

2009 State Prescription Trafficking Legislation

Many states have multiple statutes related to trafficking in controlled substances – this compilation only contains provisions related to trafficking in prescription controlled substances. It does not include provisions related to trafficking in illegal controlled substances such as cocaine, marijuana, heroin, methamphetamine, GHB, etc.

2009 North Carolina House Bill No. 1307

A BILL TO BE ENTITLED

AN ACT to clarify that possession of certain prescription drugs is not punishable as trafficking in opium or heroin and to set out the criminal penalty for that offense.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-95(h)(4) reads as rewritten:

"(4) ~~Any~~ Except as provided in subsection (j) of this section, any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in opium or heroin" and if the quantity of such controlled substance or mixture involved:

a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 117 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

© 2009 Research is current as of May 6th, 2009. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Sarah Kelsey at (703) 836-6100, ext. 119 or skelsey@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for educational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS. 1414 Prince Street, Suite 312, Alexandria, VA 22314. (703) 836-6100. Western Regional Office: 215 Lincoln Ave. Suite 201, Santa Fe, NM 87501.

2009 State Prescription Trafficking Legislation

c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 279 months in the State's prison and shall be fined not less than five hundred thousand dollars (\$500,000)."

SECTION 2. G.S. 90-95 is amended by adding a new subsection to read:

"(j) Notwithstanding G.S. 90-95(h)(4), any person who, in violation of G.S. 90-95(a)(3), possesses a controlled substance in Schedule II that is a synthetic opioid of oxycodone hydrochloride combined with acetaminophen and that is a commercial drug product with FDA approval manufactured and distributed by a pharmaceutical company lawfully doing business in the United States shall not be punished for a violation of G.S. 90-95(h)(4) but instead shall be punished as provided by this subsection. If the quantity of the controlled substance or mixture involved:

(1) Is less than 250 tablets, capsules, or other dosage units, the person shall be punished as a Class I felon;

(2) Is 250 tablets, capsules, or other dosage units or more, but less than 500 tablets, capsules, or other dosage units, the person shall be punished as a Class G felon;

(3) Is 500 tablets, capsules, or other dosage units or more, but less than 1,000 tablets, capsules, or other dosage units, the person shall be punished as a Class F felon;

(4) Is 1,000 tablets, capsules, or other dosage units or more, the person shall be punished as a Class D felon."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

© 2009 Research is current as of May 6th, 2009. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Sarah Kelsey at (703) 836-6100, ext. 119 or skelsey@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for educational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS. 1414 Prince Street, Suite 312, Alexandria, VA 22314. (703) 836-6100. Western Regional Office: 215 Lincoln Ave. Suite 201, Santa Fe, NM 87501.