

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 250
Committee Substitute Favorable 3/21/23
PROPOSED SENATE COMMITTEE SUBSTITUTE H250-PCS40619-CE-41

Short Title: ME/IDS/Driving Privileges/Xylazine Changes.

(Public)

Sponsors:

Referred to:

March 2, 2023

A BILL TO BE ENTITLED

AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY THE INDIGENT DEFENSE SERVICES COMMISSION, TO MODIFY THE CRITERIA FOR OBTAINING A LIMITED DRIVING PRIVILEGE, TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END, AND TO CREATE THE OFFENSE OF DEATH BY DISTRIBUTION OF XYLAZINE.

The General Assembly of North Carolina enacts:

REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

SECTION 1.(a) G.S. 130A-382(b) reads as rewritten:

"(b) County medical examiners shall complete continuing education training as directed by the Office of the Chief Medical Examiner and based upon established and published guidelines for conducting death investigations. The continuing education training shall include training regarding (i) sudden unexpected death in ~~epilepsy~~-epilepsy and (ii) requirements for compliance with the duties prescribed by G.S. 130A-385 and G.S. 130A-389. The Office of the Chief Medical Examiner shall annually update and publish these guidelines on its Internet Web site. Newly appointed county medical examiners shall complete mandatory orientation training as directed by the Office of the Chief Medical Examiner within 90 days of ~~after~~ their appointment."

SECTION 1.(b) G.S. 130A-385 reads as rewritten:

"§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed for that purpose.

~~The Chief Medical Examiner or the county medical examiner is authorized to inspect and copy the medical records of the decedent whose death is under investigation. In addition, in an investigation conducted pursuant to this Article, the Chief Medical Examiner or the county~~



* H 2 5 0 - P C S 4 0 6 1 9 - C E - 4 1 *

1 ~~medical examiner is authorized to inspect all physical evidence and documents which may be~~
2 ~~relevant to determining the cause and manner of death of the person whose death is under~~
3 ~~investigation, including decedent's personal possessions associated with the death, clothing,~~
4 ~~weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical~~
5 ~~images. The Chief Medical Examiner or county medical examiner is further authorized to seek~~
6 ~~an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the~~
7 ~~duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no~~
8 ~~administrative search warrant shall be issued pursuant to this section unless the Chief Medical~~
9 ~~Examiner or county medical examiner submits an affidavit from the office of the district attorney~~
10 ~~in the district in which death occurred stating that the death in question is not under criminal~~
11 ~~investigation.~~

12 (1) In all cases, the Chief Medical Examiner or the county medical examiner may
13 (i) inspect the decedent's body, (ii) inspect and copy the medical records of
14 the decedent whose death is under investigation, (iii) collect and inspect the
15 decedent's body and personal possessions associated with the death, including
16 clothing on the decedent's body, and (iv) collect tissue and blood samples,
17 cultures, medical images, X-rays, and other medical information obtained
18 through the use of medical equipment.

19 (2) In the case of a decedent whose death is not under criminal investigation, the
20 Chief Medical Examiner or the county medical examiner conducting an
21 investigation pursuant to this Article is authorized to inspect all other physical
22 evidence and documents that may be relevant to determining the cause and
23 manner of death of the person whose death is under investigation, and the
24 Chief Medical Examiner or county medical examiner may seek an
25 administrative search warrant pursuant to G.S. 15-27.2 for the purpose of
26 carrying out the duties imposed under this section.

27 (3) In the case of a decedent whose death is under criminal investigation, no
28 administrative search warrant shall be issued pursuant to this section, and the
29 Chief Medical Examiner or the county medical examiner is not authorized to
30 inspect other physical evidence or documents at the scene except as permitted
31 by the investigating law enforcement agency. The district attorney or
32 investigating law enforcement agency shall inform the Chief Medical
33 Examiner, the county medical examiner, or the autopsy center, as applicable,
34 that the death is under criminal investigation. Nothing in this subsection
35 prohibits the Chief Medical Examiner or the county medical examiner from
36 being present during the execution of a search warrant by the investigating
37 law enforcement agency.

38 The Chief Medical Examiner shall provide directions as to the nature, character and extent
39 of an investigation and appropriate forms for the required reports. The facilities of the central and
40 district offices and autopsy centers and their staff services shall be available to the medical
41 examiners and designated pathologists in their investigations.

