

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 953

Short Title: Regulate Sales/Glass Vials & Cigarette Wrap. (Public)

Sponsors: Representatives Hilton, R. Warren, Kiser (Primary Sponsors); Brisson, Frye, Justus, and McGee.

Referred to: Commerce, Small Business and Entrepreneurship, if favorable, Judiciary III.

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT GLASS VIALS THAT ARE A CERTAIN LENGTH AND DIAMETER THAT MAY BE USED AS DRUG PARAPHERNALIA AND CIGARETTE WRAPPING PAPERS SHALL BE SOLD FROM BEHIND THE COUNTER AND TO REQUIRE THAT A PURCHASER PROVIDE CERTAIN IDENTIFYING INFORMATION WHEN PURCHASING THESE PRODUCTS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 5F.

"Control of Certain Products That May Be Used as Drug Paraphernalia.

"§ 90-113.80. Restriction on sales of certain products that may be used as drug paraphernalia.

(a) The following definitions apply in this section:

(1) Glass vial. – Tubes of glass, including those that often hold novelty items, that are two to six inches long and one-eighth inch to three-fourth inch in diameter that may be used as drug stems.

(2) Retailer. – An individual or entity that is the general owner of an establishment where glass vials or cigarette wrapping papers are available for sale.

(b) No glass vial or cigarette wrapping papers shall be offered for retail sale by self-service. These products shall be stored and sold behind the counter when sold in any establishment. The retailer shall require every purchaser of a glass vial or cigarette wrapping papers to furnish photo identification, to enter his or her name and address in a record of sale, and to sign the record of sale attesting to the validity of the information.

(c) The retailer shall maintain the record of sale of the glass vial or cigarette wrapping papers to the consumer for a period of two years from the date of each

1 transaction. The record shall be readily available within 48 hours of the time of the
2 transaction for inspection by an authorized official of a federal, State, or local law
3 enforcement agency. The retailer may destroy the information after two years from the
4 date of the transactions.

5 (d) This section does not apply to the sale of plastic vials.

6 **"§ 90-113.81. Penalties.**

7 (a) If a retailer willfully and knowingly violates the provisions of
8 G.S. 90-113.80, the retailer shall be guilty of a Class 2 misdemeanor for the first offense
9 and a Class 1 misdemeanor for a second or subsequent offense. A retailer convicted of a
10 third offense occurring on the premises of a single establishment shall be prohibited
11 from making glass vials available for sale at that establishment.

12 (b) Any purchaser or employee who willfully and knowingly violates
13 G.S. 90-113.80 shall be guilty of a Class 3 misdemeanor for the first offense, a Class 2
14 misdemeanor for a second offense, and a Class 1 misdemeanor for a third or subsequent
15 offense. This subsection shall not be construed to apply to bona fide innocent
16 purchasers.

17 (c) A retailer who fails to adequately supervise employees in transactions
18 involving glass vials or cigarette wrapping papers or who fails to reasonably discipline
19 employees for violations of this Article shall be fined up to five hundred dollars
20 (\$500.00) for the first violation, up to seven hundred fifty dollars (\$750.00) for the
21 second violation, and up to one thousand dollars (\$1,000) for a third or subsequent
22 violation of this section.

23 **"§ 90-113.82. Immunity.**

24 A retailer or an employee of the retailer who, reasonably and in good faith, reports to
25 any law enforcement agency any alleged criminal activity related to the sale or purchase
26 of glass vials or cigarette wrapping papers, or who refuses to sell a glass vial or cigarette
27 wrapping papers to a person reasonably believed to be purchasing one of those products
28 to be used as drug paraphernalia, is immune from civil liability for that conduct except
29 in cases of willful misconduct. No retailer shall retaliate in any manner against any
30 employee of the establishment for a report made in good faith to any law enforcement
31 agency concerning alleged criminal activity related to the sale or purchase of glass vials
32 or cigarette wrapping papers."

33 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
34 offenses committed on or after that date.