

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS15210-RK-29 (03/28)

Short Title: Stop Methamphetamine Production.

(Public)

Sponsors: Senator Curtis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLASSIFY EPHEDRINE, PSEUDOEPHEDRINE, AND
3 PHENYLPROPANOLAMINE AS SCHEDULE III CONTROLLED SUBSTANCES AND
4 TO PROVIDE FOR TESTING OF ANY PRODUCT CONTAINING
5 PSEUDOEPHEDRINE THAT MAY BE RESISTANT TO USE IN THE
6 MANUFACTURE OF ANY CONTROLLED SUBSTANCE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 90-91 reads as rewritten:

9 "**§ 90-91. Schedule III controlled substances.**

10 This schedule includes the controlled substances listed or to be listed by whatever official
11 name, common or usual name, chemical name, or trade name designated. In determining that a
12 substance comes within this schedule, the Commission shall find: (i) a potential for abuse less
13 than the substances listed in Schedules I and II; currently accepted medical use in the United
14 States; and abuse may lead to moderate or low physical dependence or high psychological
15 dependence. or (ii) the substance is currently accepted for medical use in the United States, and
16 it has been scientifically proven that it is an essential component for the manufacture of a
17 substance that is a controlled substance under federal or State law. The following controlled
18 substances are included in this schedule:

19 ...

20 (o) Any drug product containing any of the following:

21 (1) Pseudoephedrine or the salts of pseudoephedrine as an active ingredient.
22 However, pseudoephedrine products in any of the following forms shall not
23 be included in this schedule unless the Commission issues an order pursuant
24 to G.S. 90-88 to include one of those specific pseudoephedrine products:

25 a. Pseudoephedrine in the form of a liquid, liquid capsule, or gel
26 capsule.

27 b. Pseudoephedrine in the form of a pediatric product labeled pursuant
28 to federal regulation primarily intended for administration to children
29 under 12 years of age according to label instruction.

30 (2) Ephedrine or the salts of ephedrine as an active ingredient.

31 (3) Phenylpropanolamine or the salts of phenylpropanolamine as an active
32 ingredient."

33 **SECTION 2.** Article 5D of Chapter 90 of the General Statutes is repealed.

34 **SECTION 3.** The North Carolina State Crime Laboratory shall conduct tests, or
35 shall contract with a certified laboratory to conduct tests, on any available commercial product
36 containing pseudoephedrine that has been approved by the Food and Drug Administration, and



1 that is (i) exempt from regulation as a pseudoephedrine product by any state or political
2 subdivision of a state that otherwise regulates pseudoephedrine as a controlled substance or (ii)
3 claimed by the manufacturer to be resistant to use as an ingredient in the manufacture of a
4 controlled substance. The results of any tests conducted under this section, including a
5 description of the level of resistance to use in the manufacture of another controlled substance,
6 shall be submitted by the Director of the North Carolina State Crime Laboratory by written
7 report to the Cochair of the Joint Legislative Oversight Committee on Justice and Public
8 Safety. The Department of Justice shall use funds available for fiscal years 2012-2013 and
9 2013-2014 for any testing described in this section.

10 **SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2013; the
11 remainder of this act is effective when it becomes law.