

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 888  
House Committee Substitute Favorable 7/7/99

Short Title: Drug Law Amendments.

(Public)

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Sponsors:

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Referred to:

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April 13, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS REGARDING CONTROLLED SUBSTANCES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 90-95 reads as rewritten:

5 **"§ 90-95. Violations; penalties.**

6 (a) Except as authorized by this Article, it is unlawful for any person:

7 (1) To manufacture, sell or deliver, or possess with intent to manufacture,  
8 sell or deliver, a controlled substance;

9 (2) To create, sell or deliver, or possess with intent to sell or deliver, a  
10 counterfeit controlled substance;

11 (3) To possess a controlled substance.

12 (b) Except as provided in subsections (h) and (i) of this section, any person who  
13 violates G.S. 90-95(a)(1) with respect to:

14 (1) A controlled substance classified in Schedule I or II shall be punished as  
15 a Class H felon, except that the sale of a controlled substance classified  
16 in Schedule I or II shall be punished as a Class G felon;

17 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be  
18 punished as a Class I felon, except that the sale of a controlled substance  
19 classified in Schedule III, IV, V, or VI shall be punished as a Class H

1 felon. The transfer of less than 5 grams of marijuana for no  
2 remuneration shall not constitute a delivery in violation of G.S. 90-  
3 95(a)(1).

4 (c) Any person who violates G.S. 90-95(a)(2) shall be punished as a Class I felon.

5 (d) Except as provided in subsections (h) and (i) of this section, any person who  
6 violates G.S. 90-95(a)(3) with respect to:

7 (1) A controlled substance classified in Schedule I shall be punished as a  
8 Class I felon;

9 (2) A controlled substance classified in Schedule II, III, or IV shall be  
10 guilty of a Class 1 misdemeanor. If the controlled substance exceeds  
11 four tablets, capsules, or other dosage units or equivalent quantity of  
12 hydromorphone or if the quantity of the controlled substance, or  
13 combination of the controlled substances, exceeds one hundred tablets,  
14 capsules or other dosage units, or equivalent quantity, the violation shall  
15 be punishable as a Class I felony. If the controlled substance is  
16 methamphetamine, amphetamine, phencyclidine, or cocaine and any  
17 salt, isomer, salts of isomers, compound, derivative, or preparation  
18 thereof, or coca leaves and any salt, isomer, salts of isomers, compound,  
19 derivative, or preparation of coca leaves, or any salt, isomer, salts of  
20 isomers, compound, derivative or preparation thereof which is  
21 chemically equivalent or identical with any of these substances (except  
22 decocanized coca leaves or any extraction of coca leaves which does not  
23 contain cocaine or ecgonine), the violation shall be punishable as a  
24 Class I felony.

25 (3) A controlled substance classified in Schedule V shall be guilty of a  
26 Class 2 misdemeanor;

27 (4) A controlled substance classified in Schedule VI shall be guilty of a  
28 Class 3 misdemeanor, but any sentence of imprisonment imposed must  
29 be suspended and the judge may not require at the time of sentencing  
30 that the defendant serve a period of imprisonment as a special condition  
31 of probation. If the quantity of the controlled substance exceeds one-half  
32 of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce  
33 (avoirdupois) of the extracted resin of marijuana, commonly known as  
34 hashish, the violation shall be punishable as a Class 1 misdemeanor. If  
35 the quantity of the controlled substance exceeds one and one-half  
36 ounces (avoirdupois) of marijuana or three-twentieths of an ounce  
37 (avoirdupois) of the extracted resin of marijuana, commonly known as  
38 hashish, or if the controlled substance consists of any quantity of  
39 synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from  
40 the resin of marijuana, the violation shall be punishable as a Class I  
41 felony.

42 (d1) Except as authorized by this Article, it is unlawful for any person to:

- 1 (1) Possess an immediate precursor chemical with intent to manufacture a  
2 controlled substance; or  
3 (2) Possess or distribute an immediate precursor chemical knowing, or  
4 having reasonable cause to believe, that the immediate precursor  
5 chemical will be used to manufacture a controlled substance.

