A BILL TO BE ENTITLED

AN ACT REVISING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-87 reads as rewritten:

"§ 90-87. Definitions.

As used in this Article:

(14a) The term "isomer" means any type of isomer, including structural, geometric, or optical isomers, and stereoisomers. The optical isomer, unless otherwise specified.

(17) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. Opium, opiate and opioid, and any salt, compound, derivative, or preparation of opium, opiate, or opioid.

b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause a, but not including the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.

d. Cocaine and any salt, isomer, isomer (whether optical or geometric), salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

SECTION 2. G.S. 90-89 reads as rewritten:

"§ 90-89. Schedule I controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse, no
currently accepted medical use in the United States, or a lack of accepted safety for use in
treatment under medical supervision. The following controlled substances are included in this
schedule:

(1) Opiates. – Any of the following opiates or opioids, including the isomers,
esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically
excepted, or listed in another schedule, whenever the existence of such
isomers, esters, ethers, and salts is possible within the specific chemical
designation:

... hh. Levophenacylmorphan. For purposes of this sub-subdivision only, the
term "isomer" includes the optical and geometric isomers.

... mmm. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (also known as Isopropyl-U-47700).

nnn. 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (also known as U-51754).

ooo. 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (also known as U-48800).

(1a) Fentanyl derivatives. – Any compounds unless specifically excepted, listed
in another schedule, or contained within a pharmaceutical product approved
by the United States Food and Drug Administration, any compound
structurally derived from
N-[1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide (Fentanyl) by any
substitution on or replacement of the phenethyl group, any substitution on the
piperidine ring, any substitution on or replacement of the propanamide group,
any substitution on the anilido phenyl group, or any combination of the above
unless specifically excepted or listed in another schedule to include their salts,
isomers, and salts of isomers. Fentanyl derivatives include, but are not limited
to, the following:

... (2) Opium derivatives. – Any of the following opium derivatives, including their
salts, isomers, isomers (whether optical, positional, or geometric), and salts of
isomers, unless specifically excepted, or listed in another schedule, whenever
the existence of such salts, isomers, and salts of isomers is possible within the
specific chemical designation:

... (3) Hallucinogenic substances. – Any material, compound, mixture, or
preparation which contains any quantity of the following hallucinogenic
substances, including their salts, isomers, and salts of isomers, unless
specifically excepted, or listed in another schedule, whenever the existence of
such salts, isomers, isomers (whether optical, positional, or geometric), and
salts of isomers is possible within the specific chemical designation:

nn. Substituted Tryptamines. – Any compound, unless specifically
excepted, specifically named in this schedule, or listed under a
different schedule, structurally derived from
2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or
di-substitution of the amine nitrogen with alkyl or alkenyl groups or
by inclusion of the amino nitrogen atom in a cyclic structure whether
or not the compound is further substituted at the alpha position with
an alkyl group or whether or not further substituted on the indole ring
to any extent with any alkyl, alkoxy, halo, hydroxy, or acetoxyl
groups. Substances in this class include, but are not limited to:
4-AcO-DiPT (4-acetoxy-N,N-diisopropyltryptamine), 4-HO-MPMI
((R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole), and DALT
(N,N-diallyltryptamine).

oo. Substituted Phenylcyclohexylamines. – Any compound, unless
specifically excepted or unless listed in another schedule, or contained
within a pharmaceutical product approved by the United States Food
and Drug Administration, any material, compound, mixture, or
preparation containing a phenylcyclohexylamine structure, with or
without any substitution on the phenyl ring, any substitution on the
cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl
or benzothiophenyl ring, with or without substitution on the amine
with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in
a cyclic structure, or any combination of the above. Substances in this
class include, but are not limited to: BCP (benocyclidine), PCMPA
(phenylcyclohexyl(methoxypropylamine)), and Hydroxy-PCP
((hydroxyphenyl)cyclohexylpiperidine).

(4) Systemic depressants. – Any material compound, mixture, or preparation
which contains any quantity of the following substances having a depressant
effect on the central nervous system, including its salts, isomers, and salts of
isomers whenever the existence of such salts, isomers, and salts of isomers is
possible within the specific chemical designation, unless specifically excepted
or unless listed in another schedule:

…

g. Designer Benzodiazepines – Unless specifically excepted or listed in
another schedule, or contained within a pharmaceutical product
approved by the United States Food and Drug Administration, any
material, compound, derivative, mixture, or preparation, including its
salts, isomers, salts of isomers, halogen analogues, or homologues,
whenever the existence of such salts, isomers, or salts of isomers,
halogen analogues, or homologues is possible within the specific
chemical designation, structurally derived from 1,4-benzodiazepine by
substitution at the 5-position with a phenyl ring system (which may be
further substituted), whether or not the compound is further modified
in any of the following ways:

1. By substitution at the 2-position with a ketone;
2. By substitution at the 3-position with a hydroxyl group or ester
group, which itself may be further substituted;
3. By a fused triazole ring at the 1,2-position, which itself may be
further substituted;
4. By a fused imidazole ring at the 1,2-position, which itself may
be further substituted;
5. By a fused oxazolidine ring at the 4,5-position, which itself
may be further substituted;
6. By a fused oxazine ring at the 4,5-position, which itself may
be further substituted;
7. By substitution at the 7-position with a nitro group;
8. By substitution at the 7-position with a halogen group; or
9. By substitution at the 1-position with an alkyl group, which
   itself may be further substituted.

