

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1497

Short Title: Spectral Fluorescence Signature Drug Analysis. (Public)

Sponsors: Representatives R. Warren, Spear (Primary Sponsors); and Wray.

Referred to: Science and Technology, if favorable, Judiciary III.

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE RESULTS OF A SPECTRAL FLORESCENCE  
3 SIGNATURE ANALYSIS WITH REGARD AS TO WHETHER A SUBSTANCE IS A  
4 DRUG ARE ADMISSIBLE IN EVIDENCE IN COURT, TO REQUIRE A PERMIT TO  
5 CONDUCT A SPECTRAL FLORESCENCE SIGNATURE ANALYSIS, AND TO  
6 DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
7 ESTABLISH AND ADMINISTER A PERMIT PROGRAM FOR THE PRACTICE OF  
8 SPECTRAL FLORESCENCE SIGNATURE ANALYSIS.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Article 5 of Chapter 90 is amended by adding a new section to read:  
11 "**§ 90-95.8. Spectral Florescence Signature Analysis.**

12 (a) Spectral Florescence Signature Analysis. – In any prosecution under Article 5 of  
13 Chapter 90 of the General Statutes, the results of a spectral florescence signature analysis that  
14 meets the criteria set out in this section are admissible in evidence in court for the prosecution  
15 of any violation under Article 5 of this Chapter to identify a disputed substance as one of the  
16 following controlled substances: heroin as defined at G.S. 90-89(2)(j); MDMA as defined at  
17 G.S. 90-89(3)(c); cocaine and any salt, isomer, salts of isomers, compound, derivative, or  
18 preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative,  
19 or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or  
20 preparation thereof that is chemically equivalent or identical with any of these substances, as  
21 defined at G.S. 90-90(1)(d); methamphetamine as defined at G.S. 90-90(3)(c); marijuana as  
22 defined at G.S. 90-94(1).

23 (b) Criteria for Admissibility. – The results of a Spectral Florescence Signature  
24 Analysis are admissible in evidence in court under this Article only if the analysis meets both  
25 of the following requirements:

26 (1) It is performed in accordance with the rules of the Department of Health and  
27 Human Services.

28 (2) The person performing the analysis had, at the time of the analysis, a current  
29 permit issued by the Department of Health and Human Services authorizing  
30 the person to perform a Spectral Fluorescence Signature Analysis using the  
31 type of instrument employed.

32 (c) Inadmissibility of Analysis Results. – The results of a Spectral Florescence  
33 Signature Analysis of a disputed substance alleged to be a controlled substance performed in  
34 accordance with this section are not admissible in evidence if:

35 (1) The defendant objects to the introduction into evidence of the results of the  
36 Spectral Florescence Signature Analysis of a disputed substance chemical  
37 analysis of the alleged controlled substance; and





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**SECTION 3.** This act becomes effective October 1, 2009.