

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 920
Judiciary II Committee Substitute Adopted 4/28/99

Short Title: Update Cont. Substance Schedules.

(Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO ACCURATELY REFLECT THE CURRENT SCHEDULING OF CONTROLLED SUBSTANCES, AS SCHEDULED BY THE DRUG ENFORCEMENT ADMINISTRATION AND TO PROHIBIT TRAFFICKING IN METHYLENEDIOXYAMPHETAMINE (MDA) OR METHYLENEDIOXYMETHAMPHETAMINE (MDMA).

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-89 reads as rewritten:

"§ 90-89. Schedule I controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse, no currently accepted medical use in the United States, or a lack of accepted safety for use in treatment under medical supervision. The following controlled substances are included in this schedule:

- (1) Any of the following opiates, including the isomers, esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically excepted, or listed in another schedule, whenever the existence of such isomers,

- 1 esters, ethers, and salts is possible within the specific chemical
2 designation:
- 3 a. Acetyl-alpha-methylfentanyl (N[1-(1-methyl-2-phenethyl)-4-
4 piperidiny]-N-phenylacetamide).
- 5 b. Acetylmethadol.
- 6 c. Repealed by Session Laws 1987, c. 412, s. 2.
- 7 d. Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
8 piperidiny]-N-phenylpropanamide).
- 9 e. Allylprodine.
- 10 f. Alphacetylmethadol.
- 11 g. Alphameprodine.
- 12 h. Alphamethadol.
- 13 i. Alpha-methylfentanyl (N-(1-(alpha-methyl-beta-phenyl) ethyl-4-
14 piperidyl) propionalilide; 1(1-methyl-2-phenyl-ethyl)-4-(N-
15 propanilido) piperidine).
- 16 j. Benzethidine.
- 17 k. Betacetylmethadol.
- 18 l. Beta-hydroxfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
19 piperidiny]-N-phenylpropanamide).
- 20 m. Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-
21 3-methyl-4-piperidiny]-N-phenylpropanamide).
- 22 n. Betameprodine.
- 23 o. Betamethadol.
- 24 p. Betaprodine.
- 25 q. Clonitazene.
- 26 r. Dextromoramide.
- 27 s. Diampromide.
- 28 t. Diethylthiambutene.
- 29 u. Difenoxin.
- 30 v. Dimenoxadol.
- 31 w. Dimepheptanol.
- 32 x. Dimethylthiambutene.
- 33 y. Dioxaphetyl butyrate.
- 34 z. Dipipanone.
- 35 aa. Ethylmethylthiambutene.
- 36 bb. Etonitazene.
- 37 cc. Etoxidine.
- 38 dd. Furethidine.
- 39 ee. Hydroxypethidine.
- 40 ff. Ketobemidone.
- 41 gg. Levomoramide.
- 42 hh. Levophenacymorphan.
- 43 ii. 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).

- 1 jj. 3-Methylfentanyl (N-[3-methyl-1-(2-Phenylethyl)-4-Pi- peridyl]-
2 N-Phenylpropanamide).
3 kk. 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)-ethyl-4-
4 piperidinyl]-N-phenylpropanamide).
5 ll. Morpheridine.
6 mm. Noracymethadol.
7 nn. Norlevorphanol.
8 oo. Normethadone.
9 pp. Norpipanone.
10 qq. Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
11 piperidinyl]-propanamide.
12 rr. Phenadoxone.
13 ss. Phenampromide.
14 tt. 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
15 uu. Phenomorphan.
16 vv. Phenoperidine.
17 ww. Piritramide.
18 xx. Proheptazine.
19 yy. Properidine.
20 zz. Propiram.
21 aaa. Racemoramide.
22 bbb. Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
23 propanamide.
24 ccc. Tilidine.
25 ddd. Trimeperidine.
26 (2) Any of the following opium derivatives, including their salts, isomers,
27 and salts of isomers, unless specifically excepted, or listed in another
28 schedule, whenever the existence of such salts, isomers, and salts of
29 isomers is possible within the specific chemical designation:
30 a. Acetorphine.
31 b. Acetyldihydrocodeine.
32 c. Benzylmorphine.
33 d. Codeine methylbromide.
34 e. Codeine-N-Oxide.
35 f. Cyprenorphine.
36 g. Desomorphine.
37 h. Dihydromorphine.
38 i. Etorphine (except hydrochloride salt).
39 j. Heroin.
40 k. Hydromorphinol.
41 l. Methyldesorphine.
42 m. Methyldihydromorphine.
43 n. Morphine methylbromide.

