

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 206
Health Care Committee Substitute Adopted 3/15/23

Short Title: Stop Counterfeit Pills Act.

(Public)

Sponsors:

Referred to:

March 7, 2023

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO ESTABLISH NEW VIOLATIONS INVOLVING COUNTERFEIT CONTROLLED SUBSTANCES AND ESTABLISHING AND REVISING PENALTIES FOR CERTAIN VIOLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-108 reads as rewritten:

"§ 90-108. Prohibited acts; penalties.

(a) It shall be unlawful for any person:

...

(12) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled substance.

(12a) To possess any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance. This subdivision shall not apply to a pharmacy, a pharmacist, a pharmacy technician, or a pharmacy intern licensed or permitted under Article 4A of Chapter 90 of the General Statutes possessing any item included in this subdivision utilized in the compounding, dispensing, delivering, or administering of a controlled substance pursuant to a prescription.

(12b) To manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance. This subdivision shall not apply to a pharmacy, a pharmacist, a pharmacy technician, or a pharmacy intern licensed or permitted under Article 4A of Chapter 90 of the General Statutes in the compounding, dispensing, delivering, or administering of a controlled substance pursuant to a prescription.

...



1 (b) Any person who violates this section shall be guilty of a Class 1 misdemeanor.
2 Provided, that if the criminal pleading alleges that the violation was committed intentionally, and
3 upon trial it is specifically found that the violation was committed intentionally, such violations
4 shall be a Class I felony unless one of the following applies:

5 ...

6 (1a) A person who violates subdivision (12a) or (12b) of subsection (a) of this
7 section shall be punished as a Class D felon.

8"

9 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
10 committed on or after that date.