

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 541

Short Title: Amendments to Schedule VI of the CSA. (Public)

Sponsors: Representatives Sasser, Potts, McElraft, and Saine (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 14, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING, IN THE ABSENCE OF ANY OBJECTION BY THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, FOR THE AUTOMATIC REMOVAL FROM SCHEDULE VI OF THE CONTROLLED SUBSTANCES ACT PRESCRIPTION DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-94 reads as rewritten:

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

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

(b) The following controlled substances are included in this schedule:

(1) Marijuana.

(2) Tetrahydrocannabinols.

(3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and applicable to offenses committed on or after that date.

(c) Notwithstanding the provisions of this section, any prescription drug approved by the federal Food and Drug Administration under section 505 of the federal Food, Drug, and Cosmetic Act that is designated, rescheduled, or deleted as a controlled substance under federal law by the United States Drug Enforcement Administration shall be excluded from Schedule VI and may be prescribed, distributed, dispensed, and used in accordance with federal law upon the issuance of a notice, final rule, or interim final rule by the United States Drug Enforcement Administration that designates, reschedules, or deletes such prescription drug as a controlled substance under federal law, unless the Commission objects to such action as provided under G.S. 90-88(d). If the Commission does not object as provided under G.S. 90-88(d), the prescription drug shall be deemed to be designated, rescheduled, or deleted as a controlled substance in accordance with federal law and in compliance with this Chapter."

SECTION 2. This act is effective when it becomes law and applies to prescription drugs approved by the federal Food and Drug Administration on or after that date.