6 Any person who violates this subsection shall be punished as a Class H felon.

7 (d2) The immediate precursor chemicals to which subsection (d1) of this section  
8 applies are those immediate precursor chemicals designated by the Commission pursuant  
9 to its authority under G.S. 90-88, and the following (until otherwise specified by the  
10 Commission):

- 11 ~~(1) Anthranilic acid.~~  
12 (1) Anhydrous ammonia.  
13 (1a) Anthranilic acid.  
14 (2) Benzyl cyanide.  
15 (3) Chloroephedrine.  
16 (4) Chloropseudoephedrine.  
17 (5) D-lysergic acid.  
18 (6) Ephedrine.  
19 (7) Ergonovine maleate.  
20 (8) Ergotamine tartrate.  
21 (9) Ethyl Malonate.  
22 (10) Ethylamine.  
23 (10a) Iodine.  
24 (11) Isosafrole.  
25 (11a) Lithium.  
26 (12) Malonic acid.  
27 (13) Methylamine.  
28 (14) N-acetylanthranilic acid.  
29 (15) N-ethylephedrine.  
30 (16) N-ethylepseudoephedrine.  
31 (17) N-methylephedrine.  
32 (18) N-methylpseudoephedrine.  
33 (19) Norpseudoephedrine.  
34 (20) Phenyl-2-propane.  
35 (21) Phenylacetic acid.  
36 (22) Phenylpropanolamine.  
37 (23) Piperidine.  
38 (24) Piperonal.  
39 (25) Propionic anhydride.  
40 (26) Pseudoephedrine.  
41 (27) Pyrrolidine.  
42 (27a) Red phosphorous.  
43 (28) Safrole.

- 1           (28a) Sodium.  
2           (29) Thionylchloride.
- 3       (e)    The prescribed punishment and degree of any offense under this Article shall  
4 be subject to the following conditions, but the punishment for an offense may be  
5 increased only by the maximum authorized under any one of the applicable conditions:
- 6           (1),   (2) Repealed by Session Laws 1979, c. 760, s. 5.  
7           (3)    If any person commits a Class 1 misdemeanor under this Article and if  
8 he has previously been convicted for one or more offenses under any  
9 law of North Carolina or any law of the United States or any other state,  
10 which offenses are punishable under any provision of this Article, he  
11 shall be punished as a Class I felon. The prior conviction used to raise  
12 the current offense to a Class I felony shall not be used to calculate the  
13 prior record level.
- 14          (4)    If any person commits a Class 2 misdemeanor, and if he has previously  
15 been convicted for one or more offenses under any law of North  
16 Carolina or any law of the United States or any other state, which  
17 offenses are punishable under any provision of this Article, he shall be  
18 guilty of a Class 1 misdemeanor. The prior conviction used to raise the  
19 current offense to a Class 1 misdemeanor shall not be used to calculate  
20 the prior conviction level.
- 21          (5)    Any person 18 years of age or over who violates G.S. 90-95(a)(1) by  
22 selling or delivering a controlled substance to a person under 16 years of  
23 age but more than 13 years of age or a pregnant female shall be  
24 punished as a Class D felon. Any person 18 years of age or over who  
25 violates G.S. 90-95(a)(1) by selling or delivering a controlled substance  
26 to a person who is 13 years of age or younger shall be punished as a  
27 Class C felon. Mistake of age is not a defense to a prosecution under  
28 this section. It shall not be a defense that the defendant did not know  
29 that the recipient was pregnant.
- 30          (6)    For the purpose of increasing punishment under G.S. 90-95(e)(3) and  
31 (e)(4), previous convictions for offenses shall be counted by the number  
32 of separate trials at which final convictions were obtained and not by the  
33 number of charges at a single trial.
- 34          (7)    If any person commits an offense under this Article for which the  
35 prescribed punishment requires that any sentence of imprisonment be  
36 suspended, and if he has previously been convicted for one or more  
37 offenses under any law of North Carolina or any law of the United  
38 States or any other state, which offenses are punishable under any  
39 provision of this Article, he shall be guilty of a Class 2 misdemeanor.
- 40          (8)    Any person 21 years of age or older who commits an offense under G.S.  
41 90-95(a)(1) on property used for an elementary or secondary school or  
42 within 300 feet of the boundary of real property used for an elementary  
43 or secondary school shall be punished as a Class E felon. For purposes

1 of this subdivision, the transfer of less than five grams of marijuana for  
2 no remuneration shall not constitute a delivery in violation of G.S. 90-  
3 95(a)(1).

