

NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON SUBSTANCE ABUSE

REPORT TO THE 2024 SESSION of the 2023 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 16, 2024

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TRANSMITTAL LETTER

April 16, 2024

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TO THE MEMBERS OF THE 2024 REGULAR SESSION
OF THE 2023 GENERAL ASSEMBLY

The HOUSE SELECT COMMITTEE ON SUBSTANCE ABUSE, respectfully submits the following report to the 2024 Regular Session of the 2023 General Assembly.



Rep. Stephen M. Ross (Chair)

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COMMITTEE PROCEEDINGS

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The House Select Committee on Substance Abuse met three times after the 2023 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

February 13, 2024 Meeting

The first meeting of the Committee was held on Tuesday, [February 13, 2024](#), at 10:00 a.m. in Room 1228 of the Legislative Building, with Chairperson Representative Stephen Ross, presiding. Chairperson Ross called the meeting to order and introduced and thanked the Sergeants at-Arms. He then made introductory remarks to the Committee and introduced two speakers to speak about the emerging presence of the drug "Tianeptine" in North Carolina gas stations and vape shops. The first speaker was Penny Shelton, PharmD, Executive Director, North Carolina Association of Pharmacists. The second speaker was Stephanie Craycroft-Andrews, PharmD, BCACP, Clinical Pharmacist, Vaya Health. Chairperson Ross then introduced and played an audio recording that was created by a constituent that detailed the constituent's personal account of Tianeptine consumption. With no further business before the Committee, Chairperson Ross adjourned the meeting.

March 13, 2024 Meeting

The second meeting of the Committee was held on Wednesday, [March 13, 2024](#), at 10:00 a.m. in Room 1228 of the Legislative Building, with Chairperson Representative Stephen Ross, presiding. Chairperson Ross called the meeting to order and introduced and thanked the Sergeants at-Arms. He then made introductory remarks to the Committee and introduced the first speaker. The first speaker was Bryan House, Director, NC Alcohol Law Enforcement, who provided additional information to the Committee about the drug "Tianeptine." The second speaker was Captain Richard Kellum, Roanoke Rapids Police Department, who spoke in place of Chief Shane Guyant, who was not able to attend the meeting. Captain Kellum, spoke about his experience in addressing the use of the drug "Xylazine." The third speaker was Dr. Nabarun Dasgupta, UNC Gillings School of Global Public Health. Dr. Dasgupta spoke about his experience studying the drug "Xylazine." Finally, Chairperson Ross introduced the following three speakers, who each spoke about the impact marijuana has had on their families: Casey Temple, Tisha Temple, and Carla Pearce. With no further business before the Committee, Chairperson Ross adjourned the meeting.

April 16, 2024 Meeting

The third meeting of the Committee was held on Wednesday, April 16, 2024, at 10:00 a.m. in Room 1228 of the Legislative Building, with Chairperson Representative Stephen Ross, presiding. Chairperson Ross called the meeting to order and introduced and thanked the Sergeants at-Arms. The Committee heard a presentation from Andrew Whitacre from The Pew Charitable Trusts with policy recommendations on the financing of substance use care, treatment, and support services in North Carolina. After discussion the Committee voted to adopt this Committee report. With no further business before the Committee, Chairperson Ross adjourned the meeting.

The following documents and presentations were provided to the Committee and can be found in the [Documents](#) folder on the Committee Website:

- Tianeptine Pharmacology & Safety
 - Penny Shelton, Executive Director, North Carolina Association of Pharmacists
- WRAL News, "'Gas station heroin:' Unregulated supplement widely available and linked to overdoses, deaths," January 5, 2024
- WRAL News, "Editorial: 'Gas-station heroin' is dangerous. State must regulate it now." January 17, 2024
- Forbes News, "Growing Danger of 'Gas Station Heroin': Kentucky Latest State To Ban Tianeptine – Opioid-Like Drug Sold In Groceries." March 24, 2023
- NBC News, "FDA issues new warning about supplements containing tianeptine." January 30, 2024
- Statement from Aaron J. Lerner, MD, Pulmonary and Critical Care Medicine
- What You Need to Know About Tianeptine, Vaya Health
- Alcohol Law Enforcement presentation on Tianeptine
- Regulation of Tianeptine – State by State Overview, current as of March 11, 2024
- FDA plain language summary
- Xylazine is Different, Dr. Nabarun Dasgupta
- Xylazine Exposure Guidance, Kimberly McDonald, MD, NC DHHS
- Mitigating Risks From Human Xylazine Exposure, Reagan-Udall Foundation for the FDA
- Policy Recommendations on the Financing of Substance Use Care, Treatment and Support Services in North Carolina.

FINDINGS AND RECOMMENDATIONS

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Recommendation #1

The Committee recommends that the General Assembly enact legislation scheduling the drug "Tianeptine" as a schedule II controlled substance in North Carolina. A copy of the proposed legislation is attached to this report as [Appendix C.]