- 1 o. Morphine methylsulfonate.
- 2 p. Morphine-N-Oxide.
- 3 q. Myrophine.
- 4 r. Nicocodeine.
- 5 s. Nicomorphine.
- 6 t. Normorphine.
- 7 u. Pholcodine.
- 8 v. Thebacon.
- 9 w. Drotebanol.
- 10 (3) Any material, compound, mixture, or preparation which contains any
- 11 quantity of the following hallucinogenic substances, including their
- 12 salts, isomers, and salts of isomers, unless specifically excepted, or
- 13 listed in another schedule, whenever the existence of such salts, isomers,
- 14 and salts of isomers is possible within the specific chemical designation:
- 15 a. 3, 4-methylenedioxyamphetamine.
- 16 b. 5-methoxy-3, 4-methylenedioxyamphetamine.
- 17 c. 3, 4-Methylenedioxymethamphetamine (MDMA).
- 18 d. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-
- 19 ethyl-alpha-methyl-3,4-(methylenedioxy)phenethylamine, N-
- 20 ethyl MDA, MDE, and MDEA).
- 21 e. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
- 22 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and
- 23 N-hydroxy MDA).
- 24 f. 3, 4, 5-trimethoxyamphetamine.
- 25 g. Alpha-ethyltryptamine. Some trade or other names: etryptamine,
- 26 Monase, alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl)
- 27 indole, alpha-ET, and AET.
- 28 h. Bufotenine.
- 29 i. Diethyltryptamine.
- 30 j. Dimethyltryptamine.
- 31 k. 4-methyl-2, 5-dimethoxyamphetamine.
- 32 l. Ibogaine.
- 33 m. Lysergic acid diethylamide.
- 34 n. Mescaline.
- 35 o. Peyote, meaning all parts of the plant presently classified
- 36 botanically as *Lophophora Williamsii* Lemaire, whether growing
- 37 or not; the seeds thereof; any extract from any part of such plant;
- 38 and every compound, manufacture, salt, derivative, mixture or
- 39 preparation of such plant, its seed or extracts.
- 40 p. N-ethyl-3-piperidyl benzilate.
- 41 q. N-methyl-3-piperidyl benzilate.
- 42 r. Psilocybin.
- 43 s. Psilocin.

- 1 t. 2, 5-dimethoxyamphetamine.
2 u. 2, 5-dimethoxy-4-ethylamphetamine. Some trade or other names:
3 DOET.
4 v. 4-bromo-2, 5-dimethoxyamphetamine.
5 w. 4-methoxyamphetamine.
6 x. Ethylamine analog of phencyclidine. Some trade or other names:
7 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
8 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine,
9 PCE.
10 y. Pyrrolidine analog of phencyclidine. Some trade or other names:
11 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
12 z. Thiophene analog of phencyclidine. Some trade or other names:
13 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of
14 phencyclidine, TPCP, TCP.
15 aa. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; Some other names:
16 TCPy.
17 bb. Parahexyl.
18 cc. 4-Bromo-2, 5-Dimethoxyphenethylamine.
19 (4) Any material compound, mixture, or preparation which contains any
20 quantity of the following substances having a depressant effect on the
21 central nervous system, including its salts, isomers, and salts of isomers
22 whenever the existence of such salts, isomers, and salts of isomers is
23 possible within the specific chemical designation, unless specifically
24 excepted or unless listed in another schedule:
25 a. Mecloqualone.
26 b. Methaqualone.
27 (5) Stimulants. – Unless specifically excepted or unless listed in another
28 schedule, any material, compound, mixture, or preparation that contains
29 any quantity of the following substances having a stimulant effect on the
30 central nervous system, including its salts, isomers, and salts of isomers:
31 a. Aminorex. Some trade or other names: aminoxaphen; 2-amino-5-
32 phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.
33 b. Cathinone. Some trade or other names: 2-amino-1-phenyl-1-
34 propanone, alpha-aminopropiophenone, 2-aminopropiophenone,
35 and norephedrone.
36 c. Fenethylamine.
37 d. Methcathinone. Some trade or other names: 2- (methylamino)-
38 propiophenone, alpha- (methylamino)propiophenone, 2-
39 (methylamino)-1- phenylpropan-1-one, alpha-N-
40 methylaminopropiophenone, monomethylpropion, ephedrone,
41 N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463,
42 and UR1432.

