

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 742

Short Title: Weigh Marijuana/Conform to Fed Law. (Public)

Sponsors: Representatives Avila, Stevens, and Glazier (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CONFORM THE DEFINITION OF MARIJUANA USED IN THE GENERAL
3 STATUTES SO THAT IT IS THE SAME IN CIVIL AND CRIMINAL STATUTES AND
4 TO FURTHER CONFORM THE DEFINITION OF MARIJUANA WITH FEDERAL
5 GUIDELINES ON THE WEIGHING OF MARIJUANA PLANTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-87(16) reads as rewritten:

8 "(16) Marijuana' means all parts of the plant of the genus Cannabis, whether
9 growing or not; the seeds thereof; the resin extracted from any part of such
10 plant; and every compound, manufacture, salt, derivative, mixture, or
11 preparation of such plant, its seeds or resin, ~~but shall not include the mature
12 stalks of such plant, fiber produced from such stalks, oil, or cake made from
13 the seeds of such plant, any other compound, manufacture, salt, derivative,
14 mixture, or preparation of such mature stalks (except the resin extracted
15 therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is
16 incapable of germination.~~resin. If the marijuana has a moisture content that
17 renders the marijuana unsuitable for human consumption without drying, an
18 approximation of the weight of the marijuana without such excess moisture
19 shall be used. The term does not include the following parts of the plant:

- 20 a. Harvested mature marijuana stalks when separated from and not
21 mixed with any other parts of the marijuana plant.
22 b. Fiber or any other product of marijuana stalks described in
23 sub-subdivision a. of this subdivision, except resin extracted from the
24 stalks.
25 c. Marijuana seeds that have been sterilized and are incapable of
26 germination.
27 d. Roots of the marijuana plant."

28 **SECTION 2.** G.S. 105-113.106(6) reads as rewritten:

29 "(6) Marijuana. – All parts of the plant of the genus Cannabis, whether growing
30 or not; the seeds of this plant; the resin extracted from any part of this plant;
31 and every compound, manufacture, salt, derivative, mixture, or preparation
32 of this plant, its seeds, or its resin."

33 **SECTION 3.** G.S. 105-113.107(a1) reads as rewritten:

34 "(a1) Weight. – A quantity of marijuana or other controlled substance is measured by the
35 weight of the substance whether pure or impure or dilute, or by dosage units when the



1 substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance
2 is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or
3 fillers. If the marijuana has a moisture content that renders the marijuana unsuitable for human
4 consumption without drying, an approximation of the weight of the marijuana without such
5 excess moisture shall be used."

6 **SECTION 4.** This act becomes effective October 1, 2011. This act applies to any
7 criminal offense committed in violation of Article 5 or Article 5B of Chapter 90 of the General
8 Statutes and applies to any tax imposed under Article 2D of Chapter 105 of the General
9 Statutes.