

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 464*

AMENDMENT NO. A3
(to be filled in by
Principal Clerk)

H464-AMC-28 [v.2]

Page 1 of 2

Amends Title [NO]
Fourth Edition

Date _____, 2017

Senator McInnis

1 moves to amend Amendment 2, on page 3, line 10, by rewriting the line to read:

2 "SECTION 11. G.S. 90-95 reads as rewritten:

3 "§ 90-95. Violations; penalties.

4 ...

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

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

12 (1a) The manufacture of methamphetamine shall be punished as a Class C felony
13 unless the offense was one of the following: packaging or repackaging
14 methamphetamine, or labeling or relabeling the methamphetamine container.
15 The offense of packaging or repackaging methamphetamine, or labeling or
16 relabeling the methamphetamine container shall be punished as a Class H
17 felony.

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

24 ...

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

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



* H 4 6 4 - A M C - 2 8 - V - 2 *

ADOPTED

AMENDMENT NO. A3

(to be filled in by
Principal Clerk)

H464-AMC-28 [v.2]

Page 2 of 2

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.

...."

SECTION 12. Sections 1-9 and 11 of this act become effective December 1, 2017,

14 and".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**