

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 552

Short Title: Suspend Prof. Licenses/Drug Felony.

(Public)

Sponsors: Representatives Kimsey; Abernethy, Fitch, Hege, Howard, Jordan, Justus, Loflin, Privette, Smith, and Warner.

Referred to: State Government.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF
3 PROFESSIONAL AND OCCUPATIONAL LICENSES OR CERTIFICATIONS
4 OF A DEFENDANT CONVICTED OF A STATE OR FEDERAL DRUG
5 OFFENSE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 90 of the General Statutes is amended by adding a new
8 section to read:

9 **"§ 90-98.1. Suspension or revocation of professional and occupational licenses or**
10 **certifications for controlled substance convictions.**

11 (a) As used in this section, unless the context clearly requires otherwise:

12 (1) 'License' means any license (specifically including, but not limited to,
13 privilege or business licenses held personally by the defendant),
14 certificate, or other evidence of qualification which an individual must
15 obtain before engaging in, or holding oneself out as a member of, a
16 particular profession or occupation.

17 (2) 'Occupational licensing board' means any board, committee,
18 commission, or other agency in North Carolina (specifically including,
19 not limited to, the North Carolina State Bar and the Board of Medical
20 Examiners of the State of North Carolina, and other boards as defined
21 in Chapter 93B of the General Statutes) which is established for the
22 primary purpose of regulating the entry of persons into, or the conduct

1 of persons within, or both, a particular profession or occupation, and
2 which is authorized to issue licenses.

3 (b) Upon conviction in any court of competent jurisdiction of a violation of any
4 of the provisions of this Article or the Federal Drug Abuse Prevention and Control Act
5 (21 U.S.C. Chapter 13, or a successor statute) which constitutes a felony, the clerk of
6 court shall forward a certified copy of the judgement of conviction to the occupational
7 licensing board by which the convicted defendant had been licensed to practice his
8 profession or occupation.

9 (c) Upon receipt of the certified copy of conviction, the occupational licensing
10 board shall:

11 (1) For the first such conviction, suspend the convicted defendant's license
12 for no less than six months from the date of suspension;

13 (2) For the second such conviction, suspend the convicted defendant's
14 license for no less than one year from the date of the suspension;

15 (3) For the third such conviction, permanently revoke the convicted
16 defendant's license.

17 The minimum penalties required under this subsection shall in no way limit the
18 authority of any occupational licensing board to impose more severe penalties in the
19 discretion of that board."

20 Sec. 2. This act becomes effective January 1, 1992, and applies to offenses
21 occurring on or after that date.