

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 352  
House Committee Substitute Favorable 7/17/19

Short Title: Amend NC Controlled Substances Act.

(Public)

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED

AN ACT REVISING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-87 reads as rewritten:

**"§ 90-87. Definitions.**

As used in this Article:

...

(13a) "Hemp" means the plant *Cannabis sativa* (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, within a delta-9 THC concentration of three-tenths percent (0.3%) on a dry weight basis.

(13b) "Hemp extract" means an extract from hemp, or a mixture or preparation containing hemp plant material or compounds, within a delta-9 THC concentration of three-tenths percent (0.3%) on a dry weight basis.

(13c) "Hemp product" means any product within a delta-9 THC concentration of three-tenths percent (0.3%) on a dry weight basis derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale, including, but not limited to, cosmetics, personal care products, food intended for animal or human consumption as approved by the United States Food and Drug Administration or the United States Department of Agriculture, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol. "Hemp product" does not include smokable hemp.

...

(14a) The term "isomer" means any type of isomer, including structural, geometric, or optical isomers, and stereoisomers, the optical isomer, unless otherwise specified.

...

(16) "Marijuana" means all parts of the plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted



therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. The term "marijuana" also includes smokable hemp. The term does not include industrial hemp as defined in G.S. 106-568.51, when the industrial hemp is produced and used in compliance with rules issued by the North Carolina Industrial Hemp Commission. hemp, when in the possession, custody, or control of a person who holds a license permitting that person to cultivate or handle hemp; hemp products; or hemp extracts. A licensed cultivator or licensed handler may possess raw hemp plant material for the purpose of (i) selling the raw hemp plant material to a licensed handler or a person who may legally receive the raw hemp plant material in that person's jurisdiction or (ii) processing the raw hemp plant material into a hemp product or hemp extract.

(17) "Narcotic drug" means any of the following, 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:

- a. Opium, opiate and opioid, and any salt, compound, derivative, or preparation of opium, opiate, or opioid.
- b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. Cocaine and any salt, ~~isomer,~~ isomer (whether optical or geometric), salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

...  
 (25a) "Smokable hemp" means harvested raw or dried hemp plant material, in a form intended to allow THC to be introduced into the human body by inhalation of smoke, including hemp buds or hemp flowers, hemp cigars, and hemp cigarettes. "Smokable hemp" does not include hemp extracts.

...."

**SECTION 2.** G.S. 90-89 reads as rewritten:

**"§ 90-89. Schedule I controlled substances.**

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse, no currently accepted medical use in the United States, or a lack of accepted safety for use in treatment under medical supervision. The following controlled substances are included in this schedule:

- (1) Opiates. – Any of the following opiates or opioids, including the isomers, esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically excepted, or listed in another schedule, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

...



1           oo.   Substituted Phenylcyclohexylamines. – Any compound, unless  
2           specifically excepted or unless listed in another schedule, or contained  
3           within a pharmaceutical product approved by the United States Food  
4           and Drug Administration, any material, compound, mixture, or  
5           preparation containing a phenylcyclohexylamine structure, with or  
6           without any substitution on the phenyl ring, any substitution on the  
7           cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl  
8           or benzothiophenyl ring, with or without substitution on the amine  
9           with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in  
10           a cyclic structure, or any combination of the above. Substances in this  
11           class include, but are not limited to: BCP (benocyclidine), PCMPA  
12           ((phenylcyclohexyl(methoxypropylamine)), and Hydroxy-PCP  
13           ((hydroxyphenyl)cyclohexylpiperidine).

14           (4)   Systemic depressants. – Any material compound, mixture, or preparation  
15           which contains any quantity of the following substances having a depressant  
16           effect on the central nervous system, including its salts, isomers, and salts of  
17           isomers whenever the existence of such salts, isomers, and salts of isomers is  
18           possible within the specific chemical designation, unless specifically excepted  
19           or unless listed in another schedule:

20           ...

21           g.    Designer Benzodiazepines – Unless specifically excepted or listed in  
22           another schedule, or contained within a pharmaceutical product  
23           approved by the United States Food and Drug Administration, any  
24           material, compound, derivative, mixture, or preparation, including its  
25           salts, isomers, salts of isomers, halogen analogues, or homologues,  
26           whenever the existence of such salts, isomers, or salts of isomers,  
27           halogen analogues, or homologues is possible within the specific  
28           chemical designation, structurally derived from 1,4-benzodiazepine by  
29           substitution at the 5-position with a phenyl ring system (which may be  
30           further substituted), whether or not the compound is further modified  
31           in any of the following ways:

- 32           1.    By substitution at the 2-position with a ketone;
- 33           2.    By substitution at the 3-position with a hydroxyl group or ester  
34           group, which itself may be further substituted;
- 35           3.    By a fused triazole ring at the 1,2-position, which itself may be  
36           further substituted;
- 37           4.    By a fused imidazole ring at the 1,2-position, which itself may  
38           be further substituted;
- 39           5.    By a fused oxazolidine ring at the 4,5-position, which itself  
40           may be further substituted;
- 41           6.    By a fused oxazine ring at the 4,5-position, which itself may  
42           be further substituted;
- 43           7.    By substitution at the 7-position with a nitro group;
- 44           8.    By substitution at the 7-position with a halogen group; or
- 45           9.    By substitution at the 1-position with an alkyl group, which  
46           itself may be further substituted.

