

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 732
HOUSE BILL 1204

AN ACT TO DEFINE "COUNTERFEIT CONTROLLED SUBSTANCE" IN THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-87(6) is rewritten to read:

"(6) 'Counterfeit controlled substance' means:

- a. A controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports, or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser; or
- b. Any substance which is by any means intentionally represented as a controlled substance. It is evidence that the substance has been intentionally misrepresented as a controlled substance if the following factors are established:
 1. The substance was packaged or delivered in a manner normally used for the illegal delivery of controlled substances.
 2. Money or other valuable property has been exchanged or requested for the substance, and the amount of that consideration was substantially in excess of the reasonable value of the substance.
 3. The physical appearance of the tablets, capsules or other finished product containing the substance is substantially identical to a specified controlled substance."

Sec. 2. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 29th day of June, 1981.