

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 722
Committee Substitute Favorable 4/9/09

Short Title: Regulate Sales of Glass Vials.

(Public)

Sponsors:

Referred to:

March 23, 2009

1 **A BILL TO BE ENTITLED**

2 AN ACT TO PROVIDE THAT GLASS TUBES THAT ARE A CERTAIN LENGTH AND
3 DIAMETER THAT MAY BE USED AS DRUG PARAPHERNALIA SHALL BE SOLD
4 FROM BEHIND THE COUNTER AND TO REQUIRE THAT A PURCHASER
5 PROVIDE CERTAIN IDENTIFYING INFORMATION WHEN PURCHASING THESE
6 PRODUCTS.

7 The General Assembly of North Carolina enacts:

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

10 "Article 5F.

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

12 **"§ 90-113.80. Restriction on sales of certain products that may be used as drug**
13 **paraphernalia.**

14 (a) The following definitions apply in this section:

15 (1) Glass tube. – Tubes of glass that are two to seven inches long and one-eighth
16 inch to three-fourths inch in diameter that may be used as drug stems,
17 including, but not limited to, glass tubes or vials that often hold novelty
18 items, glass pens, and any object with a glass tube capable of being
19 disassembled.

20 (2) Retailer. – An individual or entity that is the general owner of an
21 establishment where glass tubes are available for sale.

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

27 (c) The retailer shall maintain the record of sale of the glass tube to the consumer for a
28 period of two years from the date of each transaction. The record shall be readily available
29 within 48 hours of the time of the transaction for inspection by an authorized official of a
30 federal, State, or local law enforcement agency. The retailer may destroy the information after
31 two years from the date of the transactions.

32 (d) A retailer shall require that employees of the establishment involved in the sale of
33 glass tubes be trained in the requirements of this section, and the retailer shall have a duty to
34 supervise employees in complying with the provisions of this section.

35 (e) This section does not apply to the sale of plastic tubes.

36 **"§ 90-113.81. Penalties.**



1 A retailer, or an employee of the retailer, who, willfully and knowingly violates the
2 provisions of G.S. 90-113.80, shall be guilty of a Class 3 misdemeanor for the first offense, a
3 Class 2 misdemeanor for a second offense, and a Class 1 misdemeanor for a third or subsequent
4 offense.

5 **"§ 90-113.82. Immunity.**

6 A retailer, or an employee of the retailer, who, reasonably and in good faith, reports to any
7 law enforcement agency any alleged criminal activity related to the sale or purchase of glass
8 tubes, or who refuses to sell a glass tube to a person reasonably believed to be purchasing one
9 of those products to be used as drug paraphernalia, is immune from civil liability for that
10 conduct except in cases of willful misconduct. No retailer shall retaliate in any manner against
11 any employee of the establishment for a report made in good faith to any law enforcement
12 agency concerning alleged criminal activity related to the sale or purchase of glass tubes."

13 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
14 offenses committed, and glass tubes sold, on or after that date.