

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 206
Health Care Committee Substitute Adopted 3/15/23
Judiciary Committee Substitute Adopted 3/21/23

Short Title: Stop Counterfeit Pills Act.

(Public)

Sponsors:

Referred to:

March 7, 2023

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO
3 ESTABLISH NEW VIOLATIONS INVOLVING COUNTERFEIT CONTROLLED
4 SUBSTANCES AND CONTROLLED SUBSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-108 reads as rewritten:

7 "§ 90-108. Prohibited acts; penalties.

8 (a) It shall be unlawful for any person:

9 ...
10 (12) To do either of the following:

11 a. To possess, manufacture, distribute, export, or import any three-neck
12 round-bottom flask, tableting machine, encapsulating machine, or
13 gelatin capsule, or any equipment, chemical, product, or material
14 which may be used to create a counterfeit controlled substance,
15 knowing, intending, or having reasonable cause to believe that it will
16 be used to create a counterfeit controlled substance.

17 b. To make, distribute, or possess any punch, die, plate, stone, or other
18 thing designed to print, imprint, or reproduce the trademark, trade
19 name, or other identifying mark, imprint, or device of another or any
20 likeness of any of the foregoing upon any drug or container or labeling
21 thereof so as to render such drug a counterfeit controlled
22 substance-substance, knowing, intending, or having reasonable cause
23 to believe that it will be used to create a counterfeit controlled
24 substance.

25 (12a) To possess any three-neck round-bottom flask, tableting machine,
26 encapsulating machine, or gelatin capsule, or any equipment, chemical,
27 product, or material which may be used to manufacture a controlled substance
28 or listed chemical, knowing, intending, or having reasonable cause to believe
29 that it will be used to manufacture a controlled substance. This subdivision
30 shall not apply to a pharmacy, a pharmacist, a pharmacy technician, or a
31 pharmacy intern licensed or permitted under Article 4A of Chapter 90 of the
32 General Statutes possessing any item included in this subdivision utilized in
33 the compounding, dispensing, delivering, or administering of a controlled
34 substance pursuant to a prescription.



1 (12b) To manufacture, distribute, export, or import any three-neck round-bottom
2 flask, tableting machine, encapsulating machine, or gelatin capsule, or any
3 equipment, chemical, product, or material which may be used to manufacture
4 a controlled substance or listed chemical, knowing, intending, or having
5 reasonable cause to believe that it will be used to manufacture a controlled
6 substance. This subdivision shall not apply to a pharmacy, a pharmacist, a
7 pharmacy technician, or a pharmacy intern licensed or permitted under Article
8 4A of Chapter 90 of the General Statutes in the compounding, dispensing,
9 delivering, or administering of a controlled substance pursuant to a
10 prescription.

11 ...

12 (b) Any person who violates this section shall be guilty of a Class 1 misdemeanor.
13 Provided, that if the criminal pleading alleges that the violation was committed intentionally, and
14 upon trial it is specifically found that the violation was committed intentionally, such violations
15 shall be a Class I felony unless one of the following applies:

16 ...

17 (1a) A person who violates subdivision (12a) or (12b) of subsection (a) of this
18 section shall be punished as a Class E felon.

19 "

20 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
21 committed on or after that date.