42 (a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology
43 screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant
44 to G.S. 130A-383 or G.S. 130A-384.

45 (b) The medical examiner shall complete a certificate of death, stating the name of the
46 disease ~~which in his opinion~~ that, in the opinion of the medical examiner, caused death. If the
47 death was from external causes, the medical examiner shall state on the certificate of death the
48 means of death, and whether, in the medical examiner's opinion, the manner of death was
49 accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall
50 also furnish any information as may be required by the State Registrar of Vital Statistics in order
51 to properly classify the death.

1 (c) ~~The Chief Medical Examiner shall have authority to amend a medical examiner death~~
2 ~~certificate.~~ may amend a certificate of death completed by a medical examiner pursuant to
3 subsection (b) of this section.

4 (d) ~~A copy of the report of the medical examiner investigation may be forwarded to the~~
5 ~~appropriate district attorney.~~ Upon request by the district attorney, the Office of the Chief Medical
6 Examiner, the local medical examiner, and the autopsy center, as applicable, shall provide a
7 complete copy of the medical examiner investigation file to the appropriate district attorney. For
8 purposes of this subsection, the "medical examiner investigation file" means the finalized
9 toxicology report, the finalized autopsy report, any autopsy examination notes, any death scene
10 notes, the finalized report of investigation of a medical examiner, the case encounter form, any
11 case comments, any case notes, any autopsy photographs, any scene photographs, and any video
12 or audio recordings of the autopsy examination in the custody and control of the North Carolina
13 Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner,
14 a county medical examiner appointed under G.S. 130A-382, or an investigating medical
15 examiner in connection with a death under criminal investigation by a public law enforcement
16 agency. Each records custodian shall be responsible for providing the portions of the medical
17 examiner investigation file within its custody and control. This is a continuing disclosure
18 obligation, and any records or other materials responsive to the district attorney's request that are
19 discovered or added to the medical examiner investigation file after the request was made shall
20 also be provided to the district attorney. The district attorney or investigating law enforcement
21 agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy
22 center, as applicable, if the death is no longer under criminal investigation and the obligation is
23 terminated.

24 (e) In cases where death occurred due to an injury received in the course of the decedent's
25 employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of
26 the medical examiner's report of the investigation, including the location of the fatal injury and
27 the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical
28 Examiner shall forward this report within 30 days of receipt of the information from the medical
29 examiner.

30 (f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter
31 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and
32 the deceased was a client or resident of the facility or a recipient of facility services at the time
33 of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report
34 to the Secretary of Health and Human Services within 30 days of receipt of the report from the
35 medical examiner."

36 **SECTION 1.(c)** G.S. 130A-389(a) reads as rewritten:

37 "(a) The Chief Medical Examiner or a competent pathologist designated by the Chief
38 Medical Examiner shall perform an autopsy or other study in each of the following cases:

- 39 (1) If, in the opinion of the medical examiner investigating the case or of the Chief
40 Medical Examiner, it is advisable and in the public interest that an autopsy or
41 other study be made.
- 42 (2) If an autopsy or other study is requested by the district attorney of the county
43 or by any superior court judge.
- 44 (3) ~~In~~ Notwithstanding subdivision (2) of this subsection, in any case in which the
45 district attorney of the county asserts to the Chief Medical Examiner or the
46 medical examiner of the county in which the body was located that there is
47 probable cause to believe that a violation of G.S. 14-18.4 has occurred, a
48 complete autopsy shall be performed. The district attorney has at least 72
49 weekday hours after pronouncement of death by a person authorized under
50 this Part to express the opinion that death has occurred to make the assertion
51 required by this subdivision, provided that the district attorney or the

1 investigating law enforcement agency provides notification within the first 24
2 hours after the pronouncement that such an assertion might be made. The
3 district attorney may, but is not required to, assert to the Chief Medical
4 Examiner the facts supporting probable cause to believe that a violation of
5 G.S. 14-18.4 has occurred.

6 A complete autopsy report of findings and interpretations, prepared on forms designated for
7 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the
8 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an
9 autopsy, a copy of the report shall be furnished to any person upon request."

