

Update- North Carolina Passes Senate Bill 189 to Strengthen Laws on Death by Distribution

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A Staff Report

Raleigh, North Carolina- In a significant move aimed at combatting the alarming rise in drug-related fatalities, North Carolina's General Assembly has passed Senate Bill 189, which has now been signed into law by NC Governor Roy Cooper. The legislation, driven by a collaboration between lawmakers and law enforcement agencies, revises existing statutes pertaining to "Death by Distribution" of controlled substances. According to the Bladen County Sheriff's Department, this crucial step in the fight against drug-related deaths has garnered strong support from the North Carolina Sheriffs' Association, highlighting its high-priority status.

The passage of Senate Bill 189 signifies a collective commitment to addressing the grave consequences of drug distribution, mainly when it results in loss of life. The bill introduces key changes to the existing legal framework.

Among the noteworthy provisions of Senate Bill 189 are:

- 1. Stricter Penalties:** The bill strengthens penalties for individuals found guilty of distributing controlled substances that lead to a fatal overdose. These penalties are intended to serve as a deterrent against drug dealers who knowingly engage in activities that can result in death.
- 2. Enhanced Law Enforcement Powers:** The legislation empowers law enforcement agencies to take more proactive measures in tracking down and prosecuting those responsible for distributing drugs that lead to fatalities. This includes expanded investigatory tools and resources.
- 3. Increased Accountability:** Senate Bill 189 underscores the importance of holding drug dealers accountable for their actions by imposing harsher penalties. This accountability extends not only to those directly involved in distribution but also to individuals associated with the distribution network.
- 4. Education and Prevention:** The bill recognizes the need for a multifaceted approach to address the opioid crisis. It allocates resources for education and prevention programs aimed at reducing the demand for controlled substances and promoting awareness of the dangers associated with their use.

The North Carolina Sheriffs' Association has been a vocal advocate for [Senate Bill 189](#), emphasizing the critical role that law enforcement plays in safeguarding communities from the devastating impact of drug-related deaths. Their support underscores the urgency of addressing the ongoing opioid crisis, which has claimed countless lives across the state.

As the legislation goes into effect, North Carolina law enforcement agencies will have a more potent set of tools to combat controlled substance distribution, especially when it leads to fatalities. The hope is that these measures will not only serve as a deterrent but also contribute to saving lives and curbing the opioid epidemic.

Members of the public, local news media, and communities are encouraged to review the attached news release for a more comprehensive understanding of the changes brought about by [Senate Bill 189](#).

Below is a related press release.

FOR IMMEDIATE RELEASE
September 28th, 2023

BILL AMENDING CONTROLLED SUBSTANCE LAWS PASSES

[Senate Bill 189, Fentanyl Drug Offense and Related Changes](#) was recently passed by the General Assembly and has been signed into law by the Governor. The bill revises current law related to the distribution of controlled substances which results in a person's death, as well as fentanyl crimes. A controlled substance is defined in the legislation as any form (synthetic or natural) of opium or opiate, cocaine, methamphetamine, depressant or any combination of these substances, including fentanyl.

The bill increases the penalties for North Carolina's Death by Distribution law if a person delivers a controlled substance and the user dies as a result of that substance. Under the new law, this will be punished as a Class C felony, which carries automatic prison time. Even higher penalties apply in situations where the person acts with malice or has a previous conviction for a controlled substance violation.

Also included in the legislation is the closure of a previous gap in Death by Distribution law so that proof of sale to the victim is no longer required to be proven in order to hold a person responsible for killing someone by giving them controlled substances.

The bill also expands the existing Good Samaritan law, providing immunity from prosecution for any person in possession of less than one gram of a controlled substance who seeks medical attention for someone suffering from an overdose. The Good Samaritan law is meant to encourage people to help someone who is overdosing even if they are in possession of controlled substances themselves. Forty-seven states and the District of Columbia have Good Samaritan laws.

North Carolina Sheriffs' Association President and Iredell County Sheriff Darren Campbell remarked, "Fentanyl and other controlled substances have become a huge concern for law enforcement over recent years. It is killing people in our communities and is a potential threat to the law enforcement officers who encounter it in the course of their duties. With this new law, law enforcement officers across the state can more effectively charge and our courts can more seriously punish individuals who contribute to the growing opioid epidemic."

In recent years, the North Carolina Department of Health and Human Services has reported a significant increase in overdose deaths. Approximately 77% of the reported overdose deaths in North Carolina involved fentanyl. It takes only two milligrams of fentanyl to be a lethal dose. This amounts to just a few grains of sand. A 22% overall increase in overdoses was recorded in 2021, with 4,041 North Carolinians succumbing to drug overdose that year.

The changes to the law will go into effect on December 1st, 2023.