

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 7\*  
House Committee Substitute Favorable 2/23/11  
House Committee Substitute #2 Favorable 3/9/11

Short Title: Add Controlled Substances.

(Public)

Sponsors:

Referred to:

January 31, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN  
3 DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND SYNTHETIC  
4 CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES.

5 The General Assembly of North Carolina enacts:

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

7 "§ 90-89. Schedule I controlled substances.

8 This schedule includes the controlled substances listed or to be listed by whatever official  
9 name, common or usual name, chemical name, or trade name designated. In determining that a  
10 substance comes within this schedule, the Commission shall find: a high potential for abuse, no  
11 currently accepted medical use in the United States, or a lack of accepted safety for use in  
12 treatment under medical supervision. The following controlled substances are included in this  
13 schedule:

14 ...

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

19 a. Aminorex. Some trade or other names: aminoxaphen;  
20 2-amino-5-phenyl-2-oxazoline; or  
21 4,5-dihydro-5-phenly-2-oxazolamine.

22 b. Cathinone. Some trade or other names:  
23 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
24 2-aminopropiophenone, and norephedrone.

25 c. Fenethylamine.

26 d. Methcathinone. Some trade or other names:  
27 2-(methylamino)propionophenone,  
28 alpha-(methylamino)propionophenone,  
29 2-(methylamino)-1-phenylpropan-1-one,  
30 alpha-N-methylaminopropionophenone, monomethylpropion,  
31 ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422,  
32 AL-463, and UR1432.

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



- 1 f. N,N-dimethylamphetamine. Some other names:  
2 N,N,alpha-trimethylbenzeneetha neamine;  
3 N,N,alpha-trimethylphenethylamine.  
4 g. N-ethylamphetamine.  
5 h. 4-methylmethcathinone (also known as mephedrone).  
6 i. 3,4-Methylenedioxypropylamphetamine (also known as MDPV).  
7 j. A compound, other than bupropion, that is structurally derived from  
8 2-amino-1-phenyl-1-propanone by modification in any of the  
9 following ways: (i) by substitution in the phenyl ring to any extent  
10 with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents,  
11 whether or not further substituted in the phenyl ring by one or more  
12 other univalent substituents; (ii) by substitution at the 3-position with  
13 an alkyl substituent; or (iii) by substitution at the nitrogen atom with  
14 alkyl or dialkyl groups or by inclusion of the nitrogen atom in a cyclic  
15 structure."

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

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

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

23 "...."

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

25 "(3d) Any person who sells, manufactures, delivers, transports, or possesses 28  
26 grams or more of MDPV or any mixture containing such substance shall be  
27 guilty of a felony, which felony shall be known as "trafficking in MDPV,"  
28 and if the quantity of such substance or mixture involved:

- 29 a. Is 28 grams or more, but less than 200 grams, such person shall be  
30 punished as a Class F felon and shall be sentenced to a minimum  
31 term of 70 months and a maximum term of 84 months in the State's  
32 prison and shall be fined not less than fifty thousand dollars  
33 (\$50,000);  
34 b. Is 200 grams or more, but less than 400 grams, such person shall be  
35 punished as a Class E felon and shall be sentenced to a minimum  
36 term of 90 months and a maximum term of 117 months in the State's  
37 prison and shall be fined not less than one hundred thousand dollars  
38 (\$100,000);  
39 c. Is 400 grams or more, such person shall be punished as a Class C  
40 felon and shall be sentenced to a minimum term of 225 months and a  
41 maximum term of 279 months in the State's prison and shall be fined  
42 at least two hundred fifty thousand dollars (\$250,000)."