10 **SECTION 1.(d)** This section becomes effective October 1, 2024.

11
12 **MODIFY INDIGENT DEFENSE SERVICES COMMISSION**

13 **SECTION 2.(a)** G.S. 7A-498.4 reads as rewritten:

14 **"§ 7A-498.4. Establishment of Commission on Indigent Defense Services.**

15 (a) The Commission on Indigent Defense Services is created within the Office of
16 Indigent Defense Services and shall consist of 13 ~~members.~~members, who shall reside in
17 different judicial districts from one another. To create an effective working group, assure
18 continuity, and achieve staggered terms, the Commission shall be appointed as provided in this
19 section.

20 (b) The members of the Commission shall be appointed as follows:

- 21 (1) The Chief Justice of the North Carolina Supreme Court shall appoint one
22 member, who shall be an ~~active or former member of the North Carolina~~
23 ~~judiciary attorney.~~
24 (2) ~~The Governor shall appoint one member, who shall be a nonattorney.~~
25 (3) The General Assembly shall appoint ~~one member, who shall be an attorney,~~
26 four members, upon the recommendation of the President Pro Tempore of the
27 ~~Senate.~~Senate, two of whom shall be attorneys who regularly serve as
28 appointed counsel and two of whom shall be attorneys.
29 (4) The General Assembly shall appoint ~~one member, who shall be an attorney,~~
30 four members, upon the recommendation of the Speaker of the House of
31 ~~Representatives.~~Representatives, two of whom shall be attorneys who
32 regularly serve as appointed counsel and two of whom shall be attorneys.
33 (5) The North Carolina Public Defenders Association shall appoint ~~member,~~one
34 member, who shall be an ~~attorney.~~a public defender.
35 (6) The North Carolina State Bar shall appoint one member, who shall be an
36 ~~attorney.~~attorney who regularly serves as an appointed counsel.
37 (7) ~~The North Carolina Bar Association shall appoint one member, who shall be~~
38 ~~an attorney.~~
39 (8) The North Carolina Academy of Trial Lawyers shall appoint one member,
40 who shall be an attorney.
41 (9) ~~The North Carolina Association of Black Lawyers shall appoint one member,~~
42 ~~who shall be an attorney.~~
43 (10) ~~The North Carolina Association of Women Lawyers shall appoint one~~
44 ~~member, who shall be an attorney.~~
45 (11) The Commission shall appoint ~~three members, who shall reside in different~~
46 ~~judicial districts from one another. One appointee shall be a nonattorney, and~~
47 ~~one appointee may be an active member of the North Carolina judiciary. One~~
48 ~~appointee shall be Native American. The initial three members satisfying this~~
49 ~~subdivision shall be appointed as provided in subsection (k) of this section.~~one
50 member, who shall be an attorney.

1 (c) The initial terms of members appointed pursuant to subsection (b) of this section shall
2 be as follows:

- 3 (1) ~~The initial appointments by the Chief Justice, the Governor, and the General~~
4 ~~Assembly shall be for four years.~~
5 (2) ~~The initial appointments by the Public Defenders Association and State Bar,~~
6 ~~and one appointment by the Commission, shall be for three years.~~
7 (3) ~~The initial appointments by the Bar Association and Trial Academy, and one~~
8 ~~appointment by the Commission, shall be for two years.~~
9 (4) ~~The initial appointments by the Black Lawyers Association and Women~~
10 ~~Lawyers Association, and one appointment by the Commission, shall be for~~
11 ~~one year.~~

12 At the expiration of these initial terms, appointments shall be for four years and shall be made
13 by the appointing authorities designated in subsection (b) of this section. No person shall serve
14 more than two consecutive four-year terms plus any initial term of less than four years.

15 (d) Persons appointed to the Commission shall have significant experience in the defense
16 of criminal or other cases subject to this Article or shall have demonstrated a strong commitment
17 to quality representation in indigent defense matters. No active prosecutors or law enforcement
18 officials, or active employees of such persons, may be appointed to or serve on the Commission.
19 No active judicial officials, or active employees of such persons, may be appointed to or serve
20 on the ~~Commission, except as provided in subsection (b) of this section.~~ Commission. ~~No active~~
21 ~~public defenders, active employees of public defenders, or other active employees of the Office~~
22 ~~of Indigent Defense Services may be appointed to or serve on the Commission, except that~~
23 ~~notwithstanding this subsection, G.S. 14-234, or any other provision of law, Commission~~
24 ~~members may include~~ active public defenders, active employees of public defenders, and
25 part-time public defenders employed by the Office of Indigent Defense Services and may include
26 persons, or employees of persons or organizations, who provide legal services subject to this
27 Article as contractors or appointed attorneys.

