

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 206  
Health Care Committee Substitute Adopted 3/15/23  
PROPOSED COMMITTEE SUBSTITUTE S206-PCS15149-CE-7

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 CONTROLLED SUBSTANCES.

5 The General Assembly of North Carolina enacts:

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

7 "§ 90-108. Prohibited acts; penalties.

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

9 ...  
10 (12) To do either of the following:

11 a. To possess, manufacture, distribute, export, or import any three-neck  
12 round-bottom flask, tableting machine, encapsulating machine, or  
13 gelatin capsule, or any equipment, chemical, product, or material  
14 which may be used to create a counterfeit controlled substance,  
15 knowing, intending, or having reasonable cause to believe that it will  
16 be used to create a counterfeit controlled substance.

17 b. To make, distribute, or possess any punch, die, plate, stone, or other  
18 thing designed to print, imprint, or reproduce the trademark, trade  
19 name, or other identifying mark, imprint, or device of another or any  
20 likeness of any of the foregoing upon any drug or container or labeling  
21 thereof so as to render such drug a counterfeit controlled  
22 substance-substance, knowing, intending, or having reasonable cause  
23 to believe that it will be used to create a counterfeit controlled  
24 substance.

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



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1           (12b) To manufacture, distribute, export, or import any three-neck round-bottom  
2           flask, tableting machine, encapsulating machine, or gelatin capsule, or any  
3           equipment, chemical, product, or material which may be used to manufacture  
4           a controlled substance or listed chemical, knowing, intending, or having  
5           reasonable cause to believe that it will be used to manufacture a controlled  
6           substance. This subdivision shall not apply to a pharmacy, a pharmacist, a  
7           pharmacy technician, or a pharmacy intern licensed or permitted under Article  
8           4A of Chapter 90 of the General Statutes in the compounding, dispensing,  
9           delivering, or administering of a controlled substance pursuant to a  
10           prescription.

11           ...

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

16           ...

17           (1a) A person who violates subdivision (12a) or (12b) of subsection (a) of this  
18           section shall be punished as a Class E felon.

19           ...."

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