

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 742  
PROPOSED COMMITTEE SUBSTITUTE H742-PCS90124-RK-89

Short Title: Weight of Marijuana/Controlled Substances.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE WEIGHT OF MARIJUANA AND CONTROLLED  
SUBSTANCES AND TO INCLUDE ANYTHING MANUFACTURED FROM A  
MARIJUANA PLANT FOR THE PURPOSES OF TAX COLLECTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-87(16) reads as rewritten:

"(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, the roots, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination."

**SECTION 2.** G.S. 90-95 is amended by adding a new subsection to read:

"(a1) Weight. – A quantity of marijuana or other controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers. If a quantity of marijuana had a moisture content due to being subjected to the natural environment, a court may consider this fact in determining an appropriate sentence within the range of sentences authorized by statute."

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

"(7) For purposes of this subsection, the weight of a controlled substance includes the weight of any capsule or other consumable container in which the controlled substance is found."

**SECTION 4.** G.S. 105-113.106(6) reads as rewritten:

"(6) Marijuana. – All parts of the plant of the genus Cannabis, whether growing or not; the seeds of this plant; the resin extracted from any part of this plant; and every compound, manufacture, salt, derivative, mixture, or preparation of this plant, its seeds, or its resin."

**SECTION 5.** This act becomes effective December 1, 2011, and applies to any criminal offense committed in violation of Article 5 or Article 5B of Chapter 90 of the General



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1 Statutes and any tax imposed under Article 2D of Chapter 105 of the General Statutes on or  
2 after that date.