

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 464*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H464-ATT-41 [v.2]

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Amends Title [NO]
Fourth Edition

Date _____, 2017

Senator McInnis

1 moves to amend the bill on page 4, line 22, by rewriting the line to read:

2 "(1a) Fentanyl derivatives. – Any compounds structurally derived from";

3
4 and on page 18, lines 48-49, by rewriting the lines to read:

5 "SECTION 10. G.S. 90-95 reads as rewritten:

6 **§ 90-95. Violations; penalties.**

7 ...

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

10 (1) A controlled substance classified in Schedule I or II shall be punished as a
11 Class H felon, except as follows: (i) the sale of a controlled substance
12 classified in Schedule I or II shall be punished as a Class G felony, and (ii)
13 the manufacture of methamphetamine shall be punished as provided by
14 subdivision (1a) of this subsection.

15 (1a) The manufacture of methamphetamine shall be punished as a Class C felony
16 unless the offense was one of the following: packaging or repackaging
17 methamphetamine, or labeling or relabeling the methamphetamine container.
18 The offense of packaging or repackaging methamphetamine, or labeling or
19 relabeling the methamphetamine container shall be punished as a Class H
20 felony.

21 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be
22 punished as a Class I felon, except that the sale of a controlled substance
23 classified in Schedule III, IV, V, or VI shall be punished as a Class H felon.
24 The transfer of less than 5 grams of marijuana ~~or less than 2.5 grams of a~~
25 ~~synthetic cannabinoid or any mixture containing such substance~~ for no
26 remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

27 ...

28 (4) A controlled substance classified in Schedule VI shall be guilty of a Class 3
29 misdemeanor, but any sentence of imprisonment imposed must be suspended
30 and the judge may not require at the time of sentencing that the defendant
31 serve a period of imprisonment as a special condition of probation. If the
32 quantity of the controlled substance exceeds one-half of an ounce



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1 (avoirdupois) of marijuana ~~7 grams of a synthetic cannabinoid or any~~
 2 ~~mixture containing such substance,~~ or one-twentieth of an ounce
 3 (avoirdupois) of the extracted resin of marijuana, commonly known as
 4 hashish, the violation shall be punishable as a Class 1 misdemeanor. If the
 5 quantity of the controlled substance exceeds one and one-half ounces
 6 (avoirdupois) of marijuana, ~~21 grams of a synthetic cannabinoid or any~~
 7 ~~mixture containing such substance,~~ or three-twentieths of an ounce
 8 (avoirdupois) of the extracted resin of marijuana, commonly known as
 9 hashish, or if the controlled substance consists of any quantity of synthetic
 10 tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of
 11 marijuana, the violation shall be punishable as a Class I felony.

12"

13 **SECTION 11.** This act becomes effective December 1, 2017, and apply to offenses
 14 committed on or after that date."

SIGNED  _____
 Amendment Sponsor

SIGNED _____
 Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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 and vote information, is available in the
 Senate Principal Clerk's Office**