

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 77  
PROPOSED COMMITTEE SUBSTITUTE S77-PCS55098-RV-3

Short Title: MDPV/Schedule I Controlled Substance.

(Public)

Sponsors:

Referred to:

February 17, 2011

A BILL TO BE ENTITLED

AN ACT TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER  
SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE,  
OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE  
OFFENSE OF TRAFFICKING IN MDPV.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-89(5) reads as rewritten:

"(5) Stimulants. – Unless specifically excepted or unless listed in another  
schedule, any material, compound, mixture, or preparation that contains any  
quantity of the following substances having a stimulant effect on the central  
nervous system, including its salts, isomers, and salts of isomers:

- a. Aminorex. Some trade or other names: aminoxaphen;  
2-amino-5-phenyl-2-oxazoline; or  
4,5-dihydro-5-phenly-2-oxazolamine.
- b. Cathinone. Some trade or other names:  
2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
2-aminopropiophenone, and norephedrone.
- c. Fenethylamine.
- d. Methcathinone. Some trade or other names:  
2-(methylamino)propionophenone,  
alpha-(methylamino)propionophenone,  
2-(methylamino)-1-phenylpropan-1-one,  
alpha-N-methylaminopropiophenone, monomethylpropion,  
ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422,  
AL-463, and UR1432.
- e. (+/-)cis-4-methylaminorex  
[(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine] (also  
known as 2-amino-4-methyl-5-phenyl-2-oxazoline).
- f. N,N-dimethylamphetamine. Some other names:  
N,N,alpha-trimethylbenzeneetha neamine;  
N,N,alpha-trimethylphenethylamine.
- g. N-ethylamphetamine.
- h. 3,4-methylenedioxypropionylphenone (also known as MDPV).

**SECTION 2.** G.S. 90-95(d)(1) reads as rewritten:



1 "(d) Except as provided in subsections (h) and (i) of this section, any person who  
2 violates G.S. 90-95(a)(3) with respect to:

3 (1) A controlled substance classified in Schedule I shall be punished as a Class I  
4 ~~felon~~;felon. However, if the controlled substance is MDPV and the quantity  
5 of the MDPV is 1 gram or less, the violation shall be punishable as a Class I  
6 misdemeanor.

7 "...."

8 **SECTION 3.** G.S. 90-95(h) is amended by adding a new subdivision to read:

9 "(3d) Any person who sells, manufactures, delivers, transports, or possesses 28  
10 grams or more of MDPV or any mixture containing such substance shall be  
11 guilty of a felony which felony shall be known as "trafficking in MDPV"  
12 and if the quantity of such substance or mixture involved:

13 a. Is 28 grams or more, but less than 200 grams, such person shall be  
14 punished as a Class F felon and shall be sentenced to a minimum  
15 term of 70 months and a maximum term of 84 months in the State's  
16 prison and shall be fined not less than fifty thousand dollars  
17 (\$50,000);

18 b. Is 200 grams or more, but less than 400 grams, such person shall be  
19 punished as a Class E felon and shall be sentenced to a minimum  
20 term of 90 months and a maximum term of 117 months in the State's  
21 prison and shall be fined not less than one hundred thousand dollars  
22 (\$100,000);

23 c. Is 400 grams or more, such person shall be punished as a Class C  
24 felon and shall be sentenced to a minimum term of 225 months and a  
25 maximum term of 279 months in the State's prison and shall be fined  
26 at least two hundred fifty thousand dollars (\$250,000)."

27 **SECTION 4.** This act becomes effective December 1, 2011, and applies to offenses  
28 committed on or after that date.