

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 44*

Short Title: Streamlined Sales Tax Changes. (Public)

Sponsors: Representatives Luebke; G. Allen, Hill, Holliman, and Wainwright.

Referred to: Finance.

February 20, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ADOPT THE STREAMLINED SALES TAX CHANGES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 105-163.3 is amended by adding the following new
5 subdivisions to read:

6 "(8a) Drug. – A compound, substance, or preparation or a component of one
7 of these that meets any of the following descriptions and is not food, a
8 dietary supplement, or an alcoholic beverage:

9 a. Is recognized in the United States Pharmacopoeia,
10 Homeopathic Pharmacopoeia of the United States, or National
11 Formulary.

12 b. Is intended for use in the diagnosis, cure, mitigation, treatment,
13 or prevention of disease.

14 c. Is intended to affect the structure or function of the body.

15 ...
16 (25a) Over-the-counter drug. – A drug that can be dispensed under federal
17 law without a prescription and is required by 21 C.F.R. § 210.66 to
18 have a label containing a "Drug Facts" panel and a statement of its
19 active ingredients."

20 **SECTION 2.** G.S. 106-164.3(29) reads as rewritten:

21 "(29) Prescription drug. – A drug that under federal law is required, prior to
22 being dispensed or delivered, to be labeled with the following
23 statement: "Caution: Federal law prohibits dispensing without
24 prescription".Prescription. – An order, formula, or recipe issued orally,
25 in writing, electronically, or by another means of transmission by a
26 physician, dentist, veterinarian, or another person licensed to prescribe
27 drugs."

28 **SECTION 3.** G.S. 105-164.13(13) reads as rewritten:

1 "(13) All of the following drugs, including ~~the constituent elements and~~
2 ~~ingredients used to produce the drugs, the~~ their packaging materials,
3 materials and any instructions or information about the ~~product~~ drugs
4 included in the package with ~~the drugs;~~ them:

5 a. ~~Prescription drugs.~~ Drugs required by federal law to be
6 dispensed only on prescription.

7 b. ~~Nonprescription drugs sold on prescription of physicians,~~
8 ~~dentists, or veterinarians.~~ Over-the-counter drugs sold on
9 prescription.

10 c. Insulin."

11 **SECTION 4.** This act becomes effective July 1, 2003.