43 **SECTION 4.** G.S. 90-95(h) is amended by adding a new subdivision to read:

44 "(3e) Any person who sells, manufactures, delivers, transports, or possesses 28  
45 grams or more of mephedrone or any mixture containing such substance  
46 shall be guilty of a felony, which felony shall be known as "trafficking in  
47 mephedrone," and if the quantity of such substance or mixture involved:

- 48 a. Is 28 grams or more, but less than 200 grams, such person shall be  
49 punished as a Class F felon and shall be sentenced to a minimum  
50 term of 70 months and a maximum term of 84 months in the State's

1 prison and shall be fined not less than fifty thousand dollars  
2 (\$50,000);

3 b. Is 200 grams or more, but less than 400 grams, such person shall be  
4 punished as a Class E felon and shall be sentenced to a minimum  
5 term of 90 months and a maximum term of 117 months in the State's  
6 prison and shall be fined not less than one hundred thousand dollars  
7 (\$100,000);

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

12 **SECTION 5.** G.S. 90-94 reads as rewritten:

13 **"§ 90-94. Schedule VI controlled substances.**

14 This schedule includes the controlled substances listed or to be listed by whatever official  
15 name, common or usual name, chemical name, or trade name designated. In determining that  
16 such substance comes within this schedule, the Commission shall find: no currently accepted  
17 medical use in the United States, or a relatively low potential for abuse in terms of risk to  
18 public health and potential to produce psychic or physiological dependence liability based upon  
19 present medical knowledge, or a need for further and continuing study to develop scientific  
20 evidence of its pharmacological effects.

21 The following controlled substances are included in this schedule:

22 (1) Marijuana.

23 (2) Tetrahydrocannabinols.

24 (3) Synthetic cannabinoids. – Any material, compound, mixture, or preparation  
25 that is not listed as a controlled substance in Schedule I through V, is not an  
26 FDA-approved drug, and contains any quantity of the following substances,  
27 their salts, isomers (whether optical, positional, or geometric), homologues,  
28 and salts of isomers and homologues, unless specifically excepted, whenever  
29 the existence of these salts, isomers, homologues, and salts of isomers and  
30 homologues is possible within the specific chemical designation:

31 a. Naphthoylindoles. Any compound containing a  
32 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom  
33 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
34 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
35 2-(4-morpholinyl)ethyl group, whether or not further substituted in  
36 the indole ring to any extent and whether or not substituted in the  
37 naphthyl ring to any extent. Some trade or other names: JWH-015,  
38 JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200,  
39 JWH-210, JWH-398, AM-2201, WIN 55-212.

40 b. Naphthylmethylindoles. Any compound containing a  
41 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the  
42 nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,  
43 cycloalkylmethyl, cycloalkylethyl,  
44 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
45 whether or not further substituted in the indole ring to any extent and  
46 whether or not substituted in the naphthyl ring to any extent.

47 c. Naphthoylpyrroles. Any compound containing a  
48 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen  
49 atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,  
50 cycloalkylmethyl, cycloalkylethyl,  
51 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,

1 whether or not further substituted in the pyrrole ring to any extent  
2 and whether or not substituted in the naphthyl ring to any extent.  
3 Another name: JWH-307.

4 d. Naphthylmethylenes. Any compound containing a  
5 naphthylideneindene structure with substitution at the 3-position of  
6 the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
7 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl group, whether or not further substituted in  
9 the indene ring to any extent and whether or not substituted in the  
10 naphthyl ring to any extent.

11 e. Phenylacetylindoles. Any compound containing a  
12 3-phenylacetylindole structure with substitution at the nitrogen atom  
13 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
14 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or  
15 2-(4-morpholinyl)ethyl group, whether or not further substituted in  
16 the indole ring to any extent and whether or not substituted in the  
17 phenyl ring to any extent. Some trade or other names: SR-18,  
18 RCS-8, JWH-250, JWH-203.

19 f. Cyclohexylphenols. Any compound containing a  
20 2-(3-hydroxycyclohexyl)phenol structure with substitution at the  
21 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,  
22 cycloalkylmethyl, cycloalkylethyl,  
23 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
24 whether or not substituted in the cyclohexyl ring to any extent. Some  
25 trade or other names: CP 47,497 (and homologues),  
26 cannabicyclohexanol.

