

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 77
Judiciary II Committee Substitute Adopted 3/1/11

Short Title: MDPV/Schedule I Controlled Substance.

(Public)

Sponsors:

Referred to:

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)propiofenone,
21 alpha-(methylamino)propiofenone,
22 2-(methylamino)-1-phenylpropan-1-one,
23 alpha-N-methylaminopropiofenone, 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-methylenedioxypropion (also known as MDPV).

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

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



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

5"

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

7 "(3d) Any person who sells, manufactures, delivers, transports, or possesses 28
8 grams or more of MDPV or any mixture containing such substance shall be
9 guilty of a felony which felony shall be known as "trafficking in MDPV"
10 and if the quantity of such substance or mixture involved:

11 a. Is 28 grams or more, but less than 200 grams, such person shall be
12 punished as a Class F felon and shall be sentenced to a minimum
13 term of 70 months and a maximum term of 84 months in the State's
14 prison and shall be fined not less than fifty thousand dollars
15 (\$50,000);

16 b. Is 200 grams or more, but less than 400 grams, such person shall be
17 punished as a Class E felon and shall be sentenced to a minimum
18 term of 90 months and a maximum term of 117 months in the State's
19 prison and shall be fined not less than one hundred thousand dollars
20 (\$100,000);

21 c. Is 400 grams or more, such person shall be punished as a Class C
22 felon and shall be sentenced to a minimum term of 225 months and a
23 maximum term of 279 months in the State's prison and shall be fined
24 at least two hundred fifty thousand dollars (\$250,000)."

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