



HOUSE BILL 752: Amend Controlled Substances Act.

2021-2022 General Assembly

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| Committee: | House Judiciary 4. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | May 4, 2021 |
| Introduced by: | Reps. Blackwell, Sasser, C. Smith, Stevens | Prepared by: | Jeremy Ray* |
| Analysis of: | First Edition | | Staff Attorney |

OVERVIEW: *House Bill 752 would amend the North Carolina Controlled Substances Act to reflect developments in forensic chemistry.*

CURRENT LAW AND BILL ANALYSIS:

The term "isomer" 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. The arrangement can lead to a difference in the substance's physical or chemical properties.

Section 1 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 would:

- Clarify which isomers include the optical and geometric isomer.
- Add *Isopropyl-U-47000, U-47700, U-51754, U-48800, Isotonitazene, Metonitazene, and Brorphine* as types of opiates.
- Clarify that a *Fentanyl derivative* includes any derivative of fentanyl unless it is an exception, listed in another schedule, or approved by the US Food and Drug Administration (USDA).
- Define *Substituted Tryptamines* and *Substituted Phenylcyclohexylamines* as a Schedule I Controlled Substance.
- Add Clonazolam, Flualprazolam, and Flubromazolam as types of systemic depressants.
- Define *Substituted Phenethylamines* and *N-Benzyl Phenethylamines* as a Schedule I Controlled Substances.

Section 3 would clarify that isomers within cocaine include the optical or geometric isomer.

Section 4 would add *Nortentanyl* to the list of opiates or opioids considered a Schedule II Controlled Substance.

Section 5 would clarify that isomers within Schedule III Controlled Substances include the optical, positional, or geometric isomer.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Section 6 would:

- Add *Desalkylflurazepam*, *diclazepam*, and *designer benzodiazepines* to the list of Depressants.
- Clarify that isomers in *Fenfluramine* include the optical, positional, and geometric isomer.

Section 7 would add *fentanyl* and *carfentanil* to the list of controlled substances punished as a Class I felony.

Generally, possession of controlled substances listed in Schedule II, III, or IV is punished as a Class 1 misdemeanor. However, possession of certain controlled substances on these schedules is punished as a Class I felony. G.S. 90-95(d)(2).

Section 8 would clarify that isomer under this subsection includes the optical or geometric isomer.

EFFECTIVE DATE: This act would become effective December 1, 2021, and would apply to offenses committed on or after that date.

**Robert Ryan and Jennifer Bedford, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*