

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 752

Short Title: Amend Controlled Substances Act. (Public)

Sponsors: Representatives Blackwell, Sasser, C. Smith, and Stevens (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

May 3, 2021

1 A BILL TO BE ENTITLED
2 AN ACT REVISING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 90-87 reads as rewritten:

5 **"§ 90-87. Definitions.**

6 As used in this Article:

7 ...

8 (14a) The term "isomer" means ~~any type of isomer, including structural, geometric,~~
9 ~~or optical isomers, and stereoisomers.~~ the optical isomer, unless otherwise
10 specified.

11 ...

12 (17) "Narcotic drug" means any of the following, whether produced directly or
13 indirectly by extraction from substances of vegetable origin, or independently
14 by means of chemical synthesis, or by a combination of extraction and
15 chemical synthesis:

- 16 a. Opium, opiate and opioid, and any salt, compound, derivative, or
17 preparation of opium, opiate, or opioid.
18 b. Any salt, compound, isomer, derivative, or preparation thereof which
19 is chemically equivalent or identical with any of the substances
20 referred to in clause a, but not including the isoquinoline alkaloids of
21 opium.
22 c. Opium poppy and poppy straw.
23 d. Cocaine and any salt, ~~isomer, isomer (whether optical or geometric),~~
24 salts of isomers, compound, derivative, or preparation thereof, or coca
25 leaves and any salt, isomer, salts of isomers, compound, derivative or
26 preparation of coca leaves, or any salt, isomer, salts of isomers,
27 compound, derivative, or preparation thereof which is chemically
28 equivalent or identical with any of these substances, except that the
29 substances shall not include decocanized coca leaves or extraction of
30 coca leaves, which extractions do not contain cocaine or ecgonine.

31"

32 **SECTION 2.** G.S. 90-89 reads as rewritten:

33 **"§ 90-89. Schedule I controlled substances.**

34 This schedule includes the controlled substances listed or to be listed by whatever official
35 name, common or usual name, chemical name, or trade name designated. In determining that a



1 substance comes within this schedule, the Commission shall find: a high potential for abuse, no
2 currently accepted medical use in the United States, or a lack of accepted safety for use in
3 treatment under medical supervision. The following controlled substances are included in this
4 schedule:

- 5 (1) Opiates. – Any of the following opiates or opioids, including the isomers,
6 esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically
7 excepted, or listed in another schedule, whenever the existence of such
8 isomers, esters, ethers, and salts is possible within the specific chemical
9 designation:

10 ...

11 hh. Levophenacymorphan. For purposes of this sub-subdivision only, the
12 term "isomer" includes the optical and geometric isomers.

13 ...

14 mmm.

15 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenz
16 amide (also known as Isopropyl-U-47700).

17 nnn.

18 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-met
19 hylacetamide (also known as U-51754).

20 ooo.

21 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-met
22 hylacetamide (also known as U-48800).

23 ppp. Isotonitazene.

24 qqq. Metonitazene.

25 rrr. Brorphine.

- 26 (1a) Fentanyl derivatives. – Any compounds Unless specifically excepted, listed
27 in another schedule, or contained within a pharmaceutical product approved
28 by the United States Food and Drug Administration, any compound
29 structurally derived from
30 N-[1-(2-phenylethyl)-4-piperidiny]-N-phenylpropanamide (Fentanyl) by any
31 substitution on or replacement of the phenethyl group, any substitution on the
32 piperidine ring, any substitution on or replacement of the propanamide group,
33 any substitution on the anilido phenyl group, or any combination of the above
34 unless specifically excepted or listed in another schedule to include their salts,
35 isomers, and salts of isomers. Fentanyl derivatives include, but are not limited
36 to, the following:

37 ...

- 38 (2) Opium derivatives. – Any of the following opium derivatives, including their
39 salts, ~~isomers, isomers~~ (whether optical, positional, or geometric), and salts of
40 isomers, unless specifically excepted, or listed in another schedule, whenever
41 the existence of such salts, isomers, and salts of isomers is possible within the
42 specific chemical designation:

43 ...