47           (5)   Stimulants. – Unless specifically excepted or unless listed in another schedule,  
48           any material, compound, mixture, or preparation that contains any quantity of  
49           the following substances having a stimulant effect on the central nervous  
50           system, including its salts, isomers, and salts of isomers:

51           ...

- 1 h. 4-methylmethcathinone (also known as mephedrone). For this  
2 compound, the term "isomer" includes the optical, positional, or  
3 geometric isomer.
- 4 i. 3,4-Methylenedioxypropylamphetamine (also known as MDPV). For this  
5 compound, the term "isomer" includes the optical, positional, or  
6 geometric isomer.
- 7 j. Substituted cathinones. A compound, other than bupropion, that is  
8 structurally derived from 2-amino-1-phenyl-1-propanone by  
9 modification in any of the following ways: (i) by substitution in the  
10 phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl,  
11 or halide substituents, whether or not further substituted in the phenyl  
12 ring by one or more other univalent substituents; (ii) by substitution at  
13 the 3-position to any extent; or (iii) by substitution at the nitrogen atom  
14 with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion  
15 of the nitrogen atom in a cyclic structure. For the purpose of this  
16 paragraph, the term "isomer" includes the optical, positional, or  
17 geometric isomer.
- 18 ...
- 19 (6) NBOMe compounds. – Any material compound, mixture, or preparation  
20 which contains any quantity of the following substances, including its salts,  
21 ~~isomers,~~ isomers (whether optical, positional, or geometric), and salts of  
22 isomers whenever the existence of such salts, isomers, and salts of isomers is  
23 possible within the specific chemical designation unless specifically excepted  
24 or unless listed in another schedule:
- 25 ...
- 26 (8) Substituted Phenethylamines. – This includes any compound, unless  
27 specifically excepted, specifically named or included in another subset in this  
28 schedule, or listed under a different schedule, structurally derived from  
29 phenylethan-2-amine by substitution on the phenyl ring in any of the  
30 following ways, that is to say, by substitution with a fused methylenedioxy  
31 ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two  
32 alkoxy groups; by substitution with one alkoxy and either one fused furan,  
33 tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two  
34 fused ring systems from any combination of the furan, tetrahydrofuran, or  
35 tetrahydropyran ring systems. Whether or not the compound is further  
36 modified in any of the following ways, that is to say: (i) by substitution of  
37 phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alylthio  
38 groups, (ii) by substitution at the 2-position by any alkyl groups, or (iii) by  
39 substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,  
40 hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.  
41 Substances in this class include, but are not limited to: 2C-I  
42 (4-Iodo-2,5-dimethoxyphenethylamine), APDB  
43 ((2-aminopropyl)-2,3-dihydrobenzofuran), MBDB  
44 (3,4-methylenedioxy-N-methylbutanamine), and 2C-I-NBOH  
45 (N-(2-hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine).
- 46 (9) N-Benzyl Phenethylamines. – Unless specifically excepted or listed in another  
47 schedule, or contained within a pharmaceutical product approved by the  
48 United States Food and Drug Administration, any material, compound,  
49 mixture, or preparation, including its salts, isomers (whether optical,  
50 geometric, or positional), esters, or ethers, and salts of isomers, esters, or  
51 ethers, whenever the existence of such salts is possible within any of the

1 following specific chemical designations, any compound containing a  
2 phenethylamine structure without a beta-keto group, with substitution on the  
3 nitrogen atom of the amino group with a benzyl substituent, with or without  
4 substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio,  
5 alkylthio, halide, fused alkylendioxy, fused furan, fused benzofuran, or fused  
6 tetrahydropyran substituents, whether or not further substituted on a ring to  
7 any extent, with or without substitution at the alpha position by any alkyl  
8 substituent. Substances in this class include, but are not limited to:  
9 25B-NBOH  
10 (4-bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine), 25I-NBF  
11 (4-iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine), and  
12 25C-NBMD  
13 (4-chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

14 **SECTION 3.** G.S. 90-90(1) reads as rewritten:

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

19 ...