4 (9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal  
5 institution or local confinement facility shall be guilty of a Class H  
6 felony.

7 (f) Any person convicted of an offense or offenses under this Article who is  
8 sentenced to an active term of imprisonment that is less than the maximum active term  
9 that could have been imposed may, in addition, be sentenced to a term of special  
10 probation. Except as indicated in this subsection, the administration of special probation  
11 shall be the same as probation. The conditions of special probation shall be fixed in the  
12 same manner as probation, and the conditions may include requirements for rehabilitation  
13 treatment. Special probation shall follow the active sentence. No term of special  
14 probation shall exceed five years. Special probation may be revoked in the same manner  
15 as probation; upon revocation, the original term of imprisonment may be increased by no  
16 more than the difference between the active term of imprisonment actually served and the  
17 maximum active term that could have been imposed at trial for the offense or offenses for  
18 which the person was convicted, and the resulting term of imprisonment need not be  
19 diminished by the time spent on special probation.

20 (g) Whenever matter is submitted to the North Carolina State Bureau of  
21 Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory or  
22 to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical  
23 analysis to determine if the matter is or contains a controlled substance, the report of that  
24 analysis certified to upon a form approved by the Attorney General by the person  
25 performing the analysis shall be admissible without further authentication in all  
26 proceedings in the district court and superior court divisions of the General Court of  
27 Justice as evidence of the identity, nature, and quantity of the matter analyzed. Provided,  
28 however, that a report is admissible in a criminal proceeding in the superior court  
29 division or in an adjudicatory hearing in juvenile court in the district court division only  
30 if:

31 (1) The State notifies the defendant at least 15 days before trial of its  
32 intention to introduce the report into evidence under this subsection and  
33 provides a copy of the report to the defendant, and

34 (2) The defendant fails to notify the State at least five days before trial that  
35 the defendant objects to the introduction of the report into evidence.

36 Nothing in this subsection precludes the right of any party to call any witness or to  
37 introduce any evidence supporting or contradicting the evidence contained in the report.

38 (g1) Procedure for establishing chain of custody without calling unnecessary  
39 witnesses. –

40 (1) For the purpose of establishing the chain of physical custody or control  
41 of evidence consisting of or containing a substance tested or analyzed to  
42 determine whether it is a controlled substance, a statement signed by  
43 each successive person in the chain of custody that the person delivered

1 it to the other person indicated on or about the date stated is prima facie  
2 evidence that the person had custody and made the delivery as stated,  
3 without the necessity of a personal appearance in court by the person  
4 signing the statement.

5 (2) The statement shall contain a sufficient description of the material or its  
6 container so as to distinguish it as the particular item in question and  
7 shall state that the material was delivered in essentially the same  
8 condition as received. The statement may be placed on the same  
9 document as the report provided for in subsection (g) of this section.

10 (3) The provisions of this subsection may be utilized by the State only if:  
11 a. The State notifies the defendant at least 15 days before trial of its  
12 intention to introduce the statement into evidence under this  
13 subsection and provides the defendant with a copy of the  
14 statement, and  
15 b. The defendant fails to notify the State at least five days before  
16 trial that the defendant objects to the introduction of the  
17 statement into evidence.

18 (4) Nothing in this subsection precludes the right of any party to call any  
19 witness or to introduce any evidence supporting or contradicting the  
20 evidence contained in the statement.

21 (h) Notwithstanding any other provision of law, the following provisions apply  
22 except as otherwise provided in this Article.