Recommendation #2

The Committee recommends that the General Assembly continue to study the effects of "Tianeptine," "Xylazine," and other emerging drugs of concern in North Carolina and introduce appropriate legislation as needed to protect the people of North Carolina.

Recommendation #3

The Committee finds that private laboratories in North Carolina provide fast and accurate testing of emerging drugs of concern and other controlled substances. The Committee further finds that the delays in having controlled substances tested at the State Crime Laboratory is a concern to all members of the criminal justice system and citizens of North Carolina. The Committee recommends that additional funding be provided to law enforcement agencies so that these agencies can fund testing of controlled substance at these private laboratories in an expeditious manner.

Recommendation #4

The Committee recommends that the General Assembly consider enacting House Bill 563 to regulate the sale and distribution of hemp-derived consumable products and kratom products which are currently widely available across North Carolina.

Recommendation #5

The Committee recommends the Department of Health and Human Services study and determine if additional authority, avenues, or flexibility is necessary to regulate new and emerging substances across the State.

Recommendation #6

The Committee recommends the General Assembly consider mandating a substance prevention program to educate school students on the dangers of marijuana, fentanyl, and other substances and requiring all public schools to adopt policies to better monitor students in restrooms and other areas. The Committee also recommends the General Assembly consider including the appropriation of any funds necessary to facilitate those requirements, including potentially making grants available to nonprofit entities to assist in providing prevention programs.

COMMITTEE MEMBERSHIP

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2023-2024

Speaker of the House of Representatives

Appointments:

Rep. Stephen M. Ross (Chair)

Rep. Erin Paré (Vice-Chair)

Rep. Amber M. Baker

Rep. Kristin Baker, M.D.

Rep. Mary Belk

Rep. Carla D. Cunningham

Rep. Zack Hawkins

Rep. Renée A. Price

Rep. A. Reece Pyrtle, Jr.

Rep. Wayne Sasser

Rep. Frank Sossamon

Rep. Donna McDowell White

COMMITTEE CHARGE

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Office of the Speaker
North Carolina House of Representatives

TIM MOORE
SPEAKER

HOUSE SELECT COMMITTEE ON SUBSTANCE ABUSE TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Substance Abuse (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to Rule 26(a) in Section 1 of the Rules of the House of Representatives of the 2023 General Assembly.

Section 2. The Committee consists of twelve members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

Chairman Stephen Ross	Representative Zack Hawkins
Vice Chair Erin Paré	Representative Renee Price
Representative Frank Sossamon	Representative Amber Baker
Representative Wayne Sasser	Representative Mary Belk
Representative Donna McDowell White	Representative Carla Cunningham
Representative Kristin Baker, MD	
Representative Reece Pyrtle	

Section 3. The Committee shall meet upon the call of the Chair. A quorum of the Committee shall be a majority of its members. No action may be taken except by majority vote at a meeting at which a quorum is present.

Section 4. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

Section 5. Members of the Committee and its working groups shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3 .1.

Section 6. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 7. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 8. All meetings planned outside of Raleigh must be approved in advance by the Speaker's office. Once approved, the Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 9. The Committee shall submit report on the results of its study, including any proposed legislation, to the members of the General Assembly on or before April 1, 2024, by filing a copy of the report to the Office of the Speaker of the House of Representatives and the Legislative Library. The Select Committee shall terminate on April 1st, 2024, by filing its final report, or by dissolution by the Speaker of the House of Representatives, whichever occurs first.

Effective this 28th day of December 2023.

A handwritten signature in black ink, appearing to read "Tim Moore", written in a cursive style.

Tim Moore
Speaker

LEGISLATIVE PROPOSALS

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

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BILL DRAFT 2023-NI-151A [v.3]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/15/2024 10:41:09 AM

Short Title: Add Tianeptine to Controlled Substance List. (Public)

Sponsors: Representative Ross.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD TIANEPTINE TO THE LIST OF SCHEDULE TWO CONTROLLED
3 SUBSTANCES.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. G.S. 90-90 reads as rewritten:
6 "§ 90-90. Schedule II controlled substances.
7 This schedule includes the controlled substances listed or to be listed by whatever official
8 name, common or usual name, chemical name, or trade name designated. In determining that a
9 substance comes within this schedule, the Commission shall find: a high potential for abuse;
10 currently accepted medical use in the United States, or currently accepted medical use with severe
11 restrictions; and the abuse of the substance may lead to severe psychic or physical dependence.
12 The following controlled substances are included in this schedule:
13 ...
14 (2) Any of the following opiates or opioids, including their isomers, esters, ethers,
15 salts, and salts of isomers, whenever the existence of such isomers, esters,
16 ethers, and salts is possible within the specific chemical designation unless
17 specifically exempted or listed in other schedules:
18 ...
19 bb. Tianeptine.
20"
21 SECTION 2. Section 1 of this act becomes effective September 1, 2024, and applies
22 to offenses committed on or after that date. The remainder of this act is effective when it becomes
23 law.



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