

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 290
Mar 11, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40191-ML-87A

Short Title: Make Certain Drug Offenses Infractions. (Public)

Sponsors: Representative Alexander.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RECLASSIFY MISDEMEANOR POSSESSION OF MARIJUANA OR
3 HASHISH AND POSSESSION OF MARIJUANA DRUG PARAPHERNALIA AS
4 INFRACTIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-95(d)(4) reads as rewritten:

7 "(4) ~~A~~Except as otherwise provided in this subdivision, a controlled substance
8 classified in Schedule VI shall be guilty of a ~~Class 3 misdemeanor, but any~~
9 ~~sentence of imprisonment imposed must be suspended and the judge may not~~
10 ~~require at the time of sentencing that the defendant serve a period of~~
11 ~~imprisonment as a special condition of probation. If the quantity of the~~
12 ~~controlled substance exceeds one half of an ounce (avoirdupois) of marijuana~~
13 ~~or one twentieth of an ounce (avoirdupois) of the extracted resin of marijuana,~~
14 ~~commonly known as hashish, the violation shall be punishable as a Class 1~~
15 ~~misdemeanor.~~an infraction. If the quantity of the controlled substance exceeds
16 one and one-half ounces (avoirdupois) of marijuana, or three-twentieths of an
17 ounce (avoirdupois) of the extracted resin of marijuana, commonly known as
18 hashish, or if the controlled substance consists of any quantity of synthetic
19 tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of
20 marijuana, the violation shall be punishable as a Class I felony."

21 **SECTION 2.** G.S. 90-113.22A(b) reads as rewritten:

22 "(b) A violation of this section is ~~a Class 3 misdemeanor.~~an infraction. A violation of this
23 section shall be a lesser included offense of G.S. 90-113.22."

24 **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses
25 committed on or after that date.

