

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 138
Judiciary II Committee Substitute Adopted 4/29/09
Corrected Copy 6/24/09

Short Title: Salvia Divinorum Unlawful.

(Public)

Sponsors:

Referred to:

February 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE,
3 DELIVERY, OR POSSESSION OF SALVIA DIVINORUM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 14-401.23. Unlawful manufacture, sale, delivery, or possession of Salvia divinorum.**

8 (a) It shall be unlawful for any person to knowingly or intentionally manufacture, sell
9 or deliver, or possess with intent to manufacture, sell or deliver Salvia divinorum or Salvinorin
10 A.

11 (b) It shall be unlawful for any person to knowingly or intentionally possess Salvia
12 divinorum or Salvinorin A.

13 (c) A violation of this section is punishable as follows:

14 (1) For a first or second offense under this section, the person is responsible for
15 an infraction and shall be required to pay a fine of not less than twenty-five
16 dollars (\$25.00).

17 (2) For a third or subsequent offense under this section, the person is guilty of a
18 Class 3 misdemeanor.

19 (d) For purposes of this section:

20 (1) "Deliver" means the actual constructive or attempted transfer of Salvia
21 divinorum or Salvinorin A from one person to another.

22 (2) "Manufacture" means the production, preparation, propagation,
23 compounding, conversion or processing of Salvia divinorum or Salvinorin A
24 by any means, whether directly or indirectly, artificially or naturally, or by
25 extraction from substances of a natural origin, or independently by means of
26 chemical synthesis, or by a combination of extraction and chemical
27 synthesis. Manufacture includes any packaging or repackaging of the
28 substance, or labeling or relabeling of its container, except that this term
29 does not include the preparation or compounding of the substance by an
30 individual for the individual's own use.

31 (3) "Production" includes the manufacture, planting, cultivation, growing, or
32 harvesting of a plant.

33 (e) The provisions of this section shall not apply to:



- 1 (1) Employees or contractors of any accredited college or school of medicine or
2 pharmacy at a public or private university in this State while performing
3 medical or pharmacological research for such institution.
4 (2) The possession, planting, cultivation, growing, or harvesting of a plant
5 strictly for aesthetic, landscaping, or decorative purposes."

6 **SECTION 2.** This act becomes effective December 1, 2009, and applies to acts
7 committed on or after that date.