

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 888  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30415-LH-165 (03/19)

Short Title: Amend Drug Laws/Ellison v. Treadway.

(Public)

Sponsors: Representative Glazier.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT POSSESSION OF CERTAIN PRESCRIPTION DRUGS IS  
3 NOT PUNISHABLE AS TRAFFICKING IN OPIUM OR HEROIN AND TO SET OUT  
4 THE CRIMINAL PENALTY FOR THAT OFFENSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-95(h)(4) reads as rewritten:

7 "(4) ~~Any~~ Except as provided in subdivision (4c) of this subsection, any person  
8 who sells, manufactures, delivers, transports, or possesses four grams or  
9 more of opium or opiate, or any salt, compound, derivative, or preparation of  
10 opium or opiate (except apomorphine, nalbuphine, analoxone and naltrexone  
11 and their respective salts), including heroin, or any mixture containing such  
12 substance, shall be guilty of a felony which felony shall be known as  
13 "trafficking in opium or heroin" and if the quantity of such controlled  
14 substance or mixture involved:

- 15 a. Is four grams or more, but less than 14 grams, such person shall be  
16 punished as a Class F felon and shall be sentenced to a minimum  
17 term of 70 months and a maximum term of 93 months in the State's  
18 prison and shall be fined not less than fifty thousand dollars  
19 (\$50,000);  
20 b. Is 14 grams or more, but less than 28 grams, such person shall be  
21 punished as a Class E felon and shall be sentenced to a minimum  
22 term of 90 months and a maximum term of 120 months in the State's  
23 prison and shall be fined not less than one hundred thousand dollars  
24 (\$100,000);  
25 c. Is 28 grams or more, such person shall be punished as a Class C  
26 felon and shall be sentenced to a minimum term of 225 months and a  
27 maximum term of 282 months in the State's prison and shall be fined  
28 not less than five hundred thousand dollars (\$500,000)."

29 **SECTION 2.** G.S. 90-95(h) is amended by adding a new subdivision to read:

30 "(4c) The illegal sale, delivery, transportation, or possession of pills, tablets, or  
31 capsules of a controlled substance that contains an opiate as defined in  
32 G.S. 90-87(18) combined with a noncontrolled substance and that is a  
33 commercial drug product with FDA approval manufactured and distributed  
34 by a pharmaceutical company lawfully doing business in the United States  
35 shall be governed by this section and by G.S. 90-95(b) and (d) and shall not  
36 be governed by G.S. 90-95(h)(4). Any person who sells, delivers, or



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1 possesses less than 200 pills, tablets, or capsules of a controlled substance  
2 described in this subdivision shall not be guilty of trafficking in  
3 pharmaceuticals but may be punished pursuant to the provisions of  
4 G.S. 90-95(b) and (d). Any person who sells, delivers, transports, or  
5 possesses 200 or more pills, tablets, or capsules of a controlled substance  
6 described in this subdivision shall be guilty of a felony which shall be  
7 known as "trafficking in pharmaceuticals," and if the quantity of such  
8 substance involved:

9 a. Is 200 or more pills, tablets, or capsules but less than 400 pills,  
10 tablets, or capsules, the person shall be punished as a Class G felon  
11 and shall be sentenced to a minimum term of 35 months and a  
12 maximum term of 42 months in the State's prison and shall be fined  
13 not less than twenty-five thousand dollars (\$25,000);

14 b. Is 400 or more pills, tablets, or capsules but less than 600 pills,  
15 tablets, or capsules, the person shall be punished as a Class F felon  
16 and shall be sentenced to a minimum term of 70 months and a  
17 maximum term of 84 months in the State's prison and shall be fined  
18 not less than fifty thousand dollars (\$50,000);

19 c. Is 600 or more pills, tablets, or capsules, the person shall be punished  
20 as a Class D felon and shall be sentenced to a minimum term of 175  
21 months and a maximum term of 219 months in the State's prison and  
22 shall be fined not less than two hundred thousand dollars  
23 (\$200,000)."

24 **SECTION 3.** This act becomes effective December 1, 2013, and applies to  
25 offenses committed on or after that date.