



# SENATE BILL 206: Stop Counterfeit Pills Act.

2023-2024 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> March 22, 2023
<b>Introduced by:</b> Sen. McInnis	<b>Prepared by:</b> Robert Ryan
<b>Analysis of:</b> Third Edition	Staff Attorney

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**OVERVIEW:** *Senate Bill 206 would create new criminal offenses in the North Carolina Controlled Substances Act related to materials that can be used to manufacture controlled substances or counterfeit controlled substances.*

**CURRENT LAW:** Article 5 of Chapter 90 is the North Carolina Controlled Substances Act, and it contains the laws related to controlled substances which are listed on Schedules I through VI.

G.S. 90-95 contains the criminal laws related to the manufacturing, sale, and possession of controlled substances and counterfeit controlled substances.

It is a Class I felony to create, sell, or deliver a counterfeit controlled substance. G.S. 90-95(c).

The punishment for manufacturing a controlled substance varies depending on the type of controlled substance and the amount manufactured. G.S. 90-95(b).

G.S. 90-108 contains a list of 15 specific prohibited activities related to controlled substances, beyond the prohibitions contained in G.S. 90-95.

G.S. 90-108(12) prohibits making, distributing, or possessing any punch, die, plate, stone, or other thing that can be used to manufacture a counterfeit controlled substance. An intentional violation of this law would be a Class I felony.

**BILL ANALYSIS:** Senate Bill 206 amends G.S. 90-108(12) to add in additional items that are prohibited while knowing, intending, or having reasonable cause to believe the specified items would be used to create a counterfeit controlled substance.

The bill also amends G.S. 90-108 by adding two new subdivisions, (12a) and (12b), which make it a Class E felony for any person to possess, manufacture, distribute, export, or import specified items while knowing, intending, or having reasonable cause to believe the specified items would be used to manufacture a controlled substance. The bill clarifies that this prohibition would not apply to licensed pharmacists.

**EFFECTIVE DATE:** This act would be effective December 1, 2023, and apply to offenses committed on or after that date.

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**BACKGROUND:** A "controlled substance" as defined by G.S. 90-87(5) means: "a drug, substance, or immediate precursor included in Schedules I through VI ...."

A "counterfeit controlled substance" as defined by G.S. 90-87(6) means either a controlled substance that bears a trademark or other identifying mark without permission of the manufacturer of the product, or any substance that is by any means intentionally represented as a controlled substance.

*\*Jessica Boney, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*