

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE DRS85128-LHf-114 (03/19)

Short Title: Detector Dogs Reg./Fee Requirements. (Public)

Sponsors: Senator Berger.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO
ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 90 of the General Statutes is amended by
adding a new section to read:

**"§ 90-102.1. Registration of certain persons requiring limited use of controlled
substances for training purposes in certain businesses.**

(a) Definition. – For purposes of this section, the term "dog handler" means a
person who trains and maintains detector dogs. The term includes a dog trainer and the
agent of the dog handler or dog trainer.

(b) Registration. – A dog handler who applies to register to use controlled
substances included in Schedules I through VI for the purposes of training and
maintaining the training of detector dogs shall apply as a researcher under G.S. 90-101.

(c) Registration Fee. – Notwithstanding G.S. 90-101, a dog handler shall pay a
fee of one hundred sixty dollars (\$160.00), even though he or she registers as a
researcher.

(d) Certain Conditions Shall Not Be Prerequisites for Registration. – Unless
required by federal law, the Department of Health and Human Services shall not require
any of the following as a condition of registration:

(1) That evidence of federal registration be presented, if the person is
applying for a research permit as a dog trainer for controlled
substances in Schedules I through VI.

(2) That the applicant have a nexus or association with a law enforcement
group or authority.

- 1 (3) That the dog handler report dog alerts or finds of controlled substances
2 to a law enforcement agency; unless the dog handler finds a quantity
3 of controlled substances that equals or is greater than the following:
4 a. 42.5 grams if the controlled substance is marijuana.
5 b. Seven or more grams of any other controlled substance that is
6 sold by weight.
7 c. Ten or more dosage units of any other controlled substance that
8 is not sold by weight.
9 (4) That the applicant provide evidence that law enforcement resources are
10 inadequate to protect the public and private sectors.
11 (5) That the applicant provide evidence of his or her prior experience in
12 canine drug detection or handling of controlled substances.
13 (6) That in-State geographical limitations be imposed regarding where the
14 controlled substances may be used for training and demonstration
15 purposes.

16 (e) Possession of Controlled Substances. – A dog handler registered under this
17 section who provides commercial detection services for controlled substances may, after
18 weighing and recording the controlled substances, possess and remove controlled
19 substances from the premises where they are found for the purpose of turning the
20 controlled substances over to a law enforcement official or law enforcement agency. No
21 dog handler shall be deemed to be in unlawful possession of a controlled substance
22 found as a result of a commercial detector dog search while the dog handler is in the
23 process of lawfully disposing of the controlled substance.

24 (f) Disclosure of Discovery of Controlled Substances. – Unless lawfully
25 subpoenaed, a dog handler registered under this section who provides commercial
26 detection services for controlled substances is not required to disclose to any State or
27 local agency whether a controlled substance was found on the client's premises, unless
28 the quantities found meet the threshold amounts in subdivision (d)(3) of this section. If
29 the quantities of controlled substances found by the dog handler meet or exceed the
30 threshold quantity, the dog handler shall inform law enforcement of the find and provide
31 the information available relating to the discovery of the controlled substances.

32 (g) Client Confidentiality. – Client records of a dog handler registered under this
33 section who provides commercial detection services for controlled substances are
34 confidential unless the records are lawfully subpoenaed or the quantity of a controlled
35 substance found during a search meets or exceeds the threshold set out in subdivision
36 (d)(3) of this section.

37 (h) Policy Statement. – The possession and use of controlled substances by a dog
38 handler for the training and maintenance training of detector dogs shall be considered to
39 be consistent with the public safety, health, and interest of the State of North Carolina."

40 **SECTION 2.** This act is effective when it becomes law.