23 (1) Any person who sells, manufactures, delivers, transports, or possesses  
24 in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a  
25 felony which felony shall be known as "trafficking in marijuana" and if  
26 the quantity of such substance involved:

27 a. Is in excess of 10 pounds, but less than 50 pounds, such person  
28 shall be punished as a Class H felon and shall be sentenced to a  
29 minimum term of 25 months and a maximum term of 30 months  
30 in the State's prison and shall be fined not less than five thousand  
31 dollars (\$5,000);

32 b. Is 50 pounds or more, but less than 2,000 pounds, such person  
33 shall be punished as a Class G felon and shall be sentenced to a  
34 minimum term of 35 months and a maximum term of 42 months  
35 in the State's prison and shall be fined not less than twenty-five  
36 thousand dollars (\$25,000);

37 c. Is 2,000 pounds or more, but less than 10,000 pounds, such  
38 person shall be punished as a Class F felon and shall be  
39 sentenced to a minimum term of 70 months and a maximum term  
40 of 84 months in the State's prison and shall be fined not less than  
41 fifty thousand dollars (\$50,000);

42 d. Is 10,000 pounds or more, such person shall be punished as a  
43 Class D felon and shall be sentenced to a minimum term of 175

- 1 months and a maximum term of 219 months in the State's prison  
2 and shall be fined not less than two hundred thousand dollars  
3 (\$200,000).
- 4 (2) Any person who sells, manufactures, delivers, transports, or possesses  
5 1,000 tablets, capsules or other dosage units, or the equivalent quantity,  
6 or more of methaqualone, or any mixture containing such substance,  
7 shall be guilty of a felony which shall be known as "trafficking in  
8 methaqualone" and if the quantity of such substance or mixture  
9 involved:
- 10 a. Is 1,000 or more dosage units, or equivalent quantity, but less  
11 than 5,000 dosage units, or equivalent quantity, such person shall  
12 be punished as a Class G felon and shall be sentenced to a  
13 minimum term of 35 months and a maximum term of 42 months  
14 in the State's prison and shall be fined not less than twenty-five  
15 thousand dollars (\$25,000);
- 16 b. Is 5,000 or more dosage units, or equivalent quantity, but less  
17 than 10,000 dosage units, or equivalent quantity, such person  
18 shall be punished as a Class F felon and shall be sentenced to a  
19 minimum term of 70 months and a maximum term of 84 months  
20 in the State's prison and shall be fined not less than fifty thousand  
21 dollars (\$50,000);
- 22 c. Is 10,000 or more dosage units, or equivalent quantity, such  
23 person shall be punished as a Class D felon and shall be  
24 sentenced to a minimum term of 175 months and a maximum  
25 term of 219 months in the State's prison and shall be fined not  
26 less than two hundred thousand dollars (\$200,000).
- 27 (3) Any person who sells, manufactures, delivers, transports, or possesses  
28 28 grams or more of cocaine and any salt, isomer, salts of isomers,  
29 compound, derivative, or preparation thereof, or any coca leaves and  
30 any salt, isomer, salts of isomers, compound, derivative, or preparation  
31 of coca leaves, and any salt, isomer, salts of isomers, compound,  
32 derivative or preparation thereof which is chemically equivalent or  
33 identical with any of these substances (except decocainized coca leaves  
34 or any extraction of coca leaves which does not contain cocaine) or any  
35 mixture containing such substances, shall be guilty of a felony, which  
36 felony shall be known as "trafficking in cocaine" and if the quantity of  
37 such substance or mixture involved:
- 38 a. Is 28 grams or more, but less than 200 grams, such person shall  
39 be punished as a Class G felon and shall be sentenced to a  
40 minimum term of 35 months and a maximum term of 42 months  
41 in the State's prison and shall be fined not less than fifty thousand  
42 dollars (\$50,000);

- 1           b.     Is 200 grams or more, but less than 400 grams, such person shall  
2           be punished as a Class F felon and shall be sentenced to a  
3           minimum term of 70 months and a maximum term of 84 months  
4           in the State's prison and shall be fined not less than one hundred  
5           thousand dollars (\$100,000);
- 6           c.     Is 400 grams or more, such person shall be punished as a Class D  
7           felon and shall be sentenced to a minimum term of 175 months  
8           and a maximum term of 219 months in the State's prison and  
9           shall be fined at least two hundred fifty thousand dollars  
10          (\$250,000).