28 ...
29 ~~(k) The Commission shall hold its first meeting no later than September 15, 2000. All~~
30 ~~appointments to the Commission specified in subdivisions (1) through (10) of subsection (b) of~~
31 ~~this section shall be made by the appointing authorities by September 1, 2000. The appointee of~~
32 ~~the Chief Justice shall convene the first meeting. No later than 30 days after its first meeting, the~~
33 ~~Commission shall make the appointments specified in subdivision (11) of subsection (b) of this~~
34 ~~section and shall elect its chair."~~

35 **SECTION 2.(b)** This section becomes effective October 1, 2024, and applies to
36 appointments made on or after that date. Notwithstanding any provision of law to the contrary,
37 the terms of members of the Indigent Defense Services Commission appointed prior to October
38 1, 2024, shall conclude as follows:

- 39 (1) For those appointed pursuant to G.S. 7A-498.4(b)(6) and (11), the terms shall
40 end October 1, 2024.
41 (2) For those appointed pursuant to G.S. 7A-498.4(b)(8), (9), and (10), the terms
42 shall end with the appointment of a member pursuant to G.S. 7A-498.4(b)(1).
43 (3) For those appointed pursuant to G.S. 7A-498.4(b)(3), (5), and (7), the terms
44 shall end with the appointment of members pursuant to G.S. 7A-498.4(b)(3).
45 (4) For those appointed pursuant to G.S. 7A-498.4(b)(1), (2), and (4), the terms
46 shall end with the appointment of members pursuant to G.S. 7A-498.4(b)(4).
47

48 **IGNITION INTERLOCK AND LIMITED DRIVING PRIVILEGE CHANGES**

49 **SECTION 3.(a)** G.S. 20-179.3 reads as rewritten:

50 **"§ 20-179.3. Limited driving privilege.**

1 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment
2 issued in the discretion of a court for good cause shown authorizing a person with a revoked
3 driver's license to drive for essential purposes related to any of the following:

- 4 (1) The person's employment.
- 5 (2) The maintenance of the person's household.
- 6 (3) The person's education.
- 7 (4) The person's court-ordered treatment or assessment.
- 8 (5) Community service ordered as a condition of the person's probation.
- 9 (6) Emergency medical care.
- 10 (7) Religious worship.

11 (b) Eligibility. –

- 12 (1) ~~A~~ Except as otherwise provided in subdivision (3) of this subsection, a person
13 convicted of the offense of impaired driving under G.S. 20-138.1 is eligible
14 for a limited driving privilege if all of the following requirements are met:
 - 15 a. At the time of the offense the person held either a valid driver's license
16 or a license that had been expired for less than one year.
 - 17 b. At the time of the offense the person had not within the preceding
18 seven years been convicted of an offense involving impaired driving.
 - 19 c. Punishment Level Three, Four, or Five was imposed for the offense of
20 impaired driving.
 - 21 d. Subsequent to the offense the person has not been convicted of, or had
22 an unresolved charge lodged against the person for, an offense
23 involving impaired driving.
 - 24 e. The person has obtained and filed with the court a substance abuse
25 assessment of the type required by G.S. 20-17.6 for the restoration of
26 a drivers license.

27 A person whose North Carolina driver's license is revoked because of a
28 conviction in another jurisdiction substantially similar to impaired driving
29 under G.S. 20-138.1 is eligible for a limited driving privilege if the person
30 would be eligible for it had the conviction occurred in North Carolina.
31 Eligibility for a limited driving privilege following a revocation under
32 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- 33 (2) Any person whose licensing privileges are forfeited pursuant to
34 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds
35 that at the time of the forfeiture, the person held either a valid drivers license
36 or a drivers license that had been expired for less than one year and either of
37 the following requirements is met:
 - 38 a. The person is supporting existing dependents or must have a drivers
39 license to be gainfully employed.
 - 40 b. The person has an existing dependent who requires serious medical
41 treatment and the defendant is the only person able to provide
42 transportation to the dependent to the health care facility where the
43 dependent can receive the needed medical treatment.

