

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1358  
HOUSE BILL 1851

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES RELATING TO  
CONTROLLED SUBSTANCES.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 90-87, as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes is hereby amended by renumbering subdivisions (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), and (27), as subdivisions (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27) and (28) respectively, and by adding a new subdivision (15) to read as follows:

"(15) The term 'Isomer' means, except as used in G.S. 90-89(c), the optical isomer. As used in G.S. 90-89(c) the term 'isomer' means the optical, position, or geometric isomer."

**Sec. 2.** G.S. 90-88(d), as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby amended by deleting the numbers "180" from line 4 therein and by substituting the numbers "30" therein, and by changing "within the 180-day period" on line 5 to the words "within 180 days".

**Sec. 3.** G.S. 90-88, as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby further amended by adding two new subsections to be designated "(h)" and "(i)", to read as follows:

"(h) When any substance is designated, rescheduled or deleted as a controlled substance pursuant to this section, the North Carolina Drug Authority shall mail a notice of this change to each registrant, to the State Bureau of Investigation, North Carolina Board of Pharmacy and to each District Attorney within 30 days of this change.

(i) The North Carolina Drug Authority shall maintain a list of all preparations, compounds, or mixtures which are excluded, exempted and excepted from control under any schedule of this act by the United States Drug Enforcement Administration and/or the North Carolina Drug Authority. This list and any changes to this list shall be mailed to the North Carolina Board of Pharmacy, the State Bureau of Investigation and each District Attorney of this State."

**Sec. 4.** G.S. 90-89(b), as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby amended by adding a new subdivision to be numbered (23) and to read as follows:

"(23) Drotebanol."

**Sec. 5.** G.S. 90-89(c), as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby amended by changing the list of hallucinogenic substances to read as follows:

"(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4-methylenedioxy amphetamine.
2. 5-methoxy-3, 4-methylenedioxy amphetamine.

3. 3,4,5-trimethoxy amphetamine.
4. Bufotenine.
5. Diethyltryptamine.
6. Dimethyltryptamine.
7. 4-methyl-2, 5-dimethoxyamphetamine.
8. Ibogaine.
9. Lysergic acid diethylamide.
10. Mescaline. ll.Peyote.
12. N-ethyl-3-piperidyl benzilate.
13. N-methyl-3-piperidyl benzilate.
14. Psilocybin.
15. Psilocyn.
16. 2,5-dimethoxyamphetamine
17. 4-bromo-2, 5-dimethoxyamphetamine
18. 4-methoxyamphetamine

**Sec. 6.** (a)—G.S. 90-90 as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes is hereby amended by rewriting subsection (a) to read as follows:

"(a) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, unless specifically excepted or unless listed in another schedule:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride.
- (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salts, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine

(b) G.S. 90-90 is hereby further amended by adding a new subsection (d) to read as follows:

"(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, unless specifically exempted by the Drug Authority or listed in another schedule:

1. Methaqualone
2. Amobarbital
3. Secobarbital
4. Pentobarbital".

**Sec. 7.** G.S. 90-91, as the same appears in Volume 2C of the Cumulative Supplement of the General Statutes is hereby amended by adding a new subsection (j) to read as follows:

"(j) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of said isomers whenever the existence of such salts, isomers, and salts

of isomers is possible within the specific chemical designation, unless specifically excluded or listed in some other schedule.

- (1) Benzphetamine
- (2) Chlorphentermine
- (3) Chlortermine
- (4) Mazindol
- (5) Phendimetrazine."

**Sec. 8.** G.S. 90-92, as the same appears in Volume 2C of the 1973 Cumulative Supplement of the General Statutes, is hereby amended by adding a new subsection (c) to read as follows:

"(c) Any material, compound, mixture, or preparation which contains any of the following substances, including its salts, or isomers and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

1. Fenfluramine."

**Sec. 9.** G.S. 90-93, as the same appears in Volume 2C of the 1973 Cumulative Supplement of the General Statutes, is hereby amended in subsection (b) by deleting the word "dispensed" and inserting the word "sold" and by deleting the word "dispense" and inserting the word "sell" and in subsection (c) by deleting the word "dispense" and inserting the word "sell".

**Sec. 10.** G.S. 90-95(d)(2), as the same appears in Volume 2C of the 1973 Cumulative Supplement of the General Statutes, is hereby rewritten to read as follows:

- "(2) A controlled substance classified in Schedule II, III, or IV, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000), or both in the discretion of the court; but if the quantity of the controlled substance, or combination of the controlled substances, exceeds 100 tablets, capsules or other dosage units, or equivalent quantity, including one-half gram or more of phencyclidine or one gram or more of cocaine, the violation shall be a felony punishable by a term of imprisonment of not more than five years or a fine of not more than five thousand dollars (\$5,000), or both, in the discretion of the court;".

**Sec. 11.** G.S. 90-108(a)(1), as the same appears in Volume 2C of the 1973 Cumulative Supplement of the General Statutes, is hereby amended in the second line by adding the words "or practitioner" after the word "registrant".

**Sec. 12.** G.S. 90-101(f), as the same appears in the 1973 Cumulative Supplement to Volume 2C of the General Statutes, is hereby rewritten to read as follows:

"(f) The North Carolina Drug Authority is authorized to inspect the establishment of a registrant, applicant for registration, or practitioner in accordance with the rules and regulations promulgated by it."

**Sec. 13.** G.S. 90-107, as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby amended by striking the period at the end of the first sentence, inserting a comma, and adding the following words:

"and to authorized employees of the North Carolina Drug Authority."

**Sec. 14.** G.S. 90-102(c), as the same appears in Volume 2C of the 1973 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the first sentence to read as follows:

"(c) Individual practitioners licensed to dispense and authorized to conduct research under federal law with Schedules II through V substances must be registered with the North Carolina Drug Authority to conduct such research."; and by changing the last sentence thereof to read as follows:

"Practitioners registered under federal law to conduct research with the substances of Schedules I and VI of this act may conduct research with Schedules I and VI substances within

this State by registering with the North Carolina Drug Authority upon furnishing evidence of said federal registration."

**Sec. 15.** Article 5 of Chapter 90 of the General Statutes is hereby amended by changing the words "North Carolina Commission for Health Services" and "Commission for Health Services" wherever they appear in Article 5, Chapter 90 of the General Statutes, "North Carolina Controlled Substances Act" sections 90-86 and 90-113.1, to the words "North Carolina Drug Authority" and "Drug Authority".

**Sec. 16.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1974.