

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 970  
SENATE BILL 468

1 AN ACT TO AMEND ARTICLE 5 AND ARTICLE 5A OF THE GENERAL STATUTES  
2 RELATING TO NARCOTIC, BARBITURATE, AND STIMULANT DRUGS.

4 The General Assembly of North Carolina do enact:

6                   **Section 1.** G.S. 90-87(9), as it appears in the 1967 Cumulative Supplement to  
7 Volume 2C of the General Statutes, is hereby amended by inserting immediately after the word  
8 "opium" in the first line thereof, the words "opium poppy, cannabidial, tetrahydrocannabinol,"  
9 and by inserting, immediately after the word "cocaine" in line 9 thereof, the words "or  
10 possesses hallucinogenic properties similar to lysergic acid diethylamide," and by deleting the  
11 word "hallucinagenic" in line 4, and inserting in lieu thereof the word "hallucinogenic".

12                   **Sec. 2.** G.S. 90-87 is hereby amended by adding a new subsection immediately  
13 after subsection (11), to be designated as subsection (11a), and to read as follows:

14 "11a) 'Opium Poppy.' The term 'opium poppy' includes the plant *Papaver*  
15 *Somniferum*, any other plant which is the source of opium or opium  
16 products, and any part of any such plant."

17                   **Sec. 3.** G.S. 90-97(b) is hereby amended by deleting the word "and" at the end of  
18 subsection (1) thereof, and by changing the period, at the end of subsection (2) thereof, to a  
19 semicolon, and by adding the following subsections:

31                   **Sec. 4.** G.S. 90-113.1 is hereby amended by adding a new subsection at the end  
32 thereof to read as follows:

1        "(d) Any person who violates any provision of G.S. 90-113.9 through G.S. 90-113.11  
2 shall be guilty of a misdemeanor, and punished in the discretion of the court."

3            **Sec. 6.** Article 5A of Chapter 90 of the General Statutes is hereby amended by  
4 adding at the end thereof the following new sections:

5        **"G.S. 90-113.9. Inhaling fumes for purpose of causing intoxication, etc.** No person shall,  
6 for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or  
7 the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any  
8 glue containing a solvent having the property of releasing toxic vapors or fumes; provided, that  
9 nothing in this Section shall be interpreted as applying to the inhalation of any anesthesia for  
10 medical or dental purposes.

11        **"G.S. 90-113.10. Use or possession of glue for purpose of violating G.S. 90-113.9.** No  
12 person shall, for the purpose of violating G.S. 90-113.9, use, or possess for the purpose of so  
13 using, any glue containing a solvent having the property of releasing toxic vapors or fumes.

14        **"G.S. 90-113.11. Sale, etc., of glue to be used in violation of G.S. 90-113.9.** No person shall  
15 sell, or offer to sell, to any other person any tube or other container of glue containing a solvent  
16 having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect  
17 that the product sold, or offered for sale, will be used for the purpose set forth in G.S. 90-113.9.

18        **"G.S. 90-113.12. Furnishing intoxicants, barbituates or stimulant drugs to inmates of  
19 charitable or penal institutions.** If any person shall sell or give to any inmate of any  
20 charitable or penal institution any intoxicating drink, barbiturate or stimulant drug as denmed by  
21 G.S. 90-113.1, except upon the prescrition of a physician, he shall be guilty of a misdemeanor,  
22 and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court; and if  
23 he be an officer or employee of any institution of the State, he shall be dismissed from his  
24 office.

25        **"G.S. 90-113.13. Furnishing poison, narcotics, deadly weapons, cartridges or ammunition  
26 to inmates of charitable or penal institutions.** If any person shall give or sell to any inmate or  
27 any charitable or penal institution, or if any person shall combine, confederate, conspire, aid,  
28 abet, solicit, urge, investigate, counsel, advise, encourage, attempt to procure, or procure  
29 another or others to give or sell to any inmate of any charitable or penal institution, any deadly  
30 weapon, or any cartridge or ammunition for firearms of any kind, or any narcotic, poison or  
31 poisonous substance, except upon the prescription of a physician, he shall be guilty of a felony  
32 and upon conviction thereof, shall be fined or imprisoned in the State's Prison for not more than  
33 ten (10) years in the discretion of the court; and if he be an officer or employee of any  
34 institution of the State, he shall be dismissed from his position or office."

35            **Sec. 7.** G.S. 90-113.2(5), as it appears in the 1967 Cumulative Supplement to  
36 Volume 2C of the General Statutes, is hereby amended by inserting, immediately after the word  
37 "person" in line 1 thereof, the words "to sell or".

38            **Sec. 8.** G.S. 90-113.2 is hereby amended by inserting the words "or any other drug  
39 whatsoever that is under the control of the North Carolina pharmacy laws" immediately after  
40 the word "drug" in line 2 of subsection (4) thereof, and further amend G.S. 90-113.2 by adding  
41 at the end thereof a new subsection, designated subsection (7), and to read as follows:

42        "(7) Impersonation of a Practitioner. It shall be unlawful for any person other  
43 than practitioners licensed under Articles 1, 2, 4, 6, 11 and 12 of Chapter 90  
44 to represent to any such practitioner, pharmacy, or any of their employees or  
45 to any individual, corporation, partnership or association engaged in the  
46 business of "warehouseman" as defined in 90-113.1(10) or in the business of  
47 "wholesaler" as defined in 90-113.1, subsection 11 that he is a licensed  
48 practitioner to secure or attempt to secure any drug or drug preparation that  
49 requires a prescription under the Pharmacy Laws of North Carolina or in any  
50 way impersonate a practitioner for the purpose of securing or attempting to

1                   secure any drug requiring a prescription from a practitioner licensed by the  
2                   State."

3                   **Sec. 9.** G.S. 90-111.1 is hereby amended by inserting the words "or opium poppy"  
4                   immediately after the word "marijuana" in line 2 thereof.

5                   **Sec. 10.** G.S. 90-111(a) is hereby amended by inserting at the end of the first  
6                   sentence thereof the following:

7                   "Provided, that any person unlawfully possessing one gram or less of the drug defined in  
8                   G.S. 90-87(1)a, or one-tenth of a gram or less of the drug defined in G.S. 90-87(1)b or c, or one  
9                   gram or less of the drug marijuana defined in G.S. 90-87(1)d, shall, for the first offense, be  
10                  guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the  
11                  court."

12                  **Sec. 11.** G.S. 14-427 through G.S. 14-431, G.S. 14-390 and G.S. 14-390.1 having  
13                  been transferred into Sections of this Act, are hereby repealed.

14                  **Sec. 12.** All laws and clauses of laws in conflict with this Act are hereby repealed.

15                  **Sec. 13.** This Act shall be in full force and effect from and after its ratification.

16                  In the General Assembly read three times and ratified, this the 23rd day of June,  
17                  1969.