44 The limited driving privilege granted under this subdivision must restrict
45 the person to essential driving related to the purposes listed above, and any
46 driving that is not related to those purposes is unlawful even though done at
47 times and upon routes that may be authorized by the privilege.

- 48 (3) A person convicted of the offense of impaired driving under G.S. 20-138.1
49 that has been convicted of not more than one offense involving impaired
50 driving within the preceding seven years is eligible for a limited driving
51 privilege if all of the following requirements are met:

- 1 a. At the time of the offense the person held either a valid driver's license
 2 or a license that had been expired for less than one year.
 3 b. At the time of the offense the person did not have an alcohol
 4 concentration of 0.15 or more.
 5 c. One of the following punishment levels was imposed for the offense
 6 of impaired driving:
 7 1. Punishment Level Three, Four, or Five.
 8 2. Punishment Level Two, but only if the Grossly Aggravating
 9 Factor determined to impose Punishment Level Two was the
 10 Grossly Aggravating Factor provided in G.S. 20-179(c)(1).
 11 d. Subsequent to the offense the person has not been convicted of, or had
 12 an unresolved charge lodged against the person for, an offense
 13 involving impaired driving.
 14 e. The person has obtained and filed with the court a substance abuse
 15 assessment of the type required by G.S. 20-17.6 for the restoration of
 16 a drivers license.

17 A person whose North Carolina driver's license is revoked because of a
 18 conviction in another jurisdiction substantially similar to impaired driving
 19 under G.S. 20-138.1 is eligible for a limited driving privilege if the person
 20 would be eligible for it had the conviction occurred in North Carolina.
 21 Eligibility for a limited driving privilege following a revocation under
 22 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

23 ...

24 (g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction
 25 of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or more, a judge shall
 26 include all of the following in a limited driving privilege order:

- 27 (1) A restriction that the applicant may operate only a designated motor vehicle.
 28 (2) A requirement that the designated motor vehicle be equipped with a
 29 functioning ignition interlock system of a type approved by the
 30 Commissioner, which is set to prohibit driving with an alcohol concentration
 31 of greater than 0.02. The Commissioner shall not unreasonably withhold
 32 approval of an ignition interlock system and shall consult with the Division of
 33 Purchase and Contract in the Department of Administration to ensure that
 34 potential vendors are not discriminated against.
 35 (3) A requirement that the applicant personally activate the ignition interlock
 36 system before driving the motor vehicle.

37 If the limited driving privilege order includes the restrictions set forth in this subsection, then
 38 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply
 39 when the person is operating the designated motor vehicle with a functioning ignition interlock
 40 system. For purposes of this subsection, the results of a chemical analysis presented at trial or
 41 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and
 42 shall not be subject to modification by any party, with or without approval by the court.

43 ...

44 (j) Effect of Violation of Restriction. – A-Except as otherwise provided in subsection (j2)
 45 of this section, a person holding a limited driving privilege who violates any of its restrictions
 46 commits the offense of driving while license is revoked for impaired driving under
 47 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If
 48 a law-enforcement officer has reasonable grounds to believe that the person holding a limited
 49 driving privilege has consumed alcohol while driving or has driven while the person has
 50 remaining in the person's body any alcohol previously consumed, the suspected offense of
 51 driving while license is revoked is an alcohol-related offense subject to the implied-consent

1 provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving
2 while license revoked by violating a restriction contained in the limited driving privilege, and a
3 judicial official determines that there is probable cause for the charge, the limited driving
4 privilege is suspended pending the resolution of the case, and the judicial official must require
5 the person to surrender the limited driving privilege. The judicial official must also notify the
6 person that the person is not entitled to drive until the case is resolved.

7 Notwithstanding any other provision of law, an alcohol screening test may be administered
8 to a driver suspected of violating this section, and the results of an alcohol screening test or the
9 driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative
10 agency in determining if alcohol was present in the driver's body. No alcohol screening tests are
11 valid under this section unless the device used is one approved by the Department of Health and
12 Human Services, and the screening test is conducted in accordance with the applicable
13 regulations of the Department as to the manner of its use.

