

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35345-MGa-155

Short Title: The Freedom from Fentanyl Act. (Public)

Sponsors: Senators Batch, Smith, and Grafstein (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT ENACTING THE FREEDOM FROM FENTANYL ACT TO RESTRICT THE SALE
OF VAPOR PRODUCTS NEAR CHILD CARE FACILITIES, SCHOOLS, CERTAIN
INSTITUTIONS OF HIGHER EDUCATION, AND RELIGIOUS PLACES OF WORSHIP;
TO CREATE A FENTANYL MISUSE TASK FORCE; AND TO APPROPRIATE FUNDS
TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
PUBLIC HEALTH, TO PURCHASE OPIOID ANTAGONISTS FOR LOCAL HEALTH
DEPARTMENTS TO DISTRIBUTE FREE OF CHARGE TO NORTH CAROLINA
RESIDENTS.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1.1. This act shall be known and may be cited as the "Freedom from Fentanyl Act."

PART II. RESTRICTIONS ON THE SALE OF VAPOR PRODUCTS NEAR CHILD CARE FACILITIES, SCHOOLS, CERTAIN INSTITUTIONS OF HIGHER EDUCATION, AND RELIGIOUS PLACES OF WORSHIP

SECTION 2.1.(a) Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-401.28. Sale of vapor products near certain locations unlawful.

(a) It is unlawful for any person, firm, or corporation in this State to sell or to purchase any vapor products, as defined in G.S. 14-313, within 1,000 linear feet of the property line of any of the following:

(1) A church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship.

(2) A child care facility, as defined in G.S. 110-86(3).

(3) A public school unit, or any nonpublic school, as defined in Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes. This subdivision does not include home schools, as defined in G.S. 115C-563.

(4) A community college under the jurisdiction of the State Board of Community Colleges.

(5) The facilities of The University of North Carolina and the grounds of those facilities, as defined in G.S. 143-597(a)(6).

(b) A violation of this section is a Class 2 misdemeanor."



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SECTION 2.1.(b) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

PART III. CREATION OF FENTANYL MISUSE TASK FORCE

SECTION 3.1.(a) Creation. – There is established the Fentanyl Misuse Task Force (Task Force). The Task Force shall consist of representatives from the following, as well as other representatives appointed by the Governor:

- (1) The Division of Mental Health, Developmental Disabilities, and Substance Use Services of the Department of Health and Human Services.
- (2) The Division of Public Health of the Department of Health and Human Services.
- (3) The Office of Rural Health within the Department of Health and Human Services.
- (4) The Division of Juvenile Justice of the Department of Public Safety.
- (5) The Division of Community Supervision and Reentry of the Department of Adult Correction.
- (6) The Division of Prisons of the Department of Adult Correction.
- (7) The State Bureau of Investigation.
- (8) The Attorney General's Office.
- (9) The following health care regulatory boards with oversight of prescribers and dispensers of opioids and other prescription drugs:
 - a. North Carolina Board of Dental Examiners.
 - b. North Carolina Board of Nursing.
 - c. North Carolina Board of Podiatry Examiners.
 - d. North Carolina Medical Board.
 - e. North Carolina Board of Pharmacy.
 - f. North Carolina Veterinary Medical Board.
- (10) The UNC Injury Prevention Research Center.
- (11) The substance use disorder treatment community.
- (12) Governor's Institute on Substance Abuse, Inc.

SECTION 3.1.(b) Study. – The purpose of the Task Force is to study and make recommendations to the Governor and the General Assembly on ways to combat the growing problem of fentanyl misuse in North Carolina.

SECTION 3.1.(c) Chair; Meetings; Quorum. – The members shall elect a chair, and the Task Force shall meet at the call of the chair. A majority of the Task Force shall constitute a quorum for the transaction of its business.

SECTION 3.1.(d) Per Diem, Travel, and Expenses. – Members of the Task Force shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable.

SECTION 3.1.(e) Meeting Space; Staffing. – The Task Force may meet in the Legislative Building or in the Legislative Office Building. With the approval of the Legislative Services Commission, through the Legislative Services Officer, legislative staff may be made available to assist the Task Force.

SECTION 3.1.(f) Report. – The Task Force shall submit an interim report to the 2025 General Assembly when it reconvenes in 2026. The Task Force shall submit a final report, including findings and legislative recommendations, to the 2027 General Assembly. The Task Force shall terminate upon filing its final report.

SECTION 3.1.(g) Effective Date. – This section is effective when it becomes law.

PART IV. APPROPRIATIONS

SECTION 4.1.(a) Effective July 1, 2024, there is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of fifteen million dollars (\$15,000,000) in recurring funds for the 2024-2025 fiscal year. These funds shall be used to purchase opioid antagonists, as defined in G.S. 90-12.7, for local health departments to address opioid-related drug overdoses and reduce the number of opioid-related deaths.

SECTION 4.1.(b) Local health departments receiving opioid antagonists funded by this Part shall distribute them free of charge to North Carolina residents.

SECTION 4.1.(c) The Department of Health and Human Services, Division of Public Health, shall collaborate with local health departments to ensure efficient and widespread distribution of the opioid antagonists funded by this Part.

PART V. EFFECTIVE DATE

SECTION 5.1. Except as otherwise provided, this act is effective when it becomes law.