- 11       (3a) ~~Any person who sells, manufactures, delivers, transports, or possesses~~  
12       ~~1,000 tablets, capsules or other dosage units, or the equivalent quantity,~~  
13       ~~or more of amphetamine, its salts, optical isomers, and salts of its~~  
14       ~~optical isomers or any mixture containing such substance, shall be~~  
15       ~~guilty of a felony which shall be known as "trafficking in~~  
16       ~~amphetamine" and if the quantity of such substance or mixture involved:~~
- 17       a.     ~~Is 1,000 or more dosage units, or equivalent quantity, but less~~  
18       ~~than 5,000 dosage units, or equivalent quantity, such person shall~~  
19       ~~be punished as a Class G felon and shall be sentenced to a~~  
20       ~~minimum term of 35 months and a maximum term of 42 months~~  
21       ~~in the State's prison and shall be fined not less than twenty five~~  
22       ~~thousand dollars (\$25,000);~~
- 23       b.     ~~Is 5,000 or more dosage units, or equivalent quantity, but less~~  
24       ~~than 10,000 dosage units, or equivalent quantity, such person~~  
25       ~~shall be punished as a Class F felon and shall be sentenced to a~~  
26       ~~minimum term of 70 months and a maximum term of 84 months~~  
27       ~~in the State's prison and shall be fined not less than fifty thousand~~  
28       ~~dollars (\$50,000);~~
- 29       e.     ~~Is 10,000 or more dosage units, or equivalent quantity, such~~  
30       ~~person shall be punished as a Class D felon and shall be~~  
31       ~~sentenced to a minimum term of 175 months and a maximum~~  
32       ~~term of 219 months in the State's prison and shall be fined not~~  
33       ~~less than two hundred thousand dollars (\$200,000).~~

- 34       (3b) Any person who sells, manufactures, delivers, transports, or possesses  
35       28 grams or more of methamphetamine or amphetamine shall be guilty  
36       of a felony which shall be known as 'trafficking in  
37       ~~methamphetamine~~' methamphetamine or amphetamine and if the quantity  
38       of such substance or mixture involved:
- 39       a.     Is 28 grams or more, but less than 200 grams, such person shall  
40       be punished as a ~~Class G~~ Class F felon and shall be sentenced to a  
41       minimum term of ~~35-70~~ months and a maximum term of ~~42-84~~  
42       months in the State's prison and shall be fined not less than fifty  
43       thousand dollars (\$50,000);

- 1                   b.       Is 200 grams or more, but less than 400 grams, such person shall  
2                   be punished as a ~~Class F~~ Class E felon and shall be sentenced to a  
3                   minimum term of ~~70-90~~ months and a maximum term of ~~84-117~~  
4                   months in the State's prison and shall be fined not less than one  
5                   hundred thousand dollars (\$100,000);
- 6                   c.       Is 400 grams or more, such person shall be punished as a ~~Class D~~  
7                   Class C felon and shall be sentenced to a minimum term of ~~175~~  
8                   225 months and a maximum term of ~~219-279~~ months in the  
9                   State's prison and shall be fined at least two hundred fifty  
10                  thousand dollars (\$250,000).
- 11               (4)       Any person who sells, manufactures, delivers, transports, or possesses  
12               four grams or more of opium or opiate, or any salt, compound,  
13               derivative, or preparation of opium or opiate (except apomorphine,  
14               nalbuphine, analoxone and naltrexone and their respective salts),  
15               including heroin, or any mixture containing such substance, shall be  
16               guilty of a felony which felony shall be known as "trafficking in opium  
17               or heroin" and if the quantity of such controlled substance or mixture  
18               involved:
- 19               a.       Is four grams or more, but less than 14 grams, such person shall  
20               be punished as a Class F felon and shall be sentenced to a  
21               minimum term of 70 months and a maximum term of 84 months  
22               in the State's prison and shall be fined not less than fifty thousand  
23               dollars (\$50,000);
- 24               b.       Is 14 grams or more, but less than 28 grams, such person shall be  
25               punished as a Class E felon and shall be sentenced to a minimum  
26               term of 90 months and a maximum term of 117 months in the  
27               State's prison and shall be fined not less than one hundred  
28               thousand dollars (\$100,000);
- 29               c.       Is 28 grams or more, such person shall be punished as a Class C  
30               felon and shall be sentenced to a minimum term of 225 months  
31               and a maximum term of 279 months in the State's prison and  
32               shall be fined not less than five hundred thousand dollars  
33               (\$500,000).
- 34               (4a)     Any person who sells, manufactures, delivers, transports, or possesses  
35               100 tablets, capsules, or other dosage units, or the equivalent quantity,  
36               or more, of Lysergic Acid Diethylamide, or any mixture containing such  
37               substance, shall be guilty of a felony, which felony shall be known as  
38               "trafficking in Lysergic Acid Diethylamide". If the quantity of such  
39               substance or mixture involved:
- 40               a.       Is 100 or more dosage units, or equivalent quantity, but less than  
41               500 dosage units, or equivalent quantity, such person shall be  
42               punished as a Class G felon and shall be sentenced to a minimum  
43               term of 35 months and a maximum term of 42 months in the