(5) Stimulants. – Unless specifically excepted or unless listed in another schedule,
any material, compound, mixture, or preparation that contains any quantity of
the following substances having a stimulant effect on the central nervous
system, including its salts, isomers, and salts of isomers:

h. 4-methylmethcathinone (also known as mephedrone). For this
    compound, the term "isomer" includes the optical, positional, or
    geometric isomer.

i. 3,4-Methylenedioxypyrovalerone (also known as MDPV). For this
    compound, the term "isomer" includes the optical, positional, or
    geometric isomer.

j. Substituted cathinones. A compound, other than bupropion, that is
   structurally derived from 2-amino-1-phenyl-1-propanone by
   modification in any of the following ways: (i) by substitution in the
   phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl,
   or halide substituents, whether or not further substituted in the phenyl
   ring by one or more other univalent substituents; (ii) by substitution at
   the 3-position to any extent; or (iii) by substitution at the nitrogen atom
   with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion
   of the nitrogen atom in a cyclic structure. For the purpose of this
   paragraph, the term "isomer" includes the optical, positional, or
   geometric isomer.

(6) NBOMe compounds. – Any material compound, mixture, or preparation
which contains any quantity of the following substances, including its salts,
isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
isomers is possible within the specific chemical designation unless specifically excepted
or unless listed in another schedule:

(8) Substituted Phenethylamines. – This includes any compound, unless
specifically excepted, specifically named or included in another subset in this
schedule, or listed under a different schedule, structurally derived from
phenylethan-2-amine by substitution on the phenyl ring in any of the
following ways, that is to say, by substitution with a fused methylenedioxy
ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two
alkoxy groups; by substitution with one alkoxy and either one fused furan,
tetrahydrofuran, or tetrahydropyrany ring system; or by substitution with two
fused ring systems from any combination of the furan, tetrahydrofuran, or
tetrahydropyrany ring systems. Whether or not the compound is further
modified in any of the following ways, that is to say: (i) by substitution of
phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or allylthio
groups; (ii) by substitution at the 2-position by any alkyl groups; or (iii) by
substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,
hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.
Substances in this class include, but are not limited to: 2C-I
(4-Iodo-2,5-dimethoxyphenethylamine), APDB
((2-aminopropyl)-2,3-dihydrobenzofuran), MBDB
N-Benzy1 Phenethylamines. – Unless specifically excepted or listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers (whether optical, geometric, or positional), esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydroprpyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha position by any alkyl substituent. Substances in this class include, but are not limited to: 25B-NBOH 
(4-bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl]phenethylamine), 25I-NBF 
(4-iodo-2,5-dimethoxy-[N-(2-fluorobenzyl]phenethylamine), and 25C-NBMD 
(4-chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl]phenethylamine).

SECTION 3. G.S. 90-90(1) reads as rewritten:
"(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, unless specifically excepted or unless listed in another schedule:

... d. Cocaine and any salt, isomer, isomer (whether optical or geometric), salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

..."
that a substance comes within this schedule, the Commission shall find: a low potential for abuse
relative to the substances listed in Schedule III of this Article; currently accepted medical use in
the United States; and limited physical or psychological dependence relative to the substances
listed in Schedule III of this Article. The following controlled substances are included in this
schedule:

(1) Depressants. – Unless specifically excepted or unless listed in another
schedule, any material, compound, mixture, or preparation which contains any
quantity of the following substances, including its salts, isomers, and salts of
isomers whenever the existence of such salts, isomers, and salts of isomers is
possible within the specific chemical designation:

m1. Desalkylflurazepam.

n2. Diclazepam.

(2) Any material, compound, mixture, or preparation which contains any of the
following substances, including its salts, or isomers and salts of such isomers,
whenever the existence of such salts, isomers, and salts of isomers is possible:

a. Fenfluramine. For this compound, the term "isomer" includes the
optical, positional, or geometric isomer.

b. Pentazocine.

SECTION 6. G.S. 90-95(h)(3) reads as rewritten:
"(3) Any person who sells, manufactures, delivers, transports, or possesses 28
grams or more of cocaine and any salt, isomer, isomer (whether optical or
generic), salts of isomers, compound, derivative, or preparation thereof; or
any coca leaves and any salt, isomer, salts of isomers, compound, derivative,
or preparation of coca leaves, and any salt, isomer, salts of isomers,
compound, derivative or preparation thereof which is chemically equivalent
or identical with any of these substances (except decocainized coca leaves or
any extraction of coca leaves which does not contain cocaine) or any mixture
containing such substances, shall be guilty of a felony, which felony shall be
known as "trafficking in cocaine" and if the quantity of such substance or
mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be
punished as a Class G felon and shall be sentenced to a minimum term
of 35 months and a maximum term of 51 months in the State's prison
and shall be fined not less than fifty thousand dollars ($50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be
punished as a Class F felon and shall be sentenced to a minimum term
of 70 months and a maximum term of 93 months in the State's prison
and shall be fined not less than one hundred thousand dollars
($100,000);

c. Is 400 grams or more, such person shall be punished as a Class D felon
and shall be sentenced to a minimum term of 175 months and a
maximum term of 222 months in the State's prison and shall be fined
at least two hundred fifty thousand dollars ($250,000)."

SECTION 7. This act becomes effective December 1, 2019, and applies to offenses
committed on or after that date.