



SENATE BILL 352: Amend NC Controlled Substances Act.

2019-2020 General Assembly

Committee:	House Health. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 8, 2019
Introduced by:	Sens. McInnis, J. Davis	Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 352 would amend sections within the North Carolina Controlled Substances Act (Article 5 of Chapter 90 of the General Statutes).

CURRENT LAW:

Section 1

The term "isomer" as defined under the North Carolina Controlled Substances Act (Article 5 of Chapter 15 of the General Statutes) means *structural, geometric, optical* and *stereoisomers*. G.S. 90-87.

The term isomer refers to the relation of two or more compounds that are composed of the same number of atoms, but differ from each other in structural arrangement, which can lead to a difference in the physical or chemical properties of a substance.

Senate Bill 352 would

- Clarify that *isomer* as used in this Article means *optical* isomers, unless otherwise specified.
- Clarify the term *Narcotic Drug* to include any *optical* or *geometric* isomer within cocaine.

Section 2

Schedule I Controlled Substances include opiates, fentanyl derivatives, opium derivatives, hallucinogenic substances, systemic depressants, stimulants, and NBOMe compounds (psychedelic hallucinogen) Schedule I substances have a high potential for abuse, no medically accepted medical uses in the United State, or lacks accepted safety for use in treatment under medical supervision. G.S. 90-89.

Senate Bill 352 would

- Clarify that isomers within *Levophenacymorphan* include the optical and geometric isomer.
- Add *Isopropyl-U-47000, U-47700, U-51754, and U-48800* as a type of opiate.
- Clarify that a *Fentanyl derivative* includes any derivative of fentanyl, unless excepted, listed in another schedule or is contained within a pharmaceutical product approved by the US Food and Drug Administration (USDA).
- Clarify that isomers in *Opium derivatives* and *Hallucinogenic substances* include the optical, positional, and geometric isomer.
- Define *Substituted Tryptamines* and *Substituted Phenylcyclohexylamines* as a Schedule I Controlled Substance.

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- Define *Designer Benzodiazepines* as a Schedule I Controlled Substance, unless excepted, listed in another scheduled or contained within a pharmaceutical product approved by the USDA.
- Add *mephedrone* to the list of *Stimulants* regulated as a Schedule I Controlled Substance.
- Clarify that isomers within *mephedrone*, *MDPV*, and *Substituted cathinones* include optical, positional and geometric isomers
- Define *Substituted Phenethylamines* and *N-Benzyl Phenethylamines* as a Schedule I Controlled Substance.

Section 3

Cocaine is considered a Schedule II Controlled Substance. Schedule II substances have a high potential for abuse that can lead to severe psychic and physical dependency, accepted medical uses in the United States, or accepted medical uses with severe restrictions. G.S. 90-91.

Senate Bill 352 would clarify that isomers within cocaine include the optical or geometric isomer.

Section 4

A Schedule III Controlled Substance includes any material, compound, mixture or preparation which contains any quantity of substances having a stimulant effect on the body's central nervous system. G.S. 90-91.

Senate Bill 352 would clarify that isomers within Schedule III controlled substances include the optical, positional and geometric isomer.

Section 5

Depressants are considered a Schedule IV Controlled Substance. G.S. 90-92.

Senate Bill 352 would:

- Add *Desalkylflurazepam* and *diclazepam* to the list of Depressants covered under this section.
- Clarify that isomers in *Fenfluramine* includes the optical, positional, and geometric isomer.

Section 6

Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of cocaine including any isomer is guilty of trafficking. G.S. 90-95(h)(3).

Senate Bill 352 would clarify that isomer under this subsection includes the optical or geometric isomer.

EFFECTIVE DATE: This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

Shawn Middlebrooks of the Legislative Analysis Division substantially contributed to this summary