

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 659

Short Title: Controlled Substances/Update Precursor List. (Public)

Sponsors: Representatives Horn and Jackson (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary III.

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE LIST OF IMMEDIATE PRECURSOR CHEMICALS THAT IT
3 IS UNLAWFUL FOR A PERSON TO POSSESS WITH INTENT TO MANUFACTURE
4 OR DELIVER AND TO CLARIFY WHAT CONSTITUTES CERTAIN DRUG
5 OFFENSES INVOLVING METHAMPHETAMINE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-95 reads as rewritten:

8 "**§ 90-95. Violations; penalties.**

9 ...

10 (d1) (1) Except as authorized by this Article, it is unlawful for any person to:

- 11 a. Possess an immediate precursor chemical with intent to manufacture
12 a controlled substance; or
13 b. Possess or distribute an immediate precursor chemical knowing, or
14 having reasonable cause to believe, that the immediate precursor
15 chemical will be used to manufacture a controlled substance; or
16 c. Possess a pseudoephedrine product if the person has a prior
17 conviction for the possession of methamphetamine, possession with
18 the intent to sell or deliver methamphetamine, sell or deliver
19 methamphetamine, trafficking methamphetamine, possession of an
20 immediate precursor chemical, or manufacture of methamphetamine.
21 The prior conviction may be from any jurisdiction within the United
22 States.

23 Except where the conduct is covered under subdivision (2) of this
24 subsection, any person who violates this subdivision shall be punished as a
25 Class H felon.

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

- 27 a. Possess an immediate precursor chemical with intent to manufacture
28 methamphetamine; or
29 b. Possess or distribute an immediate precursor chemical knowing, or
30 having reasonable cause to believe, that the immediate precursor
31 chemical will be used to manufacture methamphetamine.

32 Any person who violates this subdivision shall be punished as a Class F
33 felon.

34 (d2) The immediate precursor chemicals to which subsection (d1) and (d1a) of this
35 section applies are those immediate precursor chemicals designated by the Commission



* H 6 5 9 - V - 1 *

1 pursuant to its authority under G.S. 90-88, and the following (until otherwise specified by the
2 Commission):

- 3 (1) Acetic anhydride.
- 4 (2) Acetone.
- 5 (2a) Ammonium nitrate.
- 6 (2b) Ammonium sulfate.
- 7 (3) Anhydrous ammonia.
- 8 (4) Anthranilic acid.
- 9 (5) Benzyl chloride.
- 10 (6) Benzyl cyanide.
- 11 (7) 2-Butanone (Methyl Ethyl Ketone).
- 12 (8) Chloroephedrine.
- 13 (9) Chloropseudoephedrine.
- 14 (10) D-lysergic acid.
- 15 (11) Ephedrine.
- 16 (12) Ergonovine maleate.
- 17 (13) Ergotamine tartrate.
- 18 (13a) Ether based starting fluids.
- 19 (14) Ethyl ether.
- 20 (15) Ethyl Malonate.
- 21 (16) Ethylamine.
- 22 (17) Gamma-butyrolactone.
- 23 (18) Hydrochloric Acid. (Muriatic Acid).
- 24 (19) Iodine.
- 25 (20) Isosafrole.
- 26 (21) ~~Lithium.~~ Sources of lithium metal.
- 27 (22) Malonic acid.
- 28 (23) Methylamine.
- 29 (24) Methyl Isobutyl Ketone.
- 30 (25) N-acetylanthranilic acid.
- 31 (26) N-ethylephedrine.
- 32 (27) N-ethylepseudoephedrine.
- 33 (28) N-methylephedrine.
- 34 (29) N-methylpseudoephedrine.
- 35 (30) Norpseudoephedrine.
- 36 (30a) Petroleum based organic solvents such as camping fuels and lighter fluids.
- 37 (31) Phenyl-2-propane.
- 38 (32) Phenylacetic acid.
- 39 (33) Phenylpropanolamine.
- 40 (34) Piperidine.
- 41 (35) Piperonal.
- 42 (36) Propionic anhydride.
- 43 (37) Pseudoephedrine.
- 44 (38) Pyrrolidine.
- 45 (39) Red phosphorous.
- 46 (40) Safrole.
- 47 (40a) Sodium hydroxide (Lye).
- 48 ~~Sodium.~~ Sources of sodium metal.
- 49 (42) Sulfuric Acid.
- 50 (43) Tetrachloroethylene.
- 51 (44) Thionylchloride.

1 (45) Toluene.

2"

3 **SECTION 2.** The Joint Legislative Commission on Justice and Public Safety may
4 study the current State and federal law regarding the authority for State agencies to schedule
5 controlled substances without legislative action and the procedure for that scheduling or
6 rescheduling.

7 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
8 offenses committed on or after that date.