- 1 e. (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
2 phenyl-2-oxazolamine] (also known as 2-amino-4-methyl-5-
3 phenyl-2-oxazoline).
4 f. N,N-dimethylamphetamine. Some other names: N,N,alpha-
5 trimethylbenzeneethanamine; N,N,alpha-
6 trimethylphenethylamine.
7 g. N-ethylamphetamine."

8 Section 2. G.S. 90-90 reads as rewritten:

9 **"§ 90-90. Schedule II controlled substances.**

10 This schedule includes the controlled substances listed or to be listed by whatever
11 official name, common or usual name, chemical name, or trade name designated. In
12 determining that a substance comes within this schedule, the Commission shall find: a
13 high potential for abuse; currently accepted medical use in the United States, or currently
14 accepted medical use with severe restrictions; and the abuse of the substance may lead to
15 severe psychic or physical dependence. The following controlled substances are included
16 in this schedule:

- 17 (1) Any of the following substances whether produced directly or indirectly
18 by extraction from substances of vegetable origin, or independently by
19 means of chemical synthesis, or by a combination of extraction and
20 chemical synthesis, unless specifically excepted or unless listed in
21 another schedule:

- 22 a. Opium and opiate, and any salt, compound, derivative, or
23 preparation of opium and opiate, excluding apomorphine,
24 ~~thebaine derived butorphanol,~~ nalbuphine, dextrorphan, naloxone,
25 naltrexone and nalmefene, and their respective salts, but
26 including the following:
27 1. Raw opium.
28 2. Opium extracts.
29 3. Opium fluid extracts.
30 4. Powdered opium.
31 5. Granulated opium.
32 6. Tincture of opium.
33 7. Codeine.
34 8. Ethylmorphine.
35 9. Etorphine hydrochloride.
36 10. Hydrocodone.
37 11. Hydromorphone.
38 12. Metopon.
39 13. Morphine.
40 14. Oxycodone.
41 15. Oxymorphone.
42 16. Thebaine.

- 1 b. Any salt, compound, derivative, or preparation thereof which is
2 chemically equivalent or identical with any of the substances
3 referred to in paragraph 1 of this subdivision, except that these
4 substances shall not include the isoquinoline alkaloids of opium.
5 c. Opium poppy and poppy straw.
6 d. Cocaine and any salt, isomer, salts of isomers, compound,
7 derivative, or preparation thereof, or coca leaves and any salt,
8 isomer, salts of isomers, compound, derivative, or preparation of
9 coca leaves, or any salt, isomer, salts of isomers, compound,
10 derivative, or preparation thereof which is chemically equivalent
11 or identical with any of these substances, except that the
12 substances shall not include decocanized coca leaves or
13 extraction of coca leaves, which extractions do not contain
14 cocaine or ecgonine.
15 e. Concentrate of poppy straw (the crude extract of poppy straw in
16 either liquid, solid or powder form which contains the
17 phenanthrine alkaloids of the opium poppy).
18 (2) Any of the following opiates, including their isomers, esters, ethers,
19 salts, and salts of isomers, whenever the existence of such isomers,
20 esters, ethers, and salts is possible within the specific chemical
21 designation unless specifically exempted or listed in other schedules:
22 a. Alfentanil.
23 b. Alphaprodine.
24 c. Anileridine.
25 d. Bezitramide.
26 e. Carfentanil.
27 f. Dihydrocodeine.
28 g. Diphenoxylate.
29 h. Fentanyl.
30 i. Isomethadone.
31 j. Levo-alpha-acetylmethadol. Some trade or other names: levo-
32 alpha-acetylmethadol, levomethadyl acetate, or LAAM.
33 k. Levomethorphan.
34 l. Levorphanol.
35 m. Metazocine.
36 n. Methadone.
37 o. Methadone – Intermediate, 4-cyano-2-dimethylamino-4, 4-
38 diphenyl butane.
39 p. Moramide – Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
40 propane-carboxylic acid.
41 q. Pethidine.
42 r. Pethidine – Intermediate – A, 4-cyano-1-methyl-4-
43 phenylpiperidine.

