

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 77

Short Title: MDPV/Schedule I Controlled Substance. (Public)

Sponsors: Senators Bingham; Allran, Blue, Brown, Brunstetter, Clary, East, Goolsby, Hunt, Jenkins, Jones, Kinnaird, McKissick, Newton, Preston, Purcell, Stevens, and Tucker.

Referred to: Judiciary II.

February 17, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER
3 SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE,
4 OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE
5 OFFENSE OF TRAFFICKING IN MDPV.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-89(5) reads as rewritten:

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

12 a. Aminorex. Some trade or other names: aminoxaphen;
13 2-amino-5-phenyl-2-oxazoline; or
14 4,5-dihydro-5-phenly-2-oxazolamine.

15 b. Cathinone. Some trade or other names:
16 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
17 2-aminopropiophenone, and norephedrone.

18 c. Fenethylamine.

19 d. Methcathinone. Some trade or other names:
20 2-(methylamino)propionophenone,
21 alpha-(methylamino)propionophenone,
22 2-(methylamino)-1-phenylpropan-1-one,
23 alpha-N-methylaminopropionophenone, monomethylpropion,
24 ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422,
25 AL-463, and UR1432.

26 e. (+/-)cis-4-methylaminorex
27 [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine] (also
28 known as 2-amino-4-methyl-5-phenyl-2-oxazoline).

29 f. N,N-dimethylamphetamine. Some other names:
30 N,N,alpha-trimethylbenzeneetha neamine;
31 N,N,alpha-trimethylphenethylamine.

32 g. N-ethylamphetamine.

33 h. 3,4-methylenedioxypropionophenone (also known as MDPV).

34 **SECTION 2.** G.S. 90-95(d)(1) reads as rewritten:



1 "(d) Except as provided in subsections (h) and (i) of this section, any person who
2 violates G.S. 90-95(a)(3) with respect to:

- 3 (1) A controlled substance classified in Schedule I shall be punished as a Class I
4 ~~felon~~;felon. However, if the controlled substance is MDPV and the quantity
5 of the MDPV is 1 gram or less, the violation shall be punishable as a Class I
6 misdemeanor.

7 "

8 **SECTION 3.** G.S. 90-95(h) is amended by adding a new subdivision to read:

9 "(3d) Any person who sells, manufactures, delivers, transports, or possesses 28
10 grams or more of MDPV or any mixture containing such substance shall be
11 guilty of a felony which felony shall be known as "trafficking in MDPV"
12 and if the quantity of such substance or mixture involved:

- 13 a. Is 28 grams or more, but less than 200 grams, such person shall be
14 punished as a Class F felon and shall be sentenced to a minimum
15 term of 70 months and a maximum term of 84 months in the State's
16 prison and shall be fined not less than fifty thousand dollars
17 (\$50,000);
18 b. Is 200 grams or more, but less than 400 grams, such person shall be
19 punished as a Class E felon and shall be sentenced to a minimum
20 term of 90 months and a maximum term of 117 months in the State's
21 prison and shall be fined not less than one hundred thousand dollars
22 (\$100,000);
23 c. Is 400 grams or more, such person shall be punished as a Class C
24 felon and shall be sentenced to a minimum term of 225 months and a
25 maximum term of 279 months in the State's prison and shall be fined
26 at least two hundred fifty thousand dollars (\$250,000)."

27 **SECTION 4.** This act becomes effective December 1, 2011, and applies to offenses
28 committed on or after that date.