- 44 (3) Hallucinogenic substances. – Any material, compound, mixture, or
45 preparation which contains any quantity of the following hallucinogenic
46 substances, including their salts, isomers, and salts of isomers, unless
47 specifically excepted, or listed in another schedule, whenever the existence of
48 such salts, ~~isomers, isomers~~ (whether optical, positional, or geometric), and
49 salts of isomers is possible within the specific chemical designation:

50 ...

- 1 nn. Substituted tryptamines. – Any compound, unless specifically
2 excepted, specifically named in this schedule, or listed under a
3 different schedule, structurally derived from
4 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or
5 di-substitution of the amine nitrogen with alkyl or alkenyl groups or
6 by inclusion of the amino nitrogen atom in a cyclic structure whether
7 or not the compound is further substituted at the alpha position with
8 an alkyl group or whether or not further substituted on the indole ring
9 to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
10 groups. Substances in this class include, but are not limited to:
11 4-AcO-DiPT (4-acetoxy-N,N-diisopropyltryptamine), 4-HO-MPMI
12 ((R)-3-(N-methylpyrrolidin-2-ylmethyl)-4-hydroxyindole), and DALT
13 (N,N-diallyltryptamine).
- 14 oo. Substituted phenylcyclohexylamines. – Any compound, unless
15 specifically excepted or unless listed in another schedule, or contained
16 within a pharmaceutical product approved by the United States Food
17 and Drug Administration, any material, compound, mixture, or
18 preparation containing a phenylcyclohexylamine structure, with or
19 without any substitution on the phenyl ring, any substitution on the
20 cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl
21 or benzothiophenyl ring, with or without substitution on the amine
22 with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in
23 a cyclic structure, or any combination of the above. Substances in this
24 class include, but are not limited to: BCP (benocyclidine), PCMPA
25 ((phenylcyclohexyl(methoxypropylamine)), and Hydroxy-PCP
26 ((hydroxyphenyl)cyclohexylpiperidine).
- 27 (4) Systemic depressants. – Any material compound, mixture, or preparation
28 which contains any quantity of the following substances having a depressant
29 effect on the central nervous system, including its salts, isomers, and salts of
30 isomers whenever the existence of such salts, isomers, and salts of isomers is
31 possible within the specific chemical designation, unless specifically excepted
32 or unless listed in another schedule:
33 ...
- 34 g. Clonazolam.
35 h. Flualprazolam.
36 i. Flubromazolam.
- 37 (5) Stimulants. – Unless specifically excepted or unless listed in another schedule,
38 any material, compound, mixture, or preparation that contains any quantity of
39 the following substances having a stimulant effect on the central nervous
40 system, including its salts, isomers, and salts of isomers:
41 ...
- 42 h. 4-methylmethcathinone (also known as mephedrone). For this
43 compound, the term "isomer" includes the optical, positional, or
44 geometric isomer.
- 45 i. 3,4-Methylenedioxypyrovalerone (also known as MDPV). For this
46 compound, the term "isomer" includes the optical, positional, or
47 geometric isomer.
- 48 j. Substituted cathinones. A compound, other than bupropion, that is
49 structurally derived from 2-amino-1-phenyl-1-propanone by
50 modification in any of the following ways: (i) by substitution in the
51 phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl,

1 or halide substituents, whether or not further substituted in the phenyl
2 ring by one or more other univalent substituents; (ii) by substitution at
3 the 3-position to any extent; or (iii) by substitution at the nitrogen atom
4 with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion
5 of the nitrogen atom in a cyclic structure. For the purpose of this
6 paragraph, the term "isomer" includes the optical, positional, or
7 geometric isomer.

8 ...
9 (6) NBOMe compounds. – Any material compound, mixture, or preparation
10 which contains any quantity of the following substances, including its salts,
11 ~~isomers,~~ isomers (whether optical, positional, or geometric), and salts of
12 isomers whenever the existence of such salts, isomers, and salts of isomers is
13 possible within the specific chemical designation unless specifically excepted
14 or unless listed in another schedule:

15 ...
16 (8) Substituted phenethylamines. – This includes any compound, unless
17 specifically excepted, specifically named or included in another subset in this
18 schedule, or listed under a different schedule, structurally derived from
19 phenylethan-2-amine by substitution on the phenyl ring in any of the
20 following ways, that is to say, by substitution with a fused methylenedioxy
21 ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two
22 alkoxy groups; by substitution with one alkoxy and either one fused furan,
23 tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two
24 fused ring systems from any combination of the furan, tetrahydrofuran, or
25 tetrahydropyran ring systems. Whether or not the compound is further
26 modified in any of the following ways, that is to say: (i) by substitution of
27 phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alylthio
28 groups, (ii) by substitution at the 2-position by any alkyl groups, or (iii) by
29 substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,
30 hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.
31 Substances in this class include, but are not limited to: 2C-I
32 (4-Iodo-2,5-dimethoxyphenethylamine), APDB
33 ((2-aminopropyl)-2,3-dihydrobenzofuran), MBDB
34 (3,4-methylenedioxy-N-methylbutanamine), and 2C-I-NBOH
35 (N-(2-hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine).

36 (9) N-Benzyl phenethylamines. – Unless specifically excepted or listed in another
37 schedule, or contained within a pharmaceutical product approved by the
38 United States Food and Drug Administration, any material, compound,
39 mixture, or preparation, including its salts, isomers (whether optical,
40 geometric, or positional), esters, or ethers, and salts of isomers, esters, or
41 ethers, whenever the existence of such salts is possible within any of the
42 following specific chemical designations, any compound containing a
43 phenethylamine structure without a beta-keto group, with substitution on the
44 nitrogen atom of the amino group with a benzyl substituent, with or without
45 substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio,
46 alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused
47 tetrahydropyran substituents, whether or not further substituted on a ring to
48 any extent, with or without substitution at the alpha position by any alkyl
49 substituent. Substances in this class include, but are not limited to:
50 25B-NBOH
51 (4-bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine), 25I-NBF

1 (4-iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine), and
2 25C-NBMD
3 (4-chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine)."

4 **SECTION 3.** G.S. 90-90(1) reads as rewritten:

5 "(1) Any of the following substances whether produced directly or indirectly by
6 extraction from substances of vegetable origin, or independently by means of
7 chemical synthesis, or by a combination of extraction and chemical synthesis,
8 unless specifically excepted or unless listed in another schedule:

9 ...

10 d. Cocaine and any salt, ~~isomer~~, isomer (whether optical or geometric),
11 salts of isomers, compound, derivative, or preparation thereof, or coca
12 leaves and any salt, isomer, salts of isomers, compound, derivative, or
13 preparation of coca leaves, or any salt, isomer, salts of isomers,
14 compound, derivative, or preparation thereof which is chemically
15 equivalent or identical with any of these substances, except that the
16 substances shall not include decocanized coca leaves or extraction of
17 coca leaves, which extractions do not contain cocaine or ecgonine.

18"

19 **SECTION 4.** G.S. 90-90(2) reads as rewritten:

20 "(2) Any of the following opiates or opioids, including their isomers, esters, ethers,
21 salts, and salts of isomers, whenever the existence of such isomers, esters,
22 ethers, and salts is possible within the specific chemical designation unless
23 specifically exempted or listed in other schedules:

24 ...

25 h2. Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).

26"

27 **SECTION 5.** G.S. 90-91(j) reads as rewritten:

28 "(j) Any material, compound, mixture, or preparation which contains any quantity of the
29 following substances having a stimulant effect on the central nervous system, including its salts,
30 ~~isomers~~, isomers (whether optical, positional, or geometric), and salts of said isomers whenever
31 the existence of such salts, isomers, and salts of isomers is possible within the specific chemical
32 designation, unless specifically excluded or listed in some other schedule.

- 33 1. Benzphetamine.
- 34 2. Chlorphentermine.
- 35 3. Clortermine.
- 36 4. Repealed by Session Laws 1987, c. 412, s. 10.
- 37 5. Phendimetrazine."