20 d. Cocaine and any salt, ~~isomer~~, isomer (whether optical or geometric),  
21 salts of isomers, compound, derivative, or preparation thereof, or coca  
22 leaves and any salt, isomer, salts of isomers, compound, derivative, or  
23 preparation of coca leaves, or any salt, isomer, salts of isomers,  
24 compound, derivative, or preparation thereof which is chemically  
25 equivalent or identical with any of these substances, except that the  
26 substances shall not include decocanized coca leaves or extraction of  
27 coca leaves, which extractions do not contain cocaine or ecgonine.

28 ...."

29 **SECTION 4.** G.S. 90-91(j) reads as rewritten:

30 "(j) Any material, compound, mixture, or preparation which contains any quantity of the  
31 following substances having a stimulant effect on the central nervous system, including its salts,  
32 ~~isomers~~, isomers (whether optical, positional, or geometric), and salts of said isomers whenever  
33 the existence of such salts, isomers, and salts of isomers is possible within the specific chemical  
34 designation, unless specifically excluded or listed in some other schedule.

- 35 1. Benzphetamine.
- 36 2. Chlorphentermine.
- 37 3. Clortermine.
- 38 4. Repealed by Session Laws 1987, c. 412, s. 10.
- 39 5. Phendimetrazine."

40 **SECTION 5.** G.S. 90-92(a) reads as rewritten:

41 **"§ 90-92. Schedule IV controlled substances.**

42 (a) This schedule includes the controlled substances listed or to be listed by whatever  
43 official name, common or usual name, chemical name, or trade name designated. In determining  
44 that a substance comes within this schedule, the Commission shall find: a low potential for abuse  
45 relative to the substances listed in Schedule III of this Article; currently accepted medical use in  
46 the United States; and limited physical or psychological dependence relative to the substances  
47 listed in Schedule III of this Article. The following controlled substances are included in this  
48 schedule:

- 49 (1) Depressants. – Unless specifically excepted or unless listed in another  
50 schedule, any material, compound, mixture, or preparation which contains any  
51 quantity of the following substances, including its salts, isomers, and salts of

1 isomers whenever the existence of such salts, isomers, and salts of isomers is  
2 possible within the specific chemical designation:

3 ...

4 m1. Desalkylflurazepam.

5 ...

6 n2. Diclazepam.

7 ...

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

11 a. Fenfluramine. For this compound, the term "isomer" includes the  
12 optical, positional, or geometric isomer.

13 b. Pentazocine.

14 ...."

15 **SECTION 6.** G.S. 90-94 reads as rewritten:

16 **"§ 90-94. Schedule VI controlled substances.**

17 This schedule includes the controlled substances listed or to be listed by whatever official  
18 name, common or usual name, chemical name, or trade name designated. In determining that  
19 such substance comes within this schedule, the Commission shall find: no currently accepted  
20 medical use in the United States, or a relatively low potential for abuse in terms of risk to public  
21 health and potential to produce psychic or physiological dependence liability based upon present  
22 medical knowledge, or a need for further and continuing study to develop scientific evidence of  
23 its pharmacological effects.

24 The following controlled substances are included in this schedule:

25 (1) Marijuana.

26 (2) ~~Tetrahydrocannabinols.~~ Tetrahydrocannabinols, except for  
27 tetrahydrocannabinols in hemp products or hemp extracts.

28 (3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and  
29 applicable to offenses committed on or after that date."

30 **SECTION 7.** G.S. 90-95(h)(3) reads as rewritten:

31 "(3) Any person who sells, manufactures, delivers, transports, or possesses 28  
32 grams or more of cocaine and any salt, ~~isomer,~~ isomer (whether optical or  
33 geometric), salts of isomers, compound, derivative, or preparation thereof, or  
34 any coca leaves and any salt, isomer, salts of isomers, compound, derivative,  
35 or preparation of coca leaves, and any salt, isomer, salts of isomers,  
36 compound, derivative or preparation thereof which is chemically equivalent  
37 or identical with any of these substances (except decocainized coca leaves or  
38 any extraction of coca leaves which does not contain cocaine) or any mixture  
39 containing such substances, shall be guilty of a felony, which felony shall be  
40 known as "trafficking in cocaine" and if the quantity of such substance or  
41 mixture involved:

42 a. Is 28 grams or more, but less than 200 grams, such person shall be  
43 punished as a Class G felon and shall be sentenced to a minimum term  
44 of 35 months and a maximum term of 51 months in the State's prison  
45 and shall be fined not less than fifty thousand dollars (\$50,000);

46 b. Is 200 grams or more, but less than 400 grams, such person shall be  
47 punished as a Class F felon and shall be sentenced to a minimum term  
48 of 70 months and a maximum term of 93 months in the State's prison  
49 and shall be fined not less than one hundred thousand dollars  
50 (\$100,000);

