

Chamberlain University



CHAMBERLAIN
U N I V E R S I T Y

2018-2019 Annual Disclosure
Student Right-to-Know and Campus Security (Clery Act)
Annual Security Report
Sex and Gender Based Misconduct Response and Prevention Policy
Alcohol & Substance Abuse Policy
Student Rights under FERPA
(The Family Educational Rights and Privacy Act)

This document includes information for:

Charlotte, North Carolina

September 25, 2018

TABLE OF CONTENTS

CAMPUS WATCH	3
REPORTING CRIMES AND EMERGENCIES	3
ANNUAL SECURITY REPORT	3
SIREN EMERGENCY ALERT SYSTEM.....	4
CAMPUS ACCESS, FACILITY SECURITY AND LAW ENFORCEMENT ..	4
SAFETY AND SECURITY	5
SEX AND GENDER BASED MISCONDUCT RESPONSE AND PREVENTION POLICY	6
CAMPUS SEX CRIMES PREVENTION ACT	20
STATE SEXUAL OFFENDER REGISTRY LIST	20
ALCOHOL AND SUBSTANCE ABUSE POLICY	24
DRUG FREE SCHOOLS & COMMUNITIES ACT.....	25
LAWS REGARDING ALCOHOL AND DRUGS	26
SCHOOL SANCTIONS **	78
LOCAL TREATMENT RESOURCES	79
STUDENT RIGHTS UNDER FERPA	79
DIRECTORY INFORMATION.....	80
VOTER REGISTRATION	81
UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIALS....	81
ANNUAL CAMPUS CRIME STATISTICS.....	83

CAMPUS WATCH

It's your campus - Protect it!

A truly safe campus can only be achieved through the cooperation of students, faculty and staff. As a member of the Chamberlain University community, it is your responsibility to report a crime, suspicious activity or other emergencies on campus to the appropriate school official. Should you become a witness to or victim of a crime, immediately report the incident to local law enforcement officials, the Student Services office, or to the Director of Campus Operations, Dr. Nadya Maisak. All crimes will be investigated and when appropriate, brought to the attention of the Student Services office for disciplinary hearings.

Purpose of the Annual Disclosure Report

Chamberlain University prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*. The full text of this document can also be found on the <http://chamberlain.edu/student-consumer-information> or by visiting your local Student Services office. This report was prepared with the assistance of local law enforcement agencies. Campus crime, arrest and referral statistics include those that were reported to local law enforcement and campus faculty and staff. This data may also include crimes that have occurred in private residences or businesses adjacent to the campus.

REPORTING CRIMES AND EMERGENCIES

When making your report of an incident you will be asked to provide the following information:

1. Description of the incident
2. Date, time and location of the incident
3. Description of the persons or vehicles involved in the incident
4. Detail regarding who was notified about the incident

Upon receipt of this report Chamberlain University will determine the appropriate response, which could include disciplinary action against the offender(s), notification to local law enforcement, notification to the campus community or other public safety alternatives deemed appropriate given the circumstances. Please note that your identity may not be confidential when reporting an incident. Chamberlain University does not have procedures for voluntary, confidential reporting of crimes.

Once each semester, Chamberlain University will contact the Charlotte-Mecklenburg police departments and property management to monitor and record crimes that occur within the designated area surrounding the campus that have been reported to the local Police.

All Emergencies –Dial 911

ANNUAL SECURITY REPORT

Chamberlain University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the SIREN notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Director of Campus Operations will determine if there is a significant emergency or dangerous situation and what segment of the campus community will need to receive a notification.

Chamberlain University will:

- Test emergency response and evacuation procedures on an annual basis
- Document each test, including the date, time, and whether it was announced or unannounced
- Publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year

SIREN EMERGENCY ALERT SYSTEM

In the event of an emergency or a potentially dangerous threat to the campus or center arises, students, faculty and staff will receive timely notification via the SIREN system, on campus flyers, and/or email announcements. This includes any Clery Act crimes that are reported to the campus IC or local police and are considered to represent a serious or continuing threat to students, faculty, and staff. Please make sure to keep contact information updated in SIREN through the student portal at <http://www.chamberlain.edu> for students and the Adtalem Global Education Commons at <https://atge.okta.com/app/UserHome> for faculty and staff.

Area Police/Fire Non-Emergency Numbers:

<u>County/City</u>	<u>Police</u>	<u>Fire/Paramedic</u>
Charlotte Campus	(704) 336-7600	(704) 336-4174
Charlotte Campus	(704) 336-7800	(704) 336-2441
Charlotte Campus	CHAR-MECK 311	(704) 336-2400

CAMPUS ACCESS, FACILITY SECURITY AND LAW ENFORCEMENT

Charlotte Campus

The Facilities department maintains the building and grounds with a concern for safety and security. Facilities staff inspect the facility regularly, promptly make repairs affecting safety and security hazards, and respond to reports of potential safety and security hazards such as broken windows, locks, etc. Students, faculty and staff can assist the Facilities staff by calling (980) 939-6241 to report concerns. Additionally, the Facilities Manager routinely inspects the grounds and building to review lighting and other environmental concerns for safety.