38 **SECTION 6.** G.S. 90-92(a) reads as rewritten:

39 **"§ 90-92. Schedule IV controlled substances.**

40 (a) This schedule includes the controlled substances listed or to be listed by whatever
41 official name, common or usual name, chemical name, or trade name designated. In determining
42 that a substance comes within this schedule, the Commission shall find: a low potential for abuse
43 relative to the substances listed in Schedule III of this Article; currently accepted medical use in
44 the United States; and limited physical or psychological dependence relative to the substances
45 listed in Schedule III of this Article. The following controlled substances are included in this
46 schedule:

- 47 (1) Depressants. – Unless specifically excepted or unless listed in another
48 schedule, any material, compound, mixture, or preparation which contains any
49 quantity of the following substances, including its salts, isomers, and salts of
50 isomers whenever the existence of such salts, isomers, and salts of isomers is
51 possible within the specific chemical designation:

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- ...
 - m1. Desalkylflurazepam.
 - ...
 - n2. Diclazepam.
 - ...
 - zz. Designer benzodiazepines. – Unless specifically excepted or listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, derivative, mixture, or preparation, including its salts, isomers, salts of isomers, halogen analogues, or homologues, whenever the existence of such salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation, structurally derived from 1,4 benzodiazepine by substitution at the 5 position with a phenyl ring system (which may be further substituted), whether or not the compound is further modified in any of the following ways:
 - 1. By substitution at the 2 position with a ketone;
 - 2. By substitution at the 3 position with a hydroxyl group or ester group, which itself may be further substituted;
 - 3. By a fused triazole ring at the 1,2 position, which itself may be further substituted;
 - 4. By a fused imidazole ring at the 1,2 position, which itself may be further substituted;
 - 5. By a fused oxazolidine ring at the 4,5 position, which itself may be further substituted;
 - 6. By a fused oxazine ring at the 4,5 position, which itself may be further substituted;
 - 7. By substitution at the 7 position with a nitro group;
 - 8. By substitution at the 7 position with a halogen group; or
 - 9. By substitution at the 1 position with an alkyl group, which itself may be further substituted.
- (2) Any material, compound, mixture, or preparation which contains any of the following substances, including its salts, or isomers and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:
- a. Fenfluramine. For this compound, the term "isomer" includes the optical, positional, or geometric isomer.
 - b. Pentazocine.

...."

SECTION 7. G.S. 90-95(d)(2) reads as rewritten:

"(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is methamphetamine, amphetamine, phencyclidine, ~~or cocaine~~ cocaine, fentanyl, or carfentanil and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these

1 substances (except decocanized coca leaves or any extraction of coca leaves
2 which does not contain cocaine or ecgonine), the violation shall be punishable
3 as a Class I felony."

4 **SECTION 8.** G.S. 90-95(h)(3) reads as rewritten:

5 "(3) Any person who sells, manufactures, delivers, transports, or possesses 28
6 grams or more of cocaine and any salt, ~~isomer,~~ isomer (whether optical or
7 geometric), salts of isomers, compound, derivative, or preparation thereof, or
8 any coca leaves and any salt, isomer, salts of isomers, compound, derivative,
9 or preparation of coca leaves, and any salt, isomer, salts of isomers,
10 compound, derivative or preparation thereof which is chemically equivalent
11 or identical with any of these substances (except decocainized coca leaves or
12 any extraction of coca leaves which does not contain cocaine) or any mixture
13 containing such substances, shall be guilty of a felony, which felony shall be
14 known as "trafficking in cocaine" and if the quantity of such substance or
15 mixture involved:

- 16 a. Is 28 grams or more, but less than 200 grams, such person shall be
17 punished as a Class G felon and shall be sentenced to a minimum term
18 of 35 months and a maximum term of 51 months in the State's prison
19 and shall be fined not less than fifty thousand dollars (\$50,000);
20 b. Is 200 grams or more, but less than 400 grams, such person shall be
21 punished as a Class F felon and shall be sentenced to a minimum term
22 of 70 months and a maximum term of 93 months in the State's prison
23 and shall be fined not less than one hundred thousand dollars
24 (\$100,000);
25 c. Is 400 grams or more, such person shall be punished as a Class D felon
26 and shall be sentenced to a minimum term of 175 months and a
27 maximum term of 222 months in the State's prison and shall be fined
28 at least two hundred fifty thousand dollars (\$250,000)."

29 **SECTION 9.** This act becomes effective December 1, 2021, and applies to offenses
30 committed on or after that date.