

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 694
Judiciary II Committee Substitute Adopted 4/30/03

Short Title: Analogues/Schedule I Controlled Substance.

(Public)

Sponsors:

Referred to:

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-89.1. Treatment of controlled substance analogues.

A controlled substance analogue shall, to the extent intended for human consumption, be treated for the purposes of any State law as a controlled substance in Schedule I."

SECTION 2. G.S. 90-87 is amended by adding the following new subdivision to read:

"(5a) "Controlled substance analogue" means a substance (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; and does not include (i) a controlled substance; (ii) any substance for which there is an approved new drug application; (iii) with respect to a particular person any substance, if an

1 exemption is in effect for investigational use, for that person, under
2 § 355 of Title 21 of the United States Code to the extent conduct with
3 respect to such substance is pursuant to such exemption; or (iv) any
4 substance to the extent not intended for human consumption before
5 such an exemption takes effect with respect to that substance. The
6 designation of gamma butyrolactone or any other chemical as a listed
7 chemical pursuant to subdivision 802(34) or 802(35) of Title 21 of the
8 United States Code does not preclude a finding pursuant to this
9 subdivision that the chemical is a controlled substance analogue."

10 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
11 offenses committed on or after December 1, 2003.