

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 237
HOUSE BILL 428

AN ACT TO ENHANCE MENTAL HEALTH, MENTAL RETARDATION, AND
SUBSTANCE ABUSE CARE IN LOCAL CONFINEMENT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-221(a) reads as rewritten:

"(a) The Secretary shall develop and publish minimum standards for the operation of local confinement facilities and may from time to time develop and publish amendments to the standards. The standards shall be developed with a view to providing secure custody of prisoners and to protecting their health and welfare and providing for their humane treatment. The standards shall provide for:

- (1) Secure and safe physical facilities;
- (2) Jail design;
- (3) Adequacy of space per prisoner;
- (4) Heat, light, and ventilation;
- (5) Supervision of prisoners;
- (6) Personal hygiene and comfort of prisoners;
- (7) Medical care for prisoners; prisoners, including mental health, mental retardation, and substance abuse services;
- (8) Sanitation;
- (9) Food allowances, food preparation, and food handling;
- (10) Any other provisions that may be necessary for the safekeeping, privacy, care, protection, and welfare of prisoners."

Sec. 2. G.S. 153A-225(a) reads as rewritten:

"(a) Each unit that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility. The plan

- (1) Shall be designed to protect the health and welfare of the prisoners and to avoid the spread of contagious disease;
- (2) Shall provide for medical supervision of prisoners and emergency medical care for prisoners to the extent necessary for their health and welfare;
- (3) Shall provide for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases.

The unit shall develop the plan in consultation with appropriate local officials and organizations, including the sheriff, the county physician, the local or district health director, and the local medical society. The plan must be approved by the local or district health ~~director~~, director after consultation with the area mental health,

developmental disabilities, and substance abuse authority, if it is adequate to protect the health and welfare of the prisoners. ~~upon~~ Upon a determination that the plan is adequate to protect the health and welfare of the prisoners, ~~and the plan~~ must be adopted by the governing body."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives