

Syringe Service Program Quick Information Sheet for Law Enforcement

What are syringe service programs (SSPs)?

Syringe service programs (also known as “syringe exchanges”) provide sterile syringes to and collect used syringes from people who inject drugs. SSPs are critical partners in working with people who use drugs due to the strong relationships they have with this community. They provide many other services, such as referrals to addiction treatment, wound care to reduce emergency department visits, access to social services, and testing for communicable diseases.

When did SSPs become legal in North Carolina?

Syringe exchange programs became legal in North Carolina on July 11, 2016, through NC General Statute § 90-113.27.

Who can start an SSP in NC?

Any organization “that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors” can start a syringe exchange program. SSPs must register with the NC Division of Public Health. Examples of organizations that run SSPs in NC include harm reduction organizations, health departments, and faith-based organizations.

What services are SSPs required by law to provide?

- (1) Needles, syringes, and other injection supplies at no cost and in quantities sufficient to ensure that they are not shared or reused.
- (2) Disposal of used needles, syringes, and other injection supplies.
- (3) Educational materials and referrals on various topics, including overdose prevention, substance use and mental health treatment, and HIV and hepatitis prevention.
- (4) Personal consultations concerning substance use or mental health treatment, as requested.
- (5) Access to naloxone kits (Naloxone is a medication used to reverse opioid overdoses).
- (6) Reasonable and adequate security of program sites, equipment, and personnel.

What is the role of law enforcement in SSPs?

Immunities

Law enforcement plays an important role in the ability of SSPs to operate by recognizing the immunity for SSP participants contained in NCGS § 90-113.27. By law, employees, volunteers, or participants of the SSP cannot be charged with possession of needles, syringes, or other injection supplies (or with residual amounts of controlled substances in/contained within these items), if they have been obtained from or are being returned to an SSP.

A person claiming immunity must provide “written verification” that their needles, syringes, or injection supplies were obtained from an SSP. SSPs will supply a card, letter, or other documentation to participants indicating they are SSP participants. SSP identification cards do not contain a person’s name, because SSP participation is necessarily anonymous. However, SSPs cards have other unique identifiers. SSPs are encouraged to communicate with law



enforcement about what their identification cards look like, and law enforcement should feel free to reach out to an SSP with questions.

NCGS § 90-113.27 also provides immunity for civil liability to law enforcement officers who in good faith arrest or charge people who are later determined to be immune under the SSP statute.

Security Plans

NCGS § 90-113.27 requires SSPs to provide a copy of its security plan to police and sheriff's offices with jurisdiction in the program's location prior to SSP implementation and every 12 months thereafter. The information contained in the plan will depend on the size, location, and resources of the SSP, but it should detail how the SSP will secure syringes and others supplies and take reasonable steps to protect the health and safety of employees, volunteers, and clients.

Related Statutes

Good Samaritan Law (NCGS § 90-96.2; NCGS § 18B-302.2)

Provides immunity for people who call for assistance for a person experiencing an overdose and for the person calling on their behalf. Under the law, people cannot be prosecuted for possession of paraphernalia, misdemeanor possession of drugs, and are protected from felony charges for possessing less than one gram of any controlled substance. Additionally, if an arrest or revocation is made because of an offense for which this law grants immunity, the person will not be subject to arrest or the revocation of probation, parole, pretrial release, or post-release. A parallel law protects people who call for help for an overdose from prosecution for underage possession or consumption of alcohol.

Possession of Syringes/Tell Law Officer Law (NCGS § 90-113.22(c))

If a person alerts an officer that s/he has a syringe or other sharp object on her or his person, premises, or vehicle prior to a search, s/he cannot be charged with or prosecuted for possession of drug paraphernalia for that object.

Testing Equipment Law (NCGS § 90-113.22(d))

De-criminalizes possession of testing equipment (for example, fentanyl test strips) by a person who plans to use the equipment to test drugs the person will consume. Allows organizations to possess and distribute testing equipment to people who use drugs.

Naloxone Law (NCGS § 90-12.7)

Allows organizations to distribute and pharmacists to dispense naloxone to people at risk of overdose or in a position to help someone at risk of an overdose. Provides civil and criminal immunity for persons who administer naloxone (the overdose antidote) to a person in need.



