

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 970
SENATE BILL 468

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

The General Assembly of North Carolina do enact:

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

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

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

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

"(3) That the person who purchases, receives or possesses such exempt preparation by any means whatsoever does so in good faith for the purpose of using the exempt preparation as a medicine and not for the purpose of evading the provisions of this Article;

"(4) That no person shall purchase or receive by any means whatsoever more than one fluid ounce of paregoric, within any consecutive twenty-four hour period, except upon prescription issued by a duly licensed physician.

"(5) That whenever a pharmacist or physician sells or dispenses any exempt preparation, he shall affix to the container in which such preparation is sold or dispensed, a label showing doctor's name and address or pharmacy name and address."

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

"(12) Definition. As used in this Article the phrase 'glue containing a solvent having the property of releasing toxic vapors or fumes' shall mean and include any glue, cement, or other adhesive containing one or more of the following chemical compounds: Acetone, an acetate, benzene, toluene, xylene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, or petroleum ether."

Sec. 5. G.S. 90-113.8, as it appears in the 1967 Cumulative Supplement to Volume 2C of the General Statutes, is hereby amended by inserting, immediately after the word "illegal" in line 3 of subsection (a) thereof, the word "sale", and by adding a new subsection at the end thereof to read as follows:

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

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

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

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

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

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

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

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

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

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