



SENATE BILL 321: Amend NC Controlled Substances Act.

2021-2022 General Assembly

Committee:		Date:	February 2, 2022
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	S.L. 2021-155		Staff Attorney

OVERVIEW: *Session Law 2021-155 amends the North Carolina Controlled Substances Act to reflect developments in forensic chemistry. The act also adds certain substances to the controlled substance schedules, including moving fentanyl and carfentanil to the list of controlled substances punished as a Class I felony.*

This act became effective December 1, 2021, and applies to offenses committed on or after that date.

CURRENT LAW AND ACT 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.

This act makes the following changes:

- Clarifies that *isomer* as used in this Article means *optical* isomers, unless otherwise specified.
- Clarifies the term *Narcotic Drug* to include any *optical* or *geometric* isomer within cocaine.
- Clarifies which isomers include the optical and geometric isomer.
- Adds *Isopropyl-U-47000, U-47700, U-51754, U-48800, Isotonitazene, Metonitazene, and Brorphine* as types of opiates.
- Clarifies 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).
- Defines *Substituted Tryptamines* and *Substituted Phenylcyclohexylamines* as Schedule I Controlled Substances.
- Adds Clonazolam, Flualprazolam, and Flubromazolam as types of systemic depressants.
- Defines *Substituted Phenethylamines* and *N-Benzyl Phenethylamines* as Schedule I Controlled Substances.
- Clarifies that isomers within cocaine include the optical or geometric isomer.
- Adds *Nortentanyl* to the list of opiates or opioids considered a Schedule II Controlled Substance.
- Clarifies that isomers within Schedule III Controlled Substances include the optical, positional, or geometric isomer.

Jeffrey Hudson
Director



Legislative Analysis
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919-733-2578

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- Adds *Desalkylflurazepam*, *diclozepam*, and *designer benzodiazepines* to the list of Depressants.
- Clarifies that isomers in *Fenfluramine* include the optical, positional, and geometric isomer.
- Adds *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).

This act also does the following:

- Clarifies that isomer under this subsection includes the optical or geometric isomer.
- Adds *Cenobamate* and *Lasmiditan* to the list of Anticonvulsants.

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