

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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S.B. 796
PRINCIPAL CLERK

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SENATE BILL DRS45518-NBa-181

Short Title: Sacred Relationship/Doctor/Patient.

(Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROTECT THE SACRED RELATIONSHIP OF PATIENT AND PHYSICIAN,
PHYSICIAN ASSISTANT, AND NURSE PRACTITIONER.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 90 of the General Statutes is amended by adding
a new section to read:

**"§ 90-12.8. Limited prescription, treatment, and administration protection for certain
health care professionals.**

(a) The North Carolina Medical Board and the North Carolina Board of Nursing shall not
revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician
licensed to practice medicine under this Article, (ii) a physician assistant licensed under
G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for prescribing or
administering a medication or supplement, including any of the drugs listed in this subsection,
the physician, physician assistant, or nurse practitioner believes is medically necessary for the
treatment of COVID-19 to a patient for at-home use or for use in a health care facility. For the
purposes of this section, the term "COVID-19" means the disease caused by the SARS-CoV-2
virus.

- (1) Ascorbic Acid.
- (2) Aspirin.
- (3) Atorvastatin.
- (4) Azithromycin.
- (5) Budesonide.
- (6) Chloroquine.
- (7) Colchicine.
- (8) Cyproheptadine.
- (9) Dutasteride.
- (10) Famotidine.
- (11) Flutamide.
- (12) Fluvoxamine.
- (13) Heparin.
- (14) Hydroxychloroquine.
- (15) Ivermectin.
- (16) Melatonin.
- (17) Methylprednisolone.
- (18) N-Acetyl-L-Cysteine.
- (19) Naltrexone.



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- (20) Nitazoxanide.
- (21) Prednisone.
- (22) Spironolactone.
- (23) Thiamine.
- (24) Vitamin D.
- (25) Zinc.

(b) The North Carolina Medical Board and the North Carolina Board of Nursing shall not revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician licensed to practice medicine under this Article, (ii) a physician assistant licensed under G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for doing any of the following actions:

- (1) Providing a medical exemption to a patient who is unable to wear a protective mask, undergo a COVID-19 test, or receive a vaccination for COVID-19.
- (2) Treating a patient who is unable to wear a protective mask, undergo a COVID-19 test, or receive a vaccination for COVID-19 for religious, medical, or philosophical reasons.
- (3) Documenting a COVID-19 vaccine injury.

(c) A physician acting in good faith in accordance with this section shall not solely constitute immoral or dishonorable conduct, as defined in G.S. 90-14(a)(1), or unprofessional conduct, as defined in G.S. 90-14(a)(6).

(d) Nothing in this section shall be construed to grant greater liability protection to a physician's actions in accordance with this section than provided in Article 1B of this Chapter or other applicable provisions of law in this State.

(e) If the North Carolina Medical Board or the North Carolina Board of Nursing violates this section, the physician, physician assistant, or nurse practitioner against whom the violation occurred may contest the case under all available administrative remedies available to the aggrieved party. For each separate violation of this section, the Board may be assessed a civil penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 2. Article 4A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-85.15C. Limited protection for dispensing certain medications.

(a) The North Carolina Board of Pharmacy shall not revoke, fail to renew, suspend, or take any other disciplinary action against a pharmacist for dispensing or administering a medication or supplement, including any of the drugs listed in this subsection, for the treatment of COVID-19 to a patient for at-home use or for use in a health care facility. For the purposes of this section, the term "COVID-19" means the disease caused by the SARS-CoV-2 virus.

- (1) Ascorbic Acid.
- (2) Aspirin.
- (3) Atorvastatin.
- (4) Azithromycin.
- (5) Budesonide.
- (6) Chloroquine.
- (7) Colchicine.
- (8) Cyproheptadine.
- (9) Dutasteride.
- (10) Famotidine.
- (11) Flutamide.
- (12) Fluvoxamine.
- (13) Heparin.

- (14) Hydroxychloroquine.
- (15) Ivermectin.
- (16) Melatonin.
- (17) Methylprednisolone.
- (18) N-Acetyl-L-Cysteine.
- (19) Naltrexone.
- (20) Nitazoxanide.
- (21) Prednisone.
- (22) Spironolactone.
- (23) Thiamine.
- (24) Vitamin D.
- (25) Zinc.

(b) If the North Carolina Board of Pharmacy violates this section, the licensee against whom the violation occurred may contest the case under all available administrative remedies available to the aggrieved party. For each separate violation of this section, the Board may be assessed a civil penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 3. The North Carolina Medical Board, the North Carolina Board of Nursing, and the North Carolina Board of Pharmacy shall adopt temporary rules to implement the provisions of this act.

SECTION 4. There is appropriated from the General Fund to the Department of Health and Human Services the nonrecurring sum of ten thousand dollars (\$10,000) for the 2022-2023 fiscal year to monitor the compliance of the North Carolina Medical Board, the North Carolina Board of Nursing, and the North Carolina Board of Pharmacy with the provisions of this act.

SECTION 5. Section 4 of this act becomes effective July 1, 2022. The remainder of this act becomes effective October 1, 2022, and applies to acts or omissions on or after that date.