There are fire alarms and pull stations throughout the facility that should be used only in the event of an emergency. If an emergency requires evacuation, there are signs clearly posted throughout the building indicating the best routes for evacuation.

The building is generally open from 7:30am – 10:00pm, Monday through Thursday; 8:30am – 4:00pm, Friday. When the building is closed, it is locked and monitored by a security company. Access to classrooms and laboratories is limited to those enrolled in the courses meeting there. Access to on- and off-campus activities is limited to actively enrolled students and their guests. Students are responsible for the behavior of their guests at all times at campus-arranged events. Chamberlain University reserves the right to require that Chamberlain University identification cards be presented for admittance to certain locations and events. Chamberlain University may also require students to register their guests with Student Services prior to attendance. Student, faculty and staff identification cards should be worn at all times.

The on-duty security officer serves as an escort and on-campus security Monday through Thursday from 7:30am to 10:00pm and Friday from 8:30am to 4:00pm. The security officer must be called to respond to emergencies and can be contacted at (704) 564-0925. The security officer has the authority to ask questions and request identification at any time. Criminal incidents will be referred to local law enforcement.

All crime victims and witnesses are strongly encouraged to report incidents to both campus security and local police. Prompt reporting will ensure timely warning notices to the campus community and timely disclosure of crime statistics.

Students living in off-campus student housing facilities should check with the apartment landlord for specific safety and security measures at their complex. Although most complexes provide keys for individuals and restrict access to apartments, the level of additional security varies from complex to complex. Crimes committed at off-campus housing should be immediately reported to the Police department with jurisdiction over the complex and as soon as reasonably possible to the Student Services office.

The campus security department maintains a policy concerning the monitoring and recording, through local police departments, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

Charlotte Campus

The Center is located in a public office building. This building has its own security and maintenance staff that must adhere to strict regulations of various city ordinances and routine inspections (i.e., Fire Department). The Center lists the hours it is accessible on the student bulletin board. Admittance to the Center during off hours must be arranged with the Dr. Catherine Holton in conjunction with the building manager. Access to classroom facilities and computer laboratories is limited to those enrolled in courses. As a further safeguard, these areas are accessible only through doors with combination locks that are regularly changed.

<u>Location Address & Phone #</u>	<u>Building Phone #</u>	<u>Fire Dept Phone #</u>	<u>Police Dept Phone #</u>
<u>Charlotte Campus</u> 2015 Ayrley Town Blvd Suite 204 Charlotte, NC 28273 980-939-6241	980-939-7165	911	911
After hours emergency #	(704) 731-5538	911	911

SAFETY AND SECURITY

Campus safety and security is the shared responsibility of students, faculty and staff. To enhance student, faculty and staff awareness of their responsibility for personal safety, various information and services, including but not limited to, the following are provided throughout the year:

- Pamphlets on personal safety
- Emergency safety information
- Optional renters insurance information for housing students
- Safety/security displays in the library and/or student services office
- Use of institution publications as a forum for personal safety topics
- Institution housing inspections to consider security precautions
- Escort services provided by on-duty security officer

Safety and Security Tips

Personal

- Stay alert and tuned in to your surroundings.
- Communicate that you are calm, confident and know where you are going.
- Stay away from isolated areas.
- Stay on the part of sidewalks furthest away from shrubs, dark doorways and alleys.
- Walk with a companion whenever possible.
- Check the back seat before getting into a car. Keep doors locked while driving.
- Don't overload yourself with packages or wear shoes or clothing that restricts movement.
- Avoid displaying large amounts of cash or jewelry.
- Carry a purse close to your body. Carry a wallet in an inside coat or front trouser pocket.
- If you think someone is following you, abruptly switch directions and walk toward an open store, restaurant or lighted home.
- Don't hitchhike or pick up hitchhikers.
- Park in well-lighted areas.
- Avoid isolated bus stops at times when few other people are around.
- Do not reveal your name, phone number or address to strangers.
- Never admit that you are alone or that you will be away from home.

- Keep an eye on neighbors' homes or apartments while they are away and have them do the same for you.
- Keep your local police department's phone number next to your phone.

Residence

- Keep doors locked at all times
- Draw shades and curtains whether or not you are at home
- Keep money and jewelry locked in a safe place
- Leave a light on while you are away or use a timer
- Secure sliding glass doors with commercially available locks or a rigid wooden dowel in the track
- Don't hide spare keys in mailboxes, planters or under doormats
- Make a record of your valuables and keep it in a safe spot
- Don't leave a note that says you are not in
- Never prop doors open
- Keep ladders and tools in a locked area
- Have someone cut your lawn while you're on vacation

Vehicle

- Always lock your car and remove the keys. Make sure the windows are closed.
- Lock all valuables in the trunk
- Never leave an ID tag on your key ring
- Leave only the ignition key with parking attendants
- Park in well-lit areas

Office

- Keep your purse, wallet and other valuable items with you at all times or locked in a drawer or closet
- Never leave keys lying out
- Never leave change or cash on the desk or in a top drawer
- Notify security personnel of any suspicious persons or