

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 206
PROPOSED COMMITTEE SUBSTITUTE S206-PCS15140-BP-2

Short Title: Stop Counterfeit Pills Act.

(Public)

Sponsors:

Referred to:

March 7, 2023

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO
3 ESTABLISH NEW VIOLATIONS INVOLVING COUNTERFEIT CONTROLLED
4 SUBSTANCES AND ESTABLISHING AND REVISING PENALTIES FOR CERTAIN
5 VIOLATIONS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 90-108 reads as rewritten:

8 "§ 90-108. Prohibited acts; penalties.

9 (a) It shall be unlawful for any person:

10 ...

11 (12) To make, distribute, or possess any punch, die, plate, stone, or other thing
12 designed to print, imprint, or reproduce the trademark, trade name, or other
13 identifying mark, imprint, or device of another or any likeness of any of the
14 foregoing upon any drug or container or labeling thereof so as to render such
15 drug a counterfeit controlled substance.

16 (12a) To possess any three-neck round-bottom flask, tableting machine,
17 encapsulating machine, or gelatin capsule, or any equipment, chemical,
18 product, or material which may be used to manufacture a controlled substance
19 or listed chemical, knowing, intending, or having reasonable cause to believe
20 that it will be used to manufacture a controlled substance. This subdivision
21 shall not apply to a pharmacy, a pharmacist, a pharmacy technician, or a
22 pharmacy intern licensed or permitted under Article 4A of Chapter 90 of the
23 General Statutes possessing any item included in this subdivision utilized in
24 the compounding, dispensing, delivering, or administering of a controlled
25 substance pursuant to a prescription.

26 (12b) To manufacture, distribute, export, or import any three-neck round-bottom
27 flask, tableting machine, encapsulating machine, or gelatin capsule, or any
28 equipment, chemical, product, or material which may be used to manufacture
29 a controlled substance or listed chemical, knowing, intending, or having
30 reasonable cause to believe that it will be used to manufacture a controlled
31 substance. This subdivision shall not apply to a pharmacy, a pharmacist, a
32 pharmacy technician, or a pharmacy intern licensed or permitted under Article
33 4A of Chapter 90 of the General Statutes in the compounding, dispensing,
34 delivering, or administering of a controlled substance pursuant to a
35 prescription.

36 ...



1 (b) Any person who violates this section shall be guilty of a Class 1 misdemeanor.
2 Provided, that if the criminal pleading alleges that the violation was committed intentionally, and
3 upon trial it is specifically found that the violation was committed intentionally, such violations
4 shall be a Class I felony unless one of the following applies:

5 ...

6 (1a) A person who violates subdivision (12a) or (12b) of subsection (a) of this
7 section shall be punished as a Class D felon.

8"

9 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
10 committed on or after that date.