- 1 State's prison and shall be fined not less than twenty-five  
2 thousand dollars (\$25,000);
- 3 b. Is 500 or more dosage units, or equivalent quantity, but less than  
4 1,000 dosage units, or equivalent quantity, such person shall be  
5 punished as a Class F felon and shall be sentenced to a minimum  
6 term of 70 months and a maximum term of 84 months in the  
7 State's prison and shall be fined not less than fifty thousand  
8 dollars (\$50,000);
- 9 c. Is 1,000 or more dosage units, or equivalent quantity, such  
10 person shall be punished as a Class D felon and shall be  
11 sentenced to a minimum term of 175 months and a maximum  
12 term of 219 months in the State's prison and shall be fined not  
13 less than two hundred thousand dollars (\$200,000).
- 14 (5) Except as provided in this subdivision, a person being sentenced under  
15 this subsection may not receive a suspended sentence or be placed on  
16 probation. The sentencing judge may reduce the fine, or impose a prison  
17 term less than the applicable minimum prison term provided by this  
18 subsection, or suspend the prison term imposed and place a person on  
19 probation when such person has, to the best of his knowledge, provided  
20 substantial assistance in the identification, arrest, or conviction of any  
21 accomplices, accessories, co-conspirators, or principals if the sentencing  
22 judge enters in the record a finding that the person to be sentenced has  
23 rendered such substantial assistance.
- 24 (6) Sentences imposed pursuant to this subsection shall run consecutively  
25 with and shall commence at the expiration of any sentence being served  
26 by the person sentenced hereunder.
- 27 (i) The penalties provided in subsection (h) of this section shall also apply to any  
28 person who is convicted of conspiracy to commit any of the offenses described in  
29 subsection (h) of this section."

30 Section 2. G.S. 90-95.3 reads as rewritten:

31 "**§ 90-95.3. Restitution to law-enforcement agencies for undercover purchases;**  
32 **restitution for drug ~~analyses~~-analyses; restitution for seizure and cleanup**  
33 **of clandestine laboratories.**

34 (a) When any person is convicted of an offense under this Article, the court may  
35 order him to make restitution to any law-enforcement agency for reasonable expenditures  
36 made in purchasing controlled substances from him or his agent as part of an  
37 investigation leading to his conviction.

38 (b) When any person is convicted of an offense under this Article, the court may  
39 order him to make restitution in the sum of one hundred dollars (\$100.00) to the State of  
40 North Carolina for the expense of analyzing any controlled substance possessed by him  
41 or his agent as part of an investigation leading to his conviction. Any funds received  
42 under this subsection shall be deposited in the General Fund.

1 (c) When any person is convicted of an offense under this Article involving the  
2 manufacture of controlled substances, the court must order the person to make restitution  
3 for the actual cost of cleanup to the law enforcement agency that cleaned up any  
4 clandestine laboratory used to manufacture the controlled substances, including personnel  
5 overtime, equipment, and supplies."

6 Section 3. G.S. 90-91 reads as rewritten:

7 **"§ 90-91. Schedule III controlled substances.**

8 This schedule includes the controlled substances listed or to be listed by whatever  
9 official name, common or usual name, chemical name, or trade name designated. In  
10 determining that a substance comes within this schedule, the Commission shall find: a  
11 potential for abuse less than the substances listed in Schedules I and II; currently accepted  
12 medical use in the United States; and abuse may lead to moderate or low physical  
13 dependence or high psychological dependence. The following controlled substances are  
14 included in this schedule:

15 (a) Repealed by Session Laws 1973, c. 540, s. 5.