14 ...

15 (j2) Effect of Ignition Interlock System Violation During Final 90-Day Period. –
16 Notwithstanding subsection (j) of this section, a person holding a limited driving privilege,
17 including the restriction set forth in subsection (g5) of this section who commits an ignition
18 interlock system violation during the 90-day period immediately preceding the date on which the
19 person's compliance with subsection (g5) of this section is to end, shall have the period of
20 compliance with subsection (g5) of this section extended for an additional period of 90 days or
21 until the person has been violation-free for such extended period. For purposes of this subsection,
22 the term "ignition interlock system violation" means any of the following:

23 (1) A violation of any of the restrictions set forth in subsection (g5) of this section.

24 (2) A violation of G.S. 20-17.8A.

25 (3) A violation of any of the rules established by the Division for use of an ignition
26 interlock system on a designated motor vehicle.

27"

28 **SECTION 3.(b)** G.S. 20-17.8 reads as rewritten:

29 **"§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**
30 **ignition interlock.**

31 ...

32 (b) Ignition Interlock Required. – Except as provided in subsection (l) of this section,
33 when the Division restores the license of a person who is subject to this section, in addition to
34 any other restriction or condition, it shall require the person to agree to and shall indicate on the
35 person's drivers license the following restrictions for the period designated in subsection (c):

36 (1) A restriction that the person may operate only a vehicle that is equipped with
37 a functioning ignition interlock system of a type approved by the
38 Commissioner. The Commissioner shall not unreasonably withhold approval
39 of an ignition interlock system and shall consult with the Division of Purchase
40 and Contract in the Department of Administration to ensure that potential
41 vendors are not discriminated against.

42 (2) A requirement that the person personally activate the ignition interlock system
43 before driving the motor vehicle.

44 (3) A requirement that the person not drive with an alcohol concentration of 0.02
45 or greater.

46 (c) Length of Requirement. – ~~The~~ Except as otherwise provided in subsection (g1) of this
47 section, the requirements of subsection (b) shall remain in effect for one of the following:

48 (1) One year from the date of restoration if the original revocation period was one
49 year.

50 (2) Three years from the date of restoration if the original revocation period was
51 four years.

(3) Seven years from the date of restoration if the original revocation was a permanent revocation.

...

(f) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to this section who violates any of the restrictions of this section commits the offense of driving while license revoked for impaired driving under G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If a law enforcement officer has reasonable grounds to believe that a person subject to this section has consumed alcohol while driving or has driven while he has remaining in his body any alcohol previously consumed, the suspected offense of driving while license is revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person subject to this section is charged with driving while license revoked by violating a condition of subsection (b) of this section, and a judicial official determines that there is probable cause for the charge, the person's license is suspended pending the resolution of the case, and the judicial official must require the person to surrender the license. The judicial official must also notify the person that he is not entitled to drive until his case is resolved. An alcohol concentration report from the ignition interlock system shall not be admissible as evidence of driving while license revoked, nor shall it be admissible in an administrative revocation proceeding as provided in subsection (g) of this section, unless the person operated a vehicle when the ignition interlock system indicated an alcohol concentration in violation of the restriction placed upon the person by subdivision (b)(3) of this section.

(g) Effect of Violation of Restriction When Driving While License Revoked Not Charged. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to this section who violates any of the restrictions of this section, but is not charged or convicted of driving while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked by the Division for a period of one year.

(g1) Effect of Ignition Interlock System Violation During Final 90-Day Period. – Notwithstanding subsection (f) or (g) of this section, a person subject to this section who commits an ignition interlock system violation during the 90-day period immediately preceding the date on which the person's length of requirement set forth in subsection (c) of this section is to end shall have the period of compliance with subsection (b) of this section extended for an additional period of 90 days or until the person has been violation-free for such extended period. For purposes of this subsection, the term "ignition interlock system violation" means any of the following:

- (1) A violation of any of the restrictions set forth in subsection (b) of this section.
- (2) A violation of G.S. 20-17.8A.
- (3) A violation of any of the rules established by the Division for use of an ignition interlock system on a designated motor vehicle.

...."

