for the following purposes:

- (1) Eight million one hundred thousand dollars (\$8,100,000) to be distributed for the purchase of bulletproof vests for paramedics and emergency medical technicians.
- (2) Two million two hundred fifty thousand dollars (\$2,250,000) to be distributed for the purchase of bulletproof backpack plates for paramedics and emergency medical technicians.

SECTION 3.(b) State and local government agencies with volunteer or contract paramedics or emergency medical technicians registered under NREMT may also apply for grant funds under this section.

SECTION 3.(c) Notwithstanding any other provision of law to the contrary, the funds appropriated by this section shall not revert until July 1, 2027.

SECTION 3.(d) This section becomes effective July 1, 2024.

PART IV. SET THE MINIMUM WAGES FOR CERTAIN FIRST RESPONDERS AND REQUIRE FREE MENTAL HEALTH COUNSELING AND SUPPORT FOR THOSE EMPLOYEES

SECTION 4.(a) Minimum Wage Set. – Effective July 1, 2024, G.S. 95-25.3 is amended by adding two new subsections to read:

"(a1) Notwithstanding the provisions of subsection (a) of this section to the contrary, every employer of employees who are paramedics shall pay to each paramedic who in any workweek performs any work wages of at least thirty dollars (\$30.00) per hour or the minimum wage set forth in paragraph 1 of section 6(a) of the Fair Labor Standards Act, 29 U.S.C. § 206(a)(1), as that wage may change from time to time, whichever is higher. The term "paramedic" is defined in G.S. 131E-155(15a) for the purposes of this subsection.

(a2) Notwithstanding the provisions of subsection (a) of this section to the contrary, every employer of employees who are emergency medical technicians shall pay to each emergency medical technician who in any workweek performs any work wages of at least twenty-six dollars (\$26.00) per hour or the minimum wage set forth in paragraph 1 of section 6(a) of the Fair Labor Standards Act, 29 U.S.C. § 206(a)(1), as that wage may change from time to time, whichever is higher. The term "emergency medical technician" is defined in G.S. 131E-155(10) for the purposes of this subsection."

SECTION 4.(b) Mental Health Care Required. – Effective July 1, 2024, Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-28.5. Mental health care benefits required for paramedics and emergency medical technicians.

Every person, firm, corporation, unincorporated association, State agency, unit of local government, or any public or private entity that employs one or more paramedics as defined in G.S. 131E-155(15a) or emergency medical technicians as defined in G.S. 131E-155(10), or both, shall provide mental health counseling services to those employees at the employer's expense and shall establish a social support system for those employees. The counseling services required by this section must be accessible 24 hours per day, seven days per week."

SECTION 4.(c) This section is effective when it becomes law and applies to persons employed on and after that date.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.