16 (b) Any material, compound, mixture, or preparation which contains any quantity  
17 of the following substances having a depressant effect on the central nervous system  
18 unless specifically exempted or listed in another schedule:

19 1. Any substance which contains any quantity of a derivative of barbituric  
20 acid, or any salt of a derivative of barbituric acid.

21 2. Chlorhexadol.

22 3. Repealed by Session Laws 1993, c. 319, s. 5.

23 4. Lysergic acid.

24 5. Lysergic acid amide.

25 6. Methyprylon.

26 7. Sulfondiethylmethane.

27 8. Sulfonethylmethane.

28 9. Sulfonmethane.

29 9a. Tiletamine and zolazepam or any salt thereof. Some trade or other  
30 names for tiletamine-zolazepam combination product: Telazol. Some  
31 trade or other names for tiletamine:

32 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other  
33 names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-  
34 trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one. flupyrazapon.

35 10. Any compound, mixture or preparation containing

36 (i) Amobarbital.

37 (ii) Secobarbital.

38 (iii) Pentobarbital.

39 or any salt thereof and one or more active ingredients which are not  
40 included in any other schedule.

41 11. Any suppository dosage form containing

42 (i) Amobarbital.

43 (ii) Secobarbital.

1 (iii) Pentobarbital.

2 or any salt of any of these drugs and approved by the federal Food and  
3 Drug Administration for marketing as a suppository.

4 (c) Nalorphine.

5 (d) Any material, compound, mixture, or preparation containing limited quantities  
6 of any of the following narcotic drugs, or any salts thereof unless specifically exempted  
7 or listed in another schedule:

- 8 1. Not more than 1.80 grams of codeine per 100 milliliters or not more  
9 than 90 milligrams per dosage unit with an equal or greater quantity of  
10 an isoquinoline alkaloid of opium.
- 11 2. Not more than 1.80 grams of codeine per 100 milliliters or not more  
12 than 90 milligrams per dosage unit, with one or more active,  
13 nonnarcotic ingredients in recognized therapeutic amounts.
- 14 3. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters  
15 or not more than 15 milligrams per dosage unit with a four-fold or  
16 greater quantity of an isoquinoline alkaloid of opium.
- 17 4. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters  
18 or not more than 15 milligrams per dosage unit, with one or more active,  
19 nonnarcotic ingredients in recognized therapeutic amounts.
- 20 5. Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not  
21 more than 90 milligrams per dosage unit, with one or more active,  
22 nonnarcotic ingredients in recognized therapeutic amounts.
- 23 6. Not more than 300 milligrams of ethylmorphine per 100 milliliters or  
24 not more than 15 milligrams per dosage unit, with one or more active,  
25 nonnarcotic ingredients in recognized therapeutic amounts.
- 26 7. Not more than 500 milligrams of opium per 100 milliliters or per 100  
27 grams, or not more than 25 milligrams per dosage unit, with one or  
28 more active, nonnarcotic ingredients in recognized therapeutic amounts.
- 29 8. Not more than 50 milligrams of morphine per 100 milliliters or per 100  
30 grams with one or more active, nonnarcotic ingredients in recognized  
31 therapeutic amounts.

32 (e) Any compound, mixture or preparation containing limited quantities of the  
33 following narcotic drugs, which shall include one or more active, nonnarcotic, medicinal  
34 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation,  
35 valuable medicinal qualities other than those possessed by the narcotic drug alone:

- 36 1. Paregoric, U.S.P.; provided, that no person shall purchase or receive by  
37 any means whatsoever more than one fluid ounce of paregoric within a  
38 consecutive 24-hour period, except on prescription issued by a duly  
39 licensed physician.

40 (f) Paregoric, U.S.P., may be dispensed at retail as permitted by federal law or  
41 administrative regulation without a prescription only by a registered pharmacist and no  
42 other person, agency or employee may dispense paregoric, U.S.P., even if under the  
43 direct supervision of a pharmacist.