- 1 s. Pethidine – Intermediate – B, ethyl-4-phenylpiperidine-4-
2 carboxylate.
- 3 t Pethidine – Intermediate – C, 1-methyl-4-phenylpiperidine-4-
4 carboxylic acid.
- 5 u Phenazocine.
- 6 v. Piminodine.
- 7 w. Racemethorphan.
- 8 x. Racemorphan.
- 9 y. Remifentanil.
- 10 z. Sufentanil.
- 11 (3) Any material, compound, mixture, or preparation which contains any
12 quantity of the following substances having a potential for abuse
13 associated with a stimulant effect on the central nervous system unless
14 specifically exempted or listed in another schedule:
- 15 a. Amphetamine, its salts, optical isomers, and salts of its optical
16 isomers.
- 17 b. Phenmetrazine and its salts.
- 18 c. Methamphetamine, including its salts, isomers, and salts of
19 isomers.
- 20 d. Methylphenidate.
- 21 e. Phenylacetone. Some trade or other names: Phenyl-2-propanone;
22 P2P; benzyl methyl ketone; methyl benzyl ketone.
- 23 (4) Any material, compound, mixture, or preparation which contains any
24 quantity of the following substances having a depressant effect on the
25 central nervous system, including its salts, isomers, and salts of isomers
26 whenever the existence of such salts, isomers, and salts of isomers is
27 possible within the specific chemical designation, unless specifically
28 exempted by the Commission or listed in another schedule:
- 29 a. Amobarbital
- 30 b. Glutethimide
- 31 c. Repealed by Session Laws 1983, c. 695, s. 2.
- 32 d. Pentobarbital
- 33 e. Phencyclidine
- 34 f. Phencyclidine immediate precursors:
- 35 a. 1-Phenylcyclohexylamine
- 36 b. 1-Piperidinocyclohexanecarbonitrile (PCC)
- 37 g. Secobarbital.
- 38 (5) Any material, compound, mixture, or preparation which contains any
39 quantity of the following hallucinogenic substances, including their
40 salts, isomers, and salts of isomers, unless specifically excepted, or
41 listed in another schedule, whenever the existence of such salts, isomers,
42 and salts of isomers is possible within the specific chemical designation:

- 1 a. Dronabinol (synthetic) in sesame oil and encapsulated in a soft
2 gelatin capsule in a U.S. Food and Drug Administration approved
3 drug product. [Some other names:(6aR-trans)-6a,7,8,10a-
4 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyra n-1-ol,
5 or (-)-delta-9-(trans)-tetrahydrocannabinol].
6 b. Nabilone [Another name for nabilone: (+/-)-trans-3-(1,1-
7 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-
8 dimethyl-9H-dibenzo[b,d]pyran-9-one]."

