

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Apr 1, 2021
S.B. 448
PRINCIPAL CLERK

S

D

SENATE BILL DRS45227-MG-117B

Short Title: Amendments to Schedule VI of the CSA. (Public)

Sponsors: Senators Burgin, Krawiec, and Perry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING, IN THE ABSENCE OF ANY OBJECTION BY THE COMMISSION
3 FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE
4 ABUSE SERVICES, FOR THE AUTOMATIC REMOVAL FROM SCHEDULE VI OF
5 THE CONTROLLED SUBSTANCES ACT PRESCRIPTION DRUGS APPROVED BY
6 THE FEDERAL FOOD AND DRUG ADMINISTRATION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 90-94 reads as rewritten:

9 "§ 90-94. Schedule VI controlled substances.

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

17 (b) The following controlled substances are included in this schedule:

18 (1) Marijuana.

19 (2) Tetrahydrocannabinols.

20 (3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and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

22 (c) Notwithstanding the provisions of this section, any prescription drug approved by the
23 federal Food and Drug Administration under Section 505 of the federal Food, Drug, and
24 Cosmetic Act that is designated, rescheduled, or deleted as a controlled substance under federal
25 law by the United States Drug Enforcement Administration shall be excluded from Schedule VI
26 and may be prescribed, distributed, dispensed, and used in accordance with federal law upon the
27 issuance of a notice, final rule, or interim final rule by the United States Drug Enforcement
28 Administration that designates, reschedules, or deletes such prescription drug as a controlled
29 substance under federal law, unless the Commission objects to such action as provided under
30 G.S. 90-88(d). If the Commission does not object as provided under G.S. 90-88(d), the
31 prescription drug shall be deemed to be designated, rescheduled, or deleted as a controlled
32 substance in accordance with federal law and in compliance with this Chapter."

33 SECTION 2. This act is effective when it becomes law and applies to prescription
34 drugs approved by the federal Food and Drug Administration on or after that date.



* D R S 4 5 2 2 7 - M G - 1 1 7 B *