1 (g) Notwithstanding the provisions of G.S. 90-91(f), after the pharmacist has  
2 fulfilled his professional responsibilities and legal responsibilities required of him in this  
3 Article, the actual cash transaction, credit transaction, or delivery of paregoric, U.S.P.,  
4 may be completed by a nonpharmacist. A pharmacist may refuse to dispense a paregoric,  
5 U.S.P., substance until he is satisfied that the product is being obtained for medicinal  
6 purposes only.

7 (h) Paregoric, U.S.P., may only be sold at retail without a prescription to a person  
8 at least 18 years of age. A pharmacist must require every retail purchaser of a paregoric,  
9 U.S.P., substance to furnish suitable identification, including proof of age when  
10 appropriate, in order to purchase paregoric, U.S.P. The name and address obtained from  
11 such identification shall be entered in the record of disposition to consumers.

12 (i) The Commission may by regulation except any compound, mixture, or  
13 preparation containing any stimulant or depressant substance listed in paragraphs (a)1  
14 and (a)2 of this schedule from the application of all or any part of this Article if the  
15 compound, mixture, or preparation contains one or more active medicinal ingredients not  
16 having a stimulant or depressant effect on the central nervous system; and if the  
17 ingredients are included therein in such combinations, quantity, proportion, or  
18 concentration that vitiate the potential for abuse of the substances which have a stimulant  
19 or depressant effect on the central nervous system.

20 (j) Any material, compound, mixture, or preparation which contains any quantity  
21 of the following substances having a stimulant effect on the central nervous system,  
22 including its salts, isomers, and salts of said isomers whenever the existence of such salts,  
23 isomers, and salts of isomers is possible within the specific chemical designation, unless  
24 specifically excluded or listed in some other schedule.

- 25 1. Benzphetamine.
- 26 2. Chlorphentermine.
- 27 3. Clortermine.
- 28 4. Repealed by Session Laws 1987, c. 412, s. 10.
- 29 5. Phendimetrazine.

30 (k) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal  
31 substance, chemically and pharmacologically related to testosterone (other than  
32 estrogens, progestins, and corticosteroids) that promotes muscle growth, including, but  
33 not limited to, the following:

- 34 1. Methandrostenolone,
- 35 2. Stanozolol,
- 36 3. Ethylestrenol,
- 37 4. Nandrolone phenpropionate,
- 38 5. Nandrolone deconoate,
- 39 6. Testosterone propionate,
- 40 7. Chorionic gonadotropin,
- 41 8. Boldenone,
- 42 9. Chlorotestosterone (4-chlortestosterone),
- 43 10. Clostebol,

- 1 11. Dehydrochlormethyltestosterone,
- 2 12. Dibydrotestosterone (4-dihydrotestosterone),
- 3 13. Drostanolone,
- 4 14. Fluoxymesterone,
- 5 15. Formebolone (formebolone),
- 6 16. Mesterolene,
- 7 17. Methandienone,
- 8 18. Methandranone,
- 9 19. Methandriol,
- 10 20. Methenolene,
- 11 21. Methyltestosterone,
- 12 22. Mibolerone,
- 13 23. Nandrolene,
- 14 24. Norethandrolene,
- 15 25. Oxandrolone,
- 16 26. Oxymesterone,
- 17 27. Oxymetholone,
- 18 28. Stanolone,
- 19 29. Testolactone,
- 20 30. Testosterone,
- 21 31. Trenbolone, and
- 22 32. Any salt, ester, or isomer of a drug or substance described or listed in
- 23 this subsection, if that salt, ester, or isomer promotes muscle growth.
- 24 Except such term does not include an anabolic steroid which is
- 25 expressly intended for administration through implants to cattle or other
- 26 nonhuman species and which has been approved by the Secretary of
- 27 Health and Human Services for such administration. If any person
- 28 prescribes, dispenses, or distributes such steroid for human use, such
- 29 person shall be considered to have prescribed, dispensed, or distributed
- 30 an anabolic steroid within the meaning of this subsection.

31 (1) Ketamine."

32 Section 4. This act becomes effective December 1, 1999, and applies to  
33 offenses committed on or after that date.