

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

1

SENATE BILL 938

Short Title: Date Rape/Amend Rape & Drug Laws. (Public)

Sponsors: Senators Foxx; Allran, Ballantine, Carpenter, Carrington, Forrester, Garrou, Garwood, Hagan, Kinnaird, Lucas, Metcalf, Moore, Rucho, Shaw of Cumberland, Webster, and Weinstein.

Referred to: Judiciary II.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A PERSON WHO IMPAIRS A VICTIM BY ADMINISTERING AN INTOXICANT, DRUG, DESIGNER DRUG, OR OTHER SUBSTANCE TO THE VICTIM WITHOUT THE VICTIM'S KNOWLEDGE AND THEN ENGAGES IN A SEX ACT WITH THE VICTIM IS GUILTY OF SECOND DEGREE RAPE OR SEXUAL OFFENSE AND TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, MANUFACTURE, OR DISTRIBUTE DESIGNER DRUGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-27.3(a) is amended by adding a new subdivision to read:

"(3) When the person has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, designer drugs, intoxicants, or other means for purpose of preventing resistance. For purposes of this subdivision, the term 'designer drugs' is defined in G.S. 90-87."

**SECTION 2.** G.S. 14-27.5 is amended by adding a new subdivision to read:

"(3) When the person has substantially impaired the victim's power to appraise or control his or her conduct by administering or employing, without the knowledge of the victim, drugs, designer drugs, intoxicants, or other means for purpose of preventing resistance. For purposes of this subdivision, the term 'designer drugs' is defined in G.S. 90-87."

**SECTION 3.** G.S. 90-87 is amended by adding a new subdivision to read:

1            "(7a) 'Designer drug' means a substance other than a controlled substance  
2            that is intended for human consumption and that either has a chemical  
3            structure substantially similar to that of a controlled substance in  
4            Schedules I, II, or III of this Article or that produces an effect  
5            substantially similar to that of a controlled substance in Schedules I, II,  
6            or III. Examples of chemical classes in which designer drugs are found  
7            include, but are not limited to, the following: Phenethylamines, N-  
8            substituted piperidines, morphinans, ecgonines, quinazolinones,  
9            substituted indoles and arylcycloaldylamines."

10           **SECTION 4.** Article 5 of Chapter 90 of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 90-94.1. Designer drugs.**

13           (a) Except as provided in subsection (b) of this section, it is unlawful for any  
14 person knowingly or intentionally to do any of the following:

15           (1) Manufacture, distribute, or possess with the intent to distribute a  
16 designer drug.

17           (2) Possess a designer drug.

18           (b) This section does not apply to a person who manufactures or distributes a  
19 substance in conformance with the provisions of an approved new drug application or  
20 an exemption for investigational use within the meaning of section 505 of the Federal  
21 Food, Drug, and Cosmetic Act (21 USC § 355). For purposes of this section, no new  
22 drug shall be introduced or delivered for introduction except upon approval of an  
23 application pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act."

24           **SECTION 5.** This act becomes effective December 1, 2001, and applies to  
25 offenses committed on or after that date.