

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 105
SENATE BILL 216

AN ACT TO AMEND AND CLARIFY STATUTES CONTAINED IN CHAPTER 90
OF THE GENERAL STATUTES DEALING WITH THE DEFINITION OF AND
REGULATION OF COCAINE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-87(14a) is amended to read as follows:

"The term 'isomer' means, except as used in G.S. 90-87(17)(d), G.S. 90-89(c), G.S. 90-90(a)(4), and G.S. 90-95(h)(3), the optical isomer. As used in G.S. 90-89(c) the term 'isomer' means the optical, position, or geometric isomer. As used in G.S. 90-87(17)(d), G.S. 90-90(a)(4), and G.S. 90-95(h)(3) the term 'isomer' means the optical isomer or diastereoisomer."

Sec. 2. G.S. 90-87(17)(d) is amended to read as follows:

"Cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine."

Sec. 3. G.S. 90-90(a)(4) is amended to read as follows:

"(4) Cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocanized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine."

Sec. 4. G.S. 90-95(d)(2) is amended to read as follows:

"(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000), or both in the discretion of the court. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, including one-half gram or more of phencyclidine, the violation shall be punishable as a Class I felony. If the controlled substance is one gram or more of cocaine and any salt, isomer, salts of isomers,

compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine), the violation shall be punishable as a Class I felony."

Sec. 5. G.S. 90-95(h)(3) is amended to read as follows:

"(3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or any coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, and any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine) or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as 'trafficking in cocaine' and if the quantity of such substance or mixture involved:".

Sec. 6. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 27th day of April, 1987.