SECTION 3.(c) Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 3.(d) Section 3(a) of this act becomes effective July 1, 2024, and applies to limited driving privileges issued on or after that date. Section 3(b) of this act becomes effective July 1, 2024, and applies to drivers licenses revoked on or after that date. Section 3(c) of this act becomes effective July 1, 2024.

CREATE THE OFFENSE OF DEATH BY DISTRIBUTION OF XYLAZINE

SECTION 4.(a) Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

1 **"§ 14-18.5. Death by distribution of xylazine; aggravated death by distribution of xylazine;**
2 **penalties.**

3 (a) Legislative Intent. – The General Assembly recognizes that deaths due to xylazine are
4 devastating families and communities across North Carolina. The General Assembly finds that
5 xylazine is overwhelming medical providers engaged in the lawful distribution of controlled
6 substances and is straining prevention and treatment efforts. Therefore, the General Assembly
7 enacts this law to encourage effective intervention by the criminal justice system.

8 (b) Death by Distribution Through Delivery of Xylazine. – A person is guilty of death by
9 distribution through delivery of xylazine if all of the following requirements are met:

10 (1) The person delivers xylazine.

11 (2) The ingestion of the xylazine causes the death of the user.

12 (3) The delivery of the xylazine in subdivision (1) of this subsection was the
13 proximate cause of the victim's death.

14 (c) Death by Distribution Through Delivery with Malice of Xylazine. – A person is guilty
15 of death by distribution through delivery with malice of xylazine if all of the following
16 requirements are met:

17 (1) The person delivers xylazine.

18 (2) The person acted with malice.

19 (3) The ingestion of the xylazine causes the death of the user.

20 (4) The delivery of the xylazine in subdivision (1) of this subsection was the
21 proximate cause of the victim's death.

22 (d) Death by Distribution Through Sale of Xylazine. – A person is guilty of death by
23 distribution through sale of xylazine if all of the following requirements are met:

24 (1) The person sells xylazine.

25 (2) The ingestion of the xylazine causes the death of the user.

26 (3) The sale of the xylazine in subdivision (1) of this subsection was the proximate
27 cause of the victim's death.

28 (e) Aggravated Death by Distribution Through Sale of Xylazine. – A person is guilty of
29 aggravated death by distribution through sale of xylazine if all of the following requirements are
30 met:

31 (1) The person sells xylazine.

32 (2) The ingestion of the xylazine causes the death of the user.

33 (3) The sale of the xylazine in subdivision (1) of this subsection was the proximate
34 cause of the victim's death.

35 (4) The person has a previous conviction under this section, G.S. 14-18.4,
36 90-95(a)(1), 90-95.1, 90-95.4, 90-95.6, or trafficking in violation of
37 G.S. 90-95(h), or a prior conviction in any federal or state court in the United
38 States that is substantially similar to an offense listed, within 10 years of the
39 date of the offense. In calculating the 10-year period under this subdivision,
40 any period of time during which the person was incarcerated in a local, state,
41 or federal detention center, jail, or prison shall be excluded.

42 (f) Lesser Included Offense. – Death by distribution through sale of xylazine constitutes
43 a lesser included offense of aggravated death by distribution through sale of xylazine in violation
44 of this section.

45 (g) Samaritan Protection. – Nothing in this section shall be construed to restrict or
46 interfere with the rights and immunities provided under G.S. 90-96.2.

47 (h) Lawful Distribution. – This section shall not apply to any of the following:

48 (1) Issuing a valid prescription for a controlled substance for a legitimate medical
49 purpose by an individual practitioner acting in the usual course of professional
50 practice.

1 (2) Dispensing, delivering, or administering a controlled substance pursuant to a
2 prescription by a pharmacy permitted under G.S. 90-85.21, a pharmacist, or
3 an individual practitioner.

4 (i) Penalties. – Unless the conduct is covered under some other provision of law
5 providing greater punishment, the following classifications apply to the offenses set forth in this
6 section:

7 (1) A violation of subsection (b) of this section is a Class C felony.

8 (2) A violation of subsection (c) or (d) of this section is a Class B2 felony.

9 (3) A violation of subsection (e) of this section is a Class B1 felony."

10 **SECTION 4.(b)** This section becomes effective December 1, 2024, and applies to
11 offenses committed on or after that date.

12

13 **EFFECTIVE DATE**

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