9 Section 3. G.S. 90-92(a) reads as rewritten:

10 "(a) This schedule includes the controlled substances listed or to be listed by
11 whatever official name, common or usual name, chemical name, or trade name
12 designated. In determining that a substance comes within this schedule, the Commission
13 shall find: a low potential for abuse relative to the substances listed in Schedule III of this
14 Article; currently accepted medical use in the United States; and limited physical or
15 psychological dependence relative to the substances listed in Schedule III of this Article.
16 The following controlled substances are included in this schedule:

17 (1) Depressants. – Unless specifically excepted or unless listed in another
18 schedule, any material, compound, mixture, or preparation which
19 contains any quantity of the following substances, including its salts,
20 isomers, and salts of isomers whenever the existence of such salts,
21 isomers, and salts of isomers is possible within the specific chemical
22 designation:

- 23 a. Alprazolam.
24 b. Barbital.
25 c. Bromazepam.
26 d. Camazepam.
27 e. Chloral betaine.
28 f. Chloral hydrate.
29 g. Chlordiazepoxide.
30 h. Clobazam.
31 i. Clonazepam.
32 j. Clorazepate.
33 k. Clotiazepam.
34 l. Cloxazolam.
35 m. Delorazepam.
36 n. Diazepam.
37 o. Estazolam.
38 p. Ethchlorvynol.
39 q. Ethinamate.
40 r. Ethyl loflazepate.
41 s. Fludiazepam.
42 t. Flunitrazepam.
43 u. Flurazepam.

- 1 v. Gamma Hydroxybutyric Acid.
2 w. Halazepam.
3 x. Haloxazolam.
4 y. Ketazolam.
5 z. Loprazolam.
6 aa. Lorazepam.
7 bb. Lormetazepam.
8 cc. Mebutamate.
9 dd. Medazepam.
10 ee. Meprobamate.
11 ff. Methohexital.
12 gg. Methylphenobarbital (mephobarbital).
13 hh. Midazolam.
14 ii. Nimetazepam.
15 jj. Nitrazepam.
16 kk. Nordiazepam.
17 ll. Oxazepam.
18 mm. Oxazolam.
19 nn. Paraldehyde.
20 oo. Petrichloral.
21 pp. Phenobarbital.
22 qq. Pinazepam.
23 rr. Prazepam.
24 ss. Quazepam.
25 tt. Temazepam.
26 uu. Tetrazepam.
27 vv. Triazolam.
28 ww. Zolpidem.
- 29 (2) Any material, compound, mixture, or preparation which contains any of
30 the following substances, including its salts, or isomers and salts of such
31 isomers, whenever the existence of such salts, isomers, and salts of
32 isomers is possible:
33 a. Fenfluramine.
34 b. Pentazocine.
- 35 (3) Stimulants. – Unless specifically excepted or unless listed in another
36 schedule, any material, compound, mixture, or preparation which
37 contains any quantity of the following substances having a stimulant
38 effect on the central nervous system, including its salts, isomers
39 (whether optical, position, or geometric), and salts of such isomers
40 whenever the existence of such salts, isomers, and salts of isomers is
41 possible within the specific chemical designation:
42 a. Diethylpropion.
43 b. Mazindol.

- 1 c. Pemoline (including organometallic complexes and chelates
2 thereof).
- 3 d. Phentermine.
- 4 e. Cathine.
- 5 f. Fencamfamin.
- 6 g. Fenproporex.
- 7 h. Mefenorex.
- 8 i. Sibutramine.
- 9 (4) Other Substances. – Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture or preparation
11 which contains any quantity of the following substances, including its
12 salts:
- 13 a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1, 2-
14 diphenyl-3-methyl-2-propionoxybutane).
- 15 b. Pipradrol.
- 16 c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
- 17 d. Butorphanol.
- 18 (5) Narcotic Drugs. – Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture, or preparation
20 containing limited quantities of any of the following narcotic drugs, or
21 any salts thereof:
- 22 a. Not more than 1 milligram of difenoxin and not less than 25
23 micrograms of atropine sulfate per dosage unit.
- 24 b. Buprenorphine."
- 25 Section 4. G.S. 90-95(h) reads as rewritten:
- 26 "(h) Notwithstanding any other provision of law, the following provisions apply
27 except as otherwise provided in this Article.
- 28 (1) Any person who sells, manufactures, delivers, transports, or possesses
29 in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a
30 felony which felony shall be known as 'trafficking in marijuana' and if
31 the quantity of such substance involved:
- 32 a. Is in excess of 10 pounds, but less than 50 pounds, such person
33 shall be punished as a Class H felon and shall be sentenced to a
34 minimum term of 25 months and a maximum term of 30 months
35 in the State's prison and shall be fined not less than five thousand
36 dollars (\$5,000);
- 37 b. Is 50 pounds or more, but less than 2,000 pounds, such person
38 shall be punished as a Class G felon and shall be sentenced to a
39 minimum term of 35 months and a maximum term of 42 months
40 in the State's prison and shall be fined not less than twenty-five
41 thousand dollars (\$25,000);
- 42 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
43 person shall be punished as a Class F felon and shall be

