

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 425
Mar 21, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30144-NI-106B

Short Title: Stop Counterfeit Pills Act.

(Public)

Sponsors: Representative Blackwell.

Referred to:

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 counterfeit controlled substance.

21 (12b) To manufacture, distribute, export, or import any three-neck round-bottom
22 flask, tableting machine, encapsulating machine, or gelatin capsule, or any
23 equipment, chemical, product, or material which may be used to manufacture
24 a controlled substance or listed chemical, knowing, intending, or having
25 reasonable cause to believe that it will be used to manufacture a counterfeit
26 controlled substance.

27 ...

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

32 ...

33 (1a) A person who violates subdivision (12a) or (12b) of subsection (a) of this
34 section shall be punished as a Class D felon.

35"



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