



CHAPTER 90

ARTICLE 5 - NORTH CAROLINA CONTROLLED SUBSTANCES ACT

N.C.G.S. § 90-96.2.

Drug-related overdose treatment; limited immunity.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 01:25 UTC	6ed347b8cba72a820216028e - 1be99ad3e8cbd71c76ae9c2a - af198f3207f42346

§ 90-96.2(a)

As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

§ 90-96.2(b)

Limited Immunity for Samaritan. - A person shall not be prosecuted for any of the offenses listed in subsection (c3) of this section if all of the following requirements and conditions are met:

- (1) The person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.
- (2) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.
- (3) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.
- (4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.
- (5) The evidence for prosecution of the offenses listed in subsection (c3) of this section was obtained as a result of the person seeking medical assistance for the drug-related overdose.

- § 90-96.2(c)** Limited Immunity for Overdose Victim. - The immunity described in subsection (b) of this section shall extend to the person who experienced the drug-related overdose if all of the requirements and conditions listed in subdivisions (1), (2), (4), and (5) of subsection (b) of this section are satisfied.
- § 90-96.2(c1)** Probation or Release. - A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution under subsection (b) or (c) of this section. The arrest of a person for an offense for which subsection (b) or (c) of this section may provide the person with immunity will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.
- § 90-96.2(c2)** Civil Liability for Arrest or Charges. - In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges.
- § 90-96.2(c3)** Covered Offenses. - A person shall have limited immunity from prosecution under subsections (b) and (c) of this section for only the following offenses:
- CLASS I FELONY**
- (1) A misdemeanor violation of G.S. 90-95(a)(3).
 - (2) A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of any controlled substance.
 - (3) Repealed by Session Laws 2023-123, s. 3, effective December 1, 2023, and applicable to offenses committed on or after that date.
 - (3a) A violation of G.S. 90-113.154(b)(1) punishable as a Class I felony.
 - (4) A violation of G.S. 90-113.22.
- § 90-96.2(d)** Construction. - Nothing in this section shall be construed to do any of the following:
- (1) Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of (i) other crimes committed by a person who otherwise qualifies for limited immunity under this section or (ii) any crimes committed by a person who does not qualify for limited immunity under this section.

- (2) Limit any seizure of evidence or contraband otherwise permitted by law.
- (3) Limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation of, or to effectuate an arrest for, any offense other than an offense listed in subsection (c3) of this section.
- (4) Limit or abridge the authority of a probation officer to conduct drug testing of persons on pretrial release, probation, or parole. (2013-23, s. 1; 2015-94, s. 1; 2023-123, s. 3; 2025-71, s. 2(d); 2025-91, s. 3.5(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 90-95(a)(3)	(c3)(1)	"A misdemeanor violation of"
G.S. 90-113.154(b)(1)	(c3)(3a)	"A violation of"
G.S. 90-113.22	(c3)(4)	"A violation of"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 90-96.2 (2026).

PINPOINT
N.C. Gen. Stat. § 90-96.2(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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