

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1307
Committee Substitute Favorable 5/11/09
Committee Substitute #2 Favorable 5/12/09
Fourth Edition Engrossed 5/13/09

Short Title: Possess Prescription Drug/Not Drug Traffick. (Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE HOUSE SELECT STUDY COMMISSION ON TRAFFICKING
OF PRESCRIPTION MEDICATIONS.

The General Assembly of North Carolina enacts:

SECTION 1.1. There is created the House Select Study Commission on Trafficking of Prescription Medications. The purpose of the Commission is to review State law pertaining to trafficking of controlled substances in relation to the application of those laws to prescription medications.

SECTION 1.2. The Commission shall consist of 11 members as follows:

- (1) Seven members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) A district attorney, appointed by the Speaker of the House of Representatives, after consultation with the Conference of District Attorneys.
- (3) A public defender, appointed by the Speaker of the House of Representatives, after consultation with the Office of Indigent Defense Services.
- (4) An attorney engaged in the private practice of criminal law, appointed by the Speaker of the House of Representatives.
- (5) A sheriff, appointed by the Speaker of the House of Representatives, after consultation with the North Carolina Sheriffs' Association.

The Speaker of the House of Representatives shall designate one representative as chair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment. The Commission shall expire upon delivering its final report.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call of the chair. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the



1 Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1,
2 138-5, or 138-6, as appropriate.

3 **SECTION 1.3.** In conducting the study, the Commission shall consider the
4 following:

- 5 (1) What currently manufactured prescription medications are covered by the
6 drug trafficking laws of this State.
- 7 (2) Whether the current drug quantities in the trafficking statutes are appropriate
8 quantities when applied to prescription medications and taking into
9 consideration the penalties provided.
- 10 (3) Whether trafficking of prescription medications should be addressed
11 separately from other drugs.
- 12 (4) What penalties are appropriate for the trafficking of prescription medications
13 and on what quantities of prescription medication should those penalties be
14 determined.

15 **SECTION 1.4.** The House Select Study Commission on Trafficking of
16 Prescription Medications shall make its final report to the 2010 Regular Session of the 2009
17 General Assembly upon its convening.

18 **SECTION 1.5.** All State departments and agencies and local governments and their
19 subdivisions shall furnish the Commission with any information in their possession or available
20 to them.

21 **SECTION 1.6.** Of the funds appropriated to the General Assembly, the Legislative
22 Services Commission shall allocate funds for the expenses of the Commission established by
23 this Part.

24 **SECTION 2.** This act is effective when it becomes law.