27 g. Benzoylindoles. Any compound containing a 3-(benzoyl)indole  
28 structure with substitution at the nitrogen atom of the indole ring by  
29 an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
30 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,  
31 whether or not further substituted in the indole ring to any extent and  
32 whether or not substituted in the phenyl ring to any extent. Some  
33 trade or other names: AM-694, Pravadoline (WIN 48,098), RCS-4.

34 h. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,  
35 4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other  
36 names: WIN 55,212-2.

37 i. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)  
38 - 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Some trade or  
39 other names: HU-210."

40 **SECTION 6.** G.S. 90-95(b) reads as rewritten:

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

43 ...

44 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be  
45 punished as a Class I felon, except that the sale of a controlled substance  
46 classified in Schedule III, IV, V, or VI shall be punished as a Class H felon.  
47 The transfer of less than 5 grams of marijuana or less than 2.5 grams of a  
48 synthetic cannabinoid or any mixture containing such substance for no  
49 remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1)."

50 **SECTION 7.** G.S. 90-95(d) 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       ...

4       (4) A controlled substance classified in Schedule VI shall be guilty of a Class 3  
5 misdemeanor, but any sentence of imprisonment imposed must be suspended  
6 and the judge may not require at the time of sentencing that the defendant  
7 serve a period of imprisonment as a special condition of probation. If the  
8 quantity of the controlled substance exceeds one-half of an ounce  
9 (avoirdupois) of ~~marijuana~~ marijuana, 7 grams of a synthetic cannabinoid or  
10 any mixture containing such substance, or one-twentieth of an ounce  
11 (avoirdupois) of the extracted resin of marijuana, commonly known as  
12 hashish, the violation shall be punishable as a Class 1 misdemeanor. If the  
13 quantity of the controlled substance exceeds one and one-half ounces  
14 (avoirdupois) of ~~marijuana~~ marijuana, 21 grams of a synthetic cannabinoid  
15 or any mixture containing such substance, or three-twentieths of an ounce  
16 (avoirdupois) of the extracted resin of marijuana, commonly known as  
17 hashish, or if the controlled substance consists of any quantity of synthetic  
18 tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of  
19 marijuana, the violation shall be punishable as a Class I felony."

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

21 "(1a) For the purpose of this subsection, a "dosage unit" shall consist of 3 grams of  
22 synthetic cannabinoid or any mixture containing such substance. Any person  
23 who sells, manufactures, delivers, transports, or possesses in excess of 50  
24 dosage units of a synthetic cannabinoid or any mixture containing such  
25 substance, shall be guilty of a felony, which felony shall be known as  
26 "trafficking in synthetic cannabinoids," and if the quantity of such substance  
27 involved:

28 a. Is in excess of 50 dosage units, but less than 250 dosage units, such  
29 person shall be punished as a Class H felon and shall be sentenced to  
30 a minimum term of 25 months and a maximum term of 30 months in  
31 the State's prison and shall be fined not less than five thousand  
32 dollars (\$5,000);

33 b. Is 250 dosage units or more, but less than 1250 dosage units, such  
34 person shall be punished as a Class G felon and shall be sentenced to  
35 a minimum term of 35 months and a maximum term of 42 months in  
36 the State's prison and shall be fined not less than twenty-five  
37 thousand dollars (\$25,000);

38 c. Is 1250 dosage units or more, but less than 3750 dosage units, such  
39 person shall be punished as a Class F felon and shall be sentenced to  
40 a minimum term of 70 months and a maximum term of 84 months in  
41 the State's prison and shall be fined not less than fifty thousand  
42 dollars (\$50,000);

43 d. Is 3750 dosage units or more, such person shall be punished as a  
44 Class D felon and shall be sentenced to a minimum term of 175  
45 months and a maximum term of 219 months in the State's prison and  
46 shall be fined not less than two hundred thousand dollars  
47 (\$200,000)."

48 **SECTION 9.** This act becomes effective June 1, 2011, and applies to offenses  
49 committed on or after that date.