- 1 sentenced to a minimum term of 70 months and a maximum term
2 of 84 months in the State's prison and shall be fined not less than
3 fifty thousand dollars (\$50,000);
- 4 d. Is 10,000 pounds or more, such person shall be punished as a
5 Class D felon and shall be sentenced to a minimum term of 175
6 months and a maximum term of 219 months in the State's prison
7 and shall be fined not less than two hundred thousand dollars
8 (\$200,000).
- 9 (2) Any person who sells, manufactures, delivers, transports, or possesses
10 1,000 tablets, capsules or other dosage units, or the equivalent quantity,
11 or more of methaqualone, or any mixture containing such substance,
12 shall be guilty of a felony which felony shall be known as 'trafficking in
13 methaqualone' and if the quantity of such substance or mixture
14 involved:
- 15 a. Is 1,000 or more dosage units, or equivalent quantity, but less
16 than 5,000 dosage units, or equivalent quantity, such person shall
17 be punished as a Class G felon and shall be sentenced to a
18 minimum term of 35 months and a maximum term of 42 months
19 in the State's prison and shall be fined not less than twenty-five
20 thousand dollars (\$25,000);
- 21 b. Is 5,000 or more dosage units, or equivalent quantity, but less
22 than 10,000 dosage units, or equivalent quantity, such person
23 shall be punished as a Class F felon and shall be sentenced to a
24 minimum term of 70 months and a maximum term of 84 months
25 in the State's prison and shall be fined not less than fifty thousand
26 dollars (\$50,000);
- 27 c. Is 10,000 or more dosage units, or equivalent quantity, such
28 person shall be punished as a Class D felon and shall be
29 sentenced to a minimum term of 175 months and a maximum
30 term of 219 months in the State's prison and shall be fined not
31 less than two hundred thousand dollars (\$200,000).
- 32 (3) Any person who sells, manufactures, delivers, transports, or possesses
33 28 grams or more of cocaine and any salt, isomer, salts of isomers,
34 compound, derivative, or preparation thereof, or any coca leaves and
35 any salt, isomer, salts of isomers, compound, derivative, or preparation
36 of coca leaves, and any salt, isomer, salts of isomers, compound,
37 derivative or preparation thereof which is chemically equivalent or
38 identical with any of these substances (except decocainized coca leaves
39 or any extraction of coca leaves which does not contain cocaine) or any
40 mixture containing such substances, shall be guilty of a felony, which
41 felony shall be known as 'trafficking in cocaine' and if the quantity of
42 such substance or mixture involved:

