

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

2

**SENATE BILL 686
Judiciary II Committee Substitute Adopted 4/26/05**

Short Title: Meth. Lab Prevention Act.

(Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ADD PSEUDOEPHEDRINE, A CRITICAL INGREDIENT IN THE
3 MANUFACTURE OF THE ILLEGAL DRUG METHAMPHETAMINE, TO
4 SCHEDULE V OF THE CONTROLLED SUBSTANCES LIST; TO MAKE THE
5 MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE
6 OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING
7 FACTOR; TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION
8 TO STUDY THE ISSUES RELATING TO THE ABUSE OF
9 METHAMPHETAMINE; AND TO MAKE TECHNICAL CHANGES.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 90-93 reads as rewritten:

12 "**§ 90-93. Schedule V controlled substances.**

13 (a) This schedule includes the controlled substances listed or to be listed by
14 whatever official name, common or usual name, chemical name, or trade name
15 designated. In determining that a substance comes within this schedule, the Commission
16 shall find: a low potential for abuse relative to the substances listed in Schedule IV of
17 this Article; currently accepted medical use in the United States; and limited physical or
18 psychological dependence relative to the substances listed in Schedule IV of this
19 Article. The following controlled substances are included in this schedule:

20 (1) Any compound, mixture or preparation containing any of the
21 following limited quantities of narcotic drugs or salts thereof, which
22 shall include one or more nonnarcotic active medicinal ingredients in
23 sufficient proportion to confer upon the compound, mixture, or
24 preparation valuable medicinal qualities other than those possessed by
25 the narcotic alone:

- 26 a. Not more than 200 milligrams of codeine or any of its salts per
27 100 milliliters or per 100 grams.
28 b. Not more than 100 milligrams of dihydrocodeine or any of its
29 salts per 100 milliliters or per 100 grams.

- 1 c. Not more than 100 milligrams of ethylmorphine or any of its
2 salts per 100 milliliters or per 100 grams.
- 3 d. Not more than 2.5 milligrams of diphenoxylate and not less
4 than 25 micrograms of atropine sulfate per dosage unit.
- 5 e. Not more than 100 milligrams of opium per 100 milliliters or
6 per 100 grams.
- 7 f. Not more than 0.5 milligram of difenoxin and not less than 25
8 micrograms of atropine sulfate per dosage unit.
- 9 (2) Repealed by Session Laws 1985, c. 172, s. 9.
- 10 (3) ~~Stimulants.~~—Unless specifically exempted or excluded or unless listed
11 in another schedule, any material, compound, mixture, or preparation
12 ~~which that~~ contains any quantity of the following substances having a
13 stimulant effect on the central nervous system, including its salts,
14 isomers and salts of isomers:
- 15 a. Repealed by Session Laws 1993, c. 319, s. 7.
- 16 b. Pyrovalerone.
- 17 (4) Any compound, mixture, or preparation containing any detectable
18 quantity of pseudoephedrine base, its salts or isomers, or salts of
19 isomers; however, this does not include compounds, mixtures, or
20 preparations that are in liquid, liquid capsule, or gel capsule form
21 unless pseudoephedrine is the only active ingredient.
- 22 (b) A Schedule V substance may be sold at retail without a prescription only by a
23 registered pharmacist and no other person, agent or employee may sell a Schedule V
24 substance even if under the direct supervision of a pharmacist.
- 25 (c) ~~Notwithstanding the provisions of G.S. 90-93(b), after the pharmacist has~~
26 ~~fulfilled the responsibilities required of him in this Article, a nonpharmacist may~~
27 ~~complete the actual cash transaction, credit transaction, or delivery of a Schedule V~~
28 ~~substance, may be completed by a nonpharmacist.~~ substance. A pharmacist may refuse
29 to sell a Schedule V substance until he the pharmacist is satisfied that the product is
30 being obtained for medicinal purposes only.
- 31 (d) A Schedule V substance may be sold at retail without a prescription only to a
32 person at least 18 years of age. The pharmacist must require every retail purchaser of a
33 Schedule V substance to furnish suitable identification, including proof of age when
34 appropriate, in order to purchase a Schedule V substance. If the Schedule V substance is
35 pseudoephedrine, then the retail purchaser must provide a photo identification showing
36 the date of birth of the person. ~~The name and address obtained from such the~~
37 ~~identification shall be entered in the record of disposition to consumers.~~
- 38 (e) No person shall purchase, receive, or otherwise acquire more than nine grams
39 of any mixture, product, or preparation containing the controlled substance described in
40 subdivision (a)(4) of this section within any 30-day period; however, this limit does not
41 apply if the controlled substance is dispensed under a valid prescription.
- 42 (f) Notwithstanding this section or any other law, a multistate, wholesale
43 distributor of the controlled substance described in subdivision (a)(4) of this section

1 may continue to warehouse or store this substance in the same manner as the distributor
2 warehoused or stored the substance before the effective date of this subsection.

3 (g) The Commission, by rule, may exempt other products from this Schedule that
4 the Commission finds are not used in the illegal manufacture of methamphetamine or
5 other dangerous controlled substances. A manufacturer of a drug product may apply for
6 removal of the product from this Schedule if the Commission determines the product
7 has been formulated in a way that effectively prevents the conversion of the active
8 ingredient into methamphetamine."

9 **SECTION 2.** G.S. 15A-1340.16(d) is amended by adding a new subdivision
10 to read:

11 "(16b) The offense is the manufacture of methamphetamine and was
12 committed in a dwelling that is one of four or more contiguous
13 dwellings."

14 **SECTION 3.(a)** The Legislative Research Commission may study the issues
15 regarding the abuse of methamphetamine precursors used to make methamphetamine
16 and any other issues that are relevant to that topic. In conducting the study, the
17 Commission shall also consider how to address the problems presented by the abuse of
18 methamphetamine, including educational and training programs that focus on curbing
19 the use of methamphetamine in North Carolina. The Commission may also consider
20 any other issues relevant to the study.

21 **SECTION 3.(b)** If the study authorized by this section is undertaken, the
22 Legislative Research Commission shall appoint at a minimum the members to the study
23 committee as provided by this subsection.

24 (1) The President Pro Tempore of the Senate shall appoint the following
25 members:

- 26 a. One representative from the Office of the Attorney General.
- 27 b. One member of the Senate as appointed by the President Pro
28 Tempore of the Senate.
- 29 c. One representative from the North Carolina Association of
30 County Directors of Social Services.
- 31 d. One representative from the North Carolina Association of
32 Community Pharmacists.
- 33 e. One representative from the Consumer Healthcare Products
34 Association.

35 (2) The Speaker of the House of Representatives shall appoint the
36 following members:

- 37 a. One member of the House of Representatives.
- 38 b. One representative from the Office of the Governor.
- 39 c. One representative from the North Carolina Retail Merchants
40 Association.
- 41 d. One representative from the District Attorney's Association of
42 North Carolina.
- 43 e. One representative from the North Carolina Sheriffs'
44 Association, Inc.

1 **SECTION 3.(c)** The Legislative Research Commission may make an
2 interim report to the 2005 General Assembly, Regular Session 2006, and shall make its
3 final report to the 2007 General Assembly.

4 **SECTION 3.(d)** The Legislative Services Officer shall allocate funds
5 appropriated to the General Assembly for the expenditures of the Legislative Services
6 Commission in conducting this study.

7 **SECTION 4.** Sections 1 and 2 of this act become effective December 1,
8 2005, and apply to offenses committed on or after that date. The remainder of this act
9 becomes effective July 1, 2005.