

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 195

Short Title: Possession of Prescription Drugs.

(Public)

Sponsors: Representatives Ligon; Barbee, Brawley, Brubaker, Buchanan, Culp, Gardner, Gottovi, Hege, Howard, R. Hunter, Isenhower, Justus, Privette, and Wilson.

Referred to: Judiciary I.

March 4, 1991

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE AMOUNT REQUIRED FOR A PRESCRIPTION DRUG POSSESSION OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d) reads as rewritten:

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

(1) A controlled substance classified in Schedule I shall be punished as a Class I felon;

(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000), or both in the discretion of the court. 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 ten~~ ten tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is phencyclidine, or cocaine 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

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

5 (3) A controlled substance classified in Schedule V shall be guilty of a
6 misdemeanor and shall be sentenced to a term of imprisonment of not
7 more than six months or fined not more than five hundred dollars
8 (\$500.00), or both in the discretion of the court;

9 (4) A controlled substance classified in Schedule VI shall be guilty of a
10 misdemeanor and shall be sentenced to a term of imprisonment of not
11 more than 30 days or fined not more than one hundred dollars
12 (\$100.00), or both, in the discretion of the court, but any sentence of
13 imprisonment imposed must be suspended and the judge may not
14 require at the time of sentencing that the defendant serve a period of
15 imprisonment as a special condition of probation. If the quantity of the
16 controlled substance exceeds one-half of an ounce (avoirdupois) of
17 marijuana or one-twentieth of an ounce (avoirdupois) of the extracted
18 resin of marijuana, commonly known as hashish, the violation shall be
19 punishable as a general misdemeanor. If the quantity of the controlled
20 substance exceeds one and one-half ounces (avoirdupois) of marijuana
21 or three-twentieths of an ounce (avoirdupois) of the extracted resin of
22 marijuana, commonly known as hashish, or if the controlled substance
23 consists of any quantity of synthetic tetrahydrocannabinols or
24 tetrahydrocannabinols isolated from the resin of marijuana, the
25 violation shall be punishable as a Class I felony."

26 Sec. 2. This act becomes effective October 1, 1991, and applies to acts
27 committed on or after that date.