

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 413  
HOUSE BILL 879

AN ACT TO AMEND PROCEDURES FOR SCHEDULING CONTROLLED  
SUBSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-88 (a) is rewritten to read as follows:

"(a) The Commission may add, delete, or reschedule substances within Schedules I through VI of this Article on the petition of any interested party, or its own motion. In every case the Commission shall give notice of and hold a public hearing pursuant to G.S. 150B prior to adding, deleting or rescheduling a controlled substance within Schedules I through VI of this Article, except as provided in subsection (d) of this section. A petition by the Commission, the North Carolina Department of Justice, or the North Carolina Board of Pharmacy to add, delete, or reschedule a controlled substance within Schedules I through VI of this Article shall be placed on the agenda, for consideration, at the next regularly scheduled meeting of the Commission, as a matter of right."

Sec. 2. G.S. 90-88 is amended by inserting a new subsection (a1) to read as follows:

"(a1) In making a determination regarding a substance, the Commission shall consider the following:

- (1) The actual or relative potential for abuse;
- (2) The scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the substance;
- (4) The history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) The risk to the public health;
- (7) The potential of the substance to produce psychic or physiological dependence liability; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under this Article."

Sec. 3. G.S. 90-88 (d) is rewritten to read as follows:

"If any substance is designated, rescheduled or deleted as a controlled substance under federal law, the Commission shall similarly control or cease control of, the substance under this Article unless the Commission objects to such inclusion. The Commission, at its next regularly scheduled meeting that takes place 30 days after publication in the Federal Register of a final order scheduling a substance, shall determine either to adopt a rule to similarly control the substance under this Article or to

object to such action. No rule-making notice or hearing as specified by G.S. 150B is required if the Commission makes a decision to similarly control a substance, but any rule so adopted shall be filed pursuant to Article 5 of Chapter 150B. However, if the Commission makes a decision to object to adoption of the federal action, it shall initiate rule-making procedures pursuant to G.S. 150B within 180 days of its decision to object."

Sec. 4. G.S. 90-88 (h) is repealed.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of June, 1987.