

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 352**

Short Title: Amend NC Controlled Substances Act. (Public)

Sponsors: Senators McInnis and J. Davis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2019

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



1 currently accepted medical use in the United States, or a lack of accepted safety for use in  
2 treatment under medical supervision. The following controlled substances are included in this  
3 schedule:

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

9 ...

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

12 ...

13 mmm.

14 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenz  
15 amide (also known as Isopropyl-U-47700).

16 nnn.

17 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-met  
18 hylacetamide (also known as U-51754).

19 ooo.

20 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-met  
21 hylacetamide (also known as U-48800).

- 22 (1a) Fentanyl derivatives. – ~~Any compounds~~ Unless specifically excepted, listed  
23 in another schedule, or contained within a pharmaceutical product approved  
24 by the United States Food and Drug Administration, any compound  
25 structurally derived from  
26 N-[1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide (Fentanyl) by any  
27 substitution on or replacement of the phenethyl group, any substitution on the  
28 piperidine ring, any substitution on or replacement of the propanamide group,  
29 any substitution on the anilido phenyl group, or any combination of the above  
30 unless specifically excepted or listed in another schedule to include their salts,  
31 isomers, and salts of isomers. Fentanyl derivatives include, but are not limited  
32 to, the following:

33 ...

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

39 ...

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

46 ...

47 nn. Substituted Tryptamines. – Any compound, unless specifically  
48 excepted, specifically named in this schedule, or listed under a  
49 different schedule, structurally derived from  
50 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or  
51 di-substitution of the amine nitrogen with alkyl or alkenyl groups or

1 by inclusion of the amino nitrogen atom in a cyclic structure whether  
2 or not the compound is further substituted at the alpha position with  
3 an alkyl group or whether or not further substituted on the indole ring  
4 to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy  
5 groups. Substances in this class include, but are not limited to:  
6 4-AcO-DIPT (4-acetoxy-N,N-diisopropyltryptamine), 4-HO-MPMI  
7 ((R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole), and DALT  
8 (N,N-diallyltryptamine).

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

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

28 ...

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

- 40 1. By substitution at the 2-position with a ketone;
- 41 2. By substitution at the 3-position with a hydroxyl group or ester  
42 group, which itself may be further substituted;
- 43 3. By a fused triazole ring at the 1,2-position, which itself may be  
44 further substituted;
- 45 4. By a fused imidazole ring at the 1,2-position, which itself may  
46 be further substituted;
- 47 5. By a fused oxazolidine ring at the 4,5-position, which itself  
48 may be further substituted;
- 49 6. By a fused oxazine ring at the 4,5-position, which itself may  
50 be further substituted;
- 51 7. By substitution at the 7-position with a nitro group;

- 1                                   8. By substitution at the 7-position with a halogen group; or  
2                                   9. By substitution at the 1-position with an alkyl group, which  
3                                   itself may be further substituted.
- 4                   (5) Stimulants. – Unless specifically excepted or unless listed in another schedule,  
5                   any material, compound, mixture, or preparation that contains any quantity of  
6                   the following substances having a stimulant effect on the central nervous  
7                   system, including its salts, isomers, and salts of isomers:  
8                   ...  
9                   h. 4-methylmethcathinone (also known as mephedrone). For this  
10                   compound, the term "isomer" includes the optical, positional, or  
11                   geometric isomer.  
12                   i. 3,4-Methylenedioxypropylamphetamine (also known as MDPV). For this  
13                   compound, the term "isomer" includes the optical, positional, or  
14                   geometric isomer.  
15                   j. Substituted cathinones. A compound, other than bupropion, that is  
16                   structurally derived from 2-amino-1-phenyl-1-propanone by  
17                   modification in any of the following ways: (i) by substitution in the  
18                   phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl,  
19                   or halide substituents, whether or not further substituted in the phenyl  
20                   ring by one or more other univalent substituents; (ii) by substitution at  
21                   the 3-position to any extent; or (iii) by substitution at the nitrogen atom  
22                   with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion  
23                   of the nitrogen atom in a cyclic structure. For the purpose of this  
24                   paragraph, the term "isomer" includes the optical, positional, or  
25                   geometric isomer.  
26                   ...  
27                   (6) NBOMe compounds. – Any material compound, mixture, or preparation  
28                   which contains any quantity of the following substances, including its salts,  
29                   ~~isomers,~~ isomers (whether optical, positional, or geometric), and salts of  
30                   isomers whenever the existence of such salts, isomers, and salts of isomers is  
31                   possible within the specific chemical designation unless specifically excepted  
32                   or unless listed in another schedule:  
33                   ...  
34                   (8) Substituted Phenethylamines. – This includes any compound, unless  
35                   specifically excepted, specifically named or included in another subset in this  
36                   schedule, or listed under a different schedule, structurally derived from  
37                   phenylethan-2-amine by substitution on the phenyl ring in any of the  
38                   following ways, that is to say, by substitution with a fused methylenedioxy  
39                   ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two  
40                   alkoxy groups; by substitution with one alkoxy and either one fused furan,  
41                   tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two  
42                   fused ring systems from any combination of the furan, tetrahydrofuran, or  
43                   tetrahydropyran ring systems. Whether or not the compound is further  
44                   modified in any of the following ways, that is to say: (i) by substitution of  
45                   phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or allylthio  
46                   groups; (ii) by substitution at the 2-position by any alkyl groups; or (iii) by  
47                   substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,  
48                   hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.  
49                   Substances in this class include, but are not limited to: 2C-I  
50                   (4-Iodo-2,5-dimethoxyphenethylamine), APDB  
51                   ((2-aminopropyl)-2,3-dihydrobenzofuran), MBDB

