

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 659
Second Edition Engrossed 4/28/15

Short Title: Controlled Substances/Update Precursor List. (Public)

Sponsors: Representatives Horn and Jackson (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary III.

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE LIST OF IMMEDIATE PRECURSOR CHEMICALS THAT IT
3 IS UNLAWFUL FOR A PERSON TO POSSESS WITH INTENT TO MANUFACTURE
4 OR DELIVER AND TO CLARIFY WHAT CONSTITUTES CERTAIN DRUG
5 OFFENSES INVOLVING METHAMPHETAMINE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 90-95 reads as rewritten:

8 "§ 90-95. Violations; penalties.

9 ...

- 10 (d1) (1) Except as authorized by this Article, it is unlawful for any person to:
- 11 a. Possess an immediate precursor chemical with intent to manufacture
 - 12 a controlled substance; or
 - 13 b. Possess or distribute an immediate precursor chemical knowing, or
 - 14 having reasonable cause to believe, that the immediate precursor
 - 15 chemical will be used to manufacture a controlled substance; or
 - 16 c. Possess a pseudoephedrine product if the person has a prior
 - 17 conviction for the possession of methamphetamine, possession with
 - 18 the intent to sell or deliver methamphetamine, sell or deliver
 - 19 methamphetamine, trafficking methamphetamine, possession of an
 - 20 immediate precursor chemical, or manufacture of methamphetamine.
 - 21 The prior conviction may be from any jurisdiction within the United
 - 22 States.

23 Except where the conduct is covered under subdivision (2) of this
24 subsection, any person who violates this subdivision shall be punished as a
25 Class H felon.

- 26 (2) Except as authorized by this Article, it is unlawful for any person to:
- 27 a. Possess an immediate precursor chemical with intent to manufacture
 - 28 methamphetamine; or
 - 29 b. Possess or distribute an immediate precursor chemical knowing, or
 - 30 having reasonable cause to believe, that the immediate precursor
 - 31 chemical will be used to manufacture methamphetamine.

32 Any person who violates this subdivision shall be punished as a Class F
33 felon.

34 (d2) The immediate precursor chemicals to which subsection (d1) ~~and (d1a)~~ of this
35 section applies are those immediate precursor chemicals designated by the Commission



1 pursuant to its authority under G.S. 90-88, and the following (until otherwise specified by the
2 Commission):

- 3 (1) Acetic anhydride.
- 4 (2) Acetone.
- 5 (2a) Ammonium nitrate.
- 6 (2b) Ammonium sulfate.
- 7 (3) Anhydrous ammonia.
- 8 (4) Anthranilic acid.
- 9 (5) Benzyl chloride.
- 10 (6) Benzyl cyanide.
- 11 (7) 2-Butanone (Methyl Ethyl Ketone).
- 12 (8) Chloroephedrine.
- 13 (9) Chloropseudoephedrine.
- 14 (10) D-lysergic acid.
- 15 (11) Ephedrine.
- 16 (12) Ergonovine maleate.
- 17 (13) Ergotamine tartrate.
- 18 (13a) Ether based starting fluids.
- 19 (14) Ethyl ether.
- 20 (15) Ethyl Malonate.
- 21 (16) Ethylamine.
- 22 (17) Gamma-butyrolactone.
- 23 (18) Hydrochloric Acid. (Muriatic Acid).
- 24 (19) Iodine.
- 25 (20) Isosafrole.
- 26 (21) ~~Lithium.~~ Sources of lithium metal.
- 27 (22) Malonic acid.
- 28 (23) Methylamine.
- 29 (24) Methyl Isobutyl Ketone.
- 30 (25) N-acetylanthranilic acid.
- 31 (26) N-ethylephedrine.
- 32 (27) N-ethylepseudoephedrine.
- 33 (28) N-methylephedrine.
- 34 (29) N-methylpseudoephedrine.
- 35 (30) Norpseudoephedrine.
- 36 (30a) Petroleum based organic solvents such as camping fuels and lighter fluids.
- 37 (31) Phenyl-2-propane.
- 38 (32) Phenylacetic acid.
- 39 (33) Phenylpropanolamine.
- 40 (34) Piperidine.
- 41 (35) Piperonal.
- 42 (36) Propionic anhydride.
- 43 (37) Pseudoephedrine.
- 44 (38) Pyrrolidine.
- 45 (39) Red phosphorous.
- 46 (40) Safrole.
- 47 (40a) Sodium hydroxide (Lye).
- 48 ~~Sodium.~~ Sources of sodium metal.
- 49 (42) Sulfuric Acid.
- 50 (43) Tetrachloroethylene.
- 51 (44) Thionylchloride.

1 (45) Toluene.

2 "

3 **SECTION 2.** The Joint Legislative Commission on Justice and Public Safety may
4 study the current State and federal law regarding the authority for State agencies to schedule
5 controlled substances without legislative action and the procedure for that scheduling or
6 rescheduling.

7 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
8 offenses committed on or after that date.