



SENATE BILL 352: Amend NC Controlled Substances Act.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 17, 2019
Introduced by:	Sens. McInnis, J. Davis	Prepared by:	Chris Saunders* Staff Attorney
Analysis of:	PCS to First Edition S352-CSTQ-31		

OVERVIEW: *The Proposed Committee Substitute (PCS) to Senate Bill 352 would amend sections within the North Carolina Controlled Substances Act (Article 5 of Chapter 90 of the General Statutes).*

The PCS would make the following changes from the First Edition:

- *Add definitions concerning hemp in the Controlled Substances Act and make clarifying changes to the definition of marijuana.*
- *Include smokable hemp in the definition of marijuana.*

CURRENT LAW AND BILL ANALYSIS:

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.

The PCS to 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.
- Add definitions for hemp, hemp extract, hemp product, and smokable hemp in the Controlled Substances Act.
- Provide that for purposes of the Controlled Substances Act, the term "marijuana" includes smokable hemp.

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.

The PCS would:

- Clarify that isomers within *Levophenacetylmorphan* include the optical and geometric isomer.

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- 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.
- 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.

The PCS 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.

The PCS 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.

The PCS 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

Marijuana and tetrahydrocannabinols are currently included in the list of Schedule VI controlled substances.

The PCS would clarify that tetrahydrocannabinols in hemp products or hemp extracts are not Schedule VI controlled substances.

Section 7

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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).

The PCS 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.*