

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 1041
HOUSE BILL 508

AN ACT TO INCREASE THE PUNISHMENT TO A FELONY FOR FORTIFICATION OF A STRUCTURE USED FOR ILLEGAL CONTROLLED SUBSTANCE ACTIVITY FOR THE PURPOSE OF IMPEDING LAW ENFORCEMENT ENTRY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-108 reads as rewritten:

"§ 90-108. Prohibited acts; penalties.

- (a) It shall be unlawful for any person:
- (1) Other than practitioners licensed under Articles 1, 2, 4, 6, 11, 12A of this Chapter to represent to any registrant or practitioner who manufactures, distributes, or dispenses a controlled substance under the provision of this Article that he is a licensed practitioner in order to secure or attempt to secure any controlled substance as defined in this Article or to in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner as listed above and who is licensed by this State;
 - (2) Who is subject to the requirements of G.S. 90-101 or a practitioner to distribute or dispense a controlled substance in violation of G.S. 90-105 or 90-106;
 - (3) Who is a registrant to manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
 - (4) To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or its successor;
 - (5) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this Article;
 - (6) To refuse any entry into any premises or inspection authorized by this Article;
 - (7) To knowingly keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled substances in violation of this Article for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this Article;

- (8) Who is a registrant or a practitioner to distribute a controlled substance included in Schedule I or II of this Article in the course of his legitimate business, except pursuant to an order form as required by G.S. 90-105;
- (9) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
- (10) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
- (11) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Article, or any record required to be kept by this Article;
- (12) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled substance;
- (13) To obtain controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners;
- (14) Who is an employee of a registrant or practitioner and who is authorized to possess controlled substances or has access to controlled substances by virtue of his employment, to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or other unauthorized or illegal use or to take, make away with or secrete, with intent to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or other unauthorized or illegal use any controlled substance which shall have come into his possession or under his care.

(b) Any person who violates this section shall be guilty of a misdemeanor. Provided, that if the criminal pleading alleges that the violation was committed intentionally, and upon trial it is specifically found that the violation was committed intentionally, such violations shall be a Class I felony. A person who violates subdivision (7) of subsection (a) of this section and also fortifies the structure, with the intent to impede law enforcement entry, (by barricading windows and doors) shall be punished as a Class I felon."

Sec. 2. This act becomes effective October 1, 1992, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 24th day of July, 1992.

Henson P. Barnes

President Pro Tempore of the Senate

Daniel Blue, Jr.

Speaker of the House of Representatives