- 1 (3,4-methylenedioxy-N-methylbutanamine), and 2C-I-NBOH  
 2 (N-(2-hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine).  
 3 (9) N-Benzyl Phenethylamines. – Unless specifically excepted or listed in another  
 4 schedule, or contained within a pharmaceutical product approved by the  
 5 United States Food and Drug Administration, any material, compound,  
 6 mixture, or preparation, including its salts, isomers (whether optical,  
 7 geometric, or positional), esters, or ethers, and salts of isomers, esters, or  
 8 ethers, whenever the existence of such salts is possible within any of the  
 9 following specific chemical designations, any compound containing a  
 10 phenethylamine structure without a beta-keto group, with substitution on the  
 11 nitrogen atom of the amino group with a benzyl substituent, with or without  
 12 substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio,  
 13 alkylthio, halide, fused alkylendioxy, fused furan, fused benzofuran, or fused  
 14 tetrahydropyran substituents, whether or not further substituted on a ring to  
 15 any extent, with or without substitution at the alpha position by any alkyl  
 16 substituent. Substances in this class include, but are not limited to:  
 17 25B-NBOH  
 18 (4-bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine), 25I-NBF  
 19 (4-iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine), and  
 20 25C-NBMD  
 21 (4-chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

22 **SECTION 3.** G.S. 90-90(1) reads as rewritten:

23 "(1) Any of the following substances whether produced directly or indirectly by  
 24 extraction from substances of vegetable origin, or independently by means of  
 25 chemical synthesis, or by a combination of extraction and chemical synthesis,  
 26 unless specifically excepted or unless listed in another schedule:

27 ...

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

36 ...."

37 **SECTION 4.** G.S. 90-91(j) reads as rewritten:

38 "(j) Any material, compound, mixture, or preparation which contains any quantity of the  
 39 following substances having a stimulant effect on the central nervous system, including its salts,  
 40 ~~isomers, isomers (whether optical, positional, or geometric)~~, and salts of said isomers whenever  
 41 the existence of such salts, isomers, and salts of isomers is possible within the specific chemical  
 42 designation, unless specifically excluded or listed in some other schedule.

- 43 1. Benzphetamine.  
 44 2. Chlorphentermine.  
 45 3. Clortermine.  
 46 4. Repealed by Session Laws 1987, c. 412, s. 10.  
 47 5. Phendimetrazine."

48 **SECTION 5.** G.S. 90-92(a) reads as rewritten:

49 "**§ 90-92. Schedule IV controlled substances.**

50 (a) This schedule includes the controlled substances listed or to be listed by whatever  
 51 official name, common or usual name, chemical name, or trade name designated. In determining

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

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

11 ...

12 m1. Desalkylflurazepam.

13 ...

14 n2. Diclazepam.

15 ...

- 16 (2) Any material, compound, mixture, or preparation which contains any of the  
17 following substances, including its salts, or isomers and salts of such isomers,  
18 whenever the existence of such salts, isomers, and salts of isomers is possible:  
19 a. Fenfluramine. For this compound, the term "isomer" includes the  
20 optical, positional, or geometric isomer.  
21 b. Pentazocine.

22 ...."

23 **SECTION 6.** G.S. 90-95(h)(3) reads as rewritten:

24 "(3) Any person who sells, manufactures, delivers, transports, or possesses 28  
25 grams or more of cocaine and any salt, ~~isomer~~, isomer (whether optical or  
26 geometric), salts of isomers, compound, derivative, or preparation thereof, or  
27 any coca leaves and any salt, isomer, salts of isomers, compound, derivative,  
28 or preparation of coca leaves, and any salt, isomer, salts of isomers,  
29 compound, derivative or preparation thereof which is chemically equivalent  
30 or identical with any of these substances (except decocainized coca leaves or  
31 any extraction of coca leaves which does not contain cocaine) or any mixture  
32 containing such substances, shall be guilty of a felony, which felony shall be  
33 known as "trafficking in cocaine" and if the quantity of such substance or  
34 mixture involved:

- 35 a. Is 28 grams or more, but less than 200 grams, such person shall be  
36 punished as a Class G felon and shall be sentenced to a minimum term  
37 of 35 months and a maximum term of 51 months in the State's prison  
38 and shall be fined not less than fifty thousand dollars (\$50,000);  
39 b. Is 200 grams or more, but less than 400 grams, such person shall be  
40 punished as a Class F felon and shall be sentenced to a minimum term  
41 of 70 months and a maximum term of 93 months in the State's prison  
42 and shall be fined not less than one hundred thousand dollars  
43 (\$100,000);  
44 c. Is 400 grams or more, such person shall be punished as a Class D felon  
45 and shall be sentenced to a minimum term of 175 months and a  
46 maximum term of 222 months in the State's prison and shall be fined  
47 at least two hundred fifty thousand dollars (\$250,000)."

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