- 1 a. Is 28 grams or more, but less than 200 grams, such person shall
2 be punished as a Class G felon and shall be sentenced to a
3 minimum term of 35 months and a maximum term of 42 months
4 in the State's prison and shall be fined not less than fifty thousand
5 dollars (\$50,000);
- 6 b. Is 200 grams or more, but less than 400 grams, such person shall
7 be punished as a Class F felon and shall be sentenced to a
8 minimum term of 70 months and a maximum term of 84 months
9 in the State's prison and shall be fined not less than one hundred
10 thousand dollars (\$100,000);
- 11 c. Is 400 grams or more, such person shall be punished as a Class D
12 felon and shall be sentenced to a minimum term of 175 months
13 and a maximum term of 219 months in the State's prison and
14 shall be fined at least two hundred fifty thousand dollars
15 (\$250,000).
- 16 (3a) Any person who sells, manufactures, delivers, transports, or possesses
17 1,000 tablets, capsules or other dosage units, or the equivalent quantity,
18 or more of amphetamine, its salts, optical isomers, and salts of its
19 optical isomers or any mixture containing such substance, shall be
20 guilty of a felony which felony shall be known as 'trafficking in
21 amphetamine' and if the quantity of such substance or mixture involved:
- 22 a. Is 1,000 or more dosage units, or equivalent quantity, but less
23 than 5,000 dosage units, or equivalent quantity, such person shall
24 be punished as a Class G felon and shall be sentenced to a
25 minimum term of 35 months and a maximum term of 42 months
26 in the State's prison and shall be fined not less than twenty-five
27 thousand dollars (\$25,000);
- 28 b. Is 5,000 or more dosage units, or equivalent quantity, but less
29 than 10,000 dosage units, or equivalent quantity, such person
30 shall be punished as a Class F felon and shall be sentenced to a
31 minimum term of 70 months and a maximum term of 84 months
32 in the State's prison and shall be fined not less than fifty thousand
33 dollars (\$50,000);
- 34 c. Is 10,000 or more dosage units, or equivalent quantity, such
35 person shall be punished as a Class D felon and shall be
36 sentenced to a minimum term of 175 months and a maximum
37 term of 219 months in the State's prison and shall be fined not
38 less than two hundred thousand dollars (\$200,000).
- 39 (3b) Any person who sells, manufactures, delivers, transports, or possesses
40 28 grams or more of methamphetamine shall be guilty of a felony which
41 felony shall be known as 'trafficking in methamphetamine' and if the
42 quantity of such substance or mixture involved:

- 1 a. Is 28 grams or more, but less than 200 grams, such person shall
2 be punished as a Class G felon and shall be sentenced to a
3 minimum term of 35 months and a maximum term of 42 months
4 in the State's prison and shall be fined not less than fifty thousand
5 dollars (\$50,000);
- 6 b. Is 200 grams or more, but less than 400 grams, such person shall
7 be punished as a Class F felon and shall be sentenced to a
8 minimum term of 70 months and a maximum term of 84 months
9 in the State's prison and shall be fined not less than one hundred
10 thousand dollars (\$100,000);
- 11 c. Is 400 grams or more, such person shall be punished as a Class D
12 felon and shall be sentenced to a minimum term of 175 months
13 and a maximum term of 219 months in the State's prison and
14 shall be fined at least two hundred fifty thousand dollars
15 (\$250,000).
- 16 (4) Any person who sells, manufactures, delivers, transports, or possesses
17 four grams or more of opium or opiate, or any salt, compound,
18 derivative, or preparation of opium or opiate (except apomorphine,
19 nalbuphine, analoxone and naltrexone and their respective salts),
20 including heroin, or any mixture containing such substance, shall be
21 guilty of a felony which felony shall be known as 'trafficking in opium
22 or heroin' and if the quantity of such controlled substance or mixture
23 involved:
- 24 a. Is four grams or more, but less than 14 grams, such person shall
25 be punished as a Class F felon and shall be sentenced to a
26 minimum term of 70 months and a maximum term of 84 months
27 in the State's prison and shall be fined not less than fifty thousand
28 dollars (\$50,000);
- 29 b. Is 14 grams or more, but less than 28 grams, such person shall be
30 punished as a Class E felon and shall be sentenced to a minimum
31 term of 90 months and a maximum term of 117 months in the
32 State's prison and shall be fined not less than one hundred
33 thousand dollars (\$100,000);
- 34 c. Is 28 grams or more, such person shall be punished as a Class C
35 felon and shall be sentenced to a minimum term of 225 months
36 and a maximum term of 279 months in the State's prison and
37 shall be fined not less than five hundred thousand dollars
38 (\$500,000).
- 39 (4a) Any person who sells, manufactures, delivers, transports, or possesses
40 100 tablets, capsules, or other dosage units, or the equivalent quantity,
41 or more, of Lysergic Acid Diethylamide, or any mixture containing such
42 substance, shall be guilty of a felony, which felony shall be known as

1 'trafficking in Lysergic Acid Diethylamide'. If the quantity of such
2 substance or mixture involved:

- 3 a. Is 100 or more dosage units, or equivalent quantity, but less than
4 500 dosage units, or equivalent quantity, such person shall be
5 punished as a Class G felon and shall be sentenced to a minimum
6 term of 35 months and a maximum term of 42 months in the
7 State's prison and shall be fined not less than twenty-five
8 thousand dollars (\$25,000);
- 9 b. Is 500 or more dosage units, or equivalent quantity, but less than
10 1,000 dosage units, or equivalent quantity, such person shall be
11 punished as a Class F felon and shall be sentenced to a minimum
12 term of 70 months and a maximum term of 84 months in the
13 State's prison and shall be fined not less than fifty thousand
14 dollars (\$50,000);
- 15 c. Is 1,000 or more dosage units, or equivalent quantity, such
16 person shall be punished as a Class D felon and shall be
17 sentenced to a minimum term of 175 months and a maximum
18 term of 219 months in the State's prison and shall be fined not
19 less than two hundred thousand dollars (\$200,000).

20 (4b) Any person who sells, manufactures, delivers, transports, or possesses
21 100 or more tablets, capsules, or other dosage units, or 28 grams or
22 more of 3,4-methylenedioxyamphetamine (MDA), including its salts,
23 isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine
24 (MDMA), including its salts, isomers, and salts of isomers, or any
25 mixture containing such substances, shall be guilty of a felony, which
26 felony shall be known as 'trafficking in MDA/MDMA.' If the quantity
27 of the substance or mixture involved:

- 28 a. Is 100 or more tablets, capsules, or other dosage units, but less
29 than 500 tablets, capsules, or other dosage units, or 28 grams or
30 more, but less than 200 grams, the person shall be punished as a
31 Class G felon and shall be sentenced to a minimum term of 35
32 months and a maximum term of 42 months in the State's prison
33 and shall be fined not less than twenty-five thousand dollars
34 (\$25,000);
- 35 b. Is 500 or more tablets, capsules, or other dosage units, but less
36 than 1,000 tablets, capsules, or other dosage units, or 200 grams
37 or more, but less than 400 grams, the person shall be punished as
38 a Class F felon and shall be sentenced to a minimum term of 70
39 months and a maximum term of 84 months in the State's prison
40 and shall be fined not less than fifty thousand dollars (\$50,000);
- 41 c. Is 1,000 or more tablets, capsules, or other dosage units, or 400
42 grams or more, the person shall be punished as a Class D felon
43 and shall be sentenced to a minimum term of 175 months and a

1 maximum term of 219 months in the State's prison and shall be
2 fined not less than two hundred fifty thousand dollars (\$250,000).

3 (5) Except as provided in this subdivision, a person being sentenced under
4 this subsection may not receive a suspended sentence or be placed on
5 probation. The sentencing judge may reduce the fine, or impose a prison
6 term less than the applicable minimum prison term provided by this
7 subsection, or suspend the prison term imposed and place a person on
8 probation when such person has, to the best of his knowledge, provided
9 substantial assistance in the identification, arrest, or conviction of any
10 accomplices, accessories, co-conspirators, or principals if the sentencing
11 judge enters in the record a finding that the person to be sentenced has
12 rendered such substantial assistance.

13 (6) Sentences imposed pursuant to this subsection shall run consecutively
14 with and shall commence at the expiration of any sentence being served
15 by the person sentenced hereunder."

16 Section 5. Sections 1 through 3 of this act are effective when the act becomes
17 law. Section 4 of this act becomes effective December 1, 1999, and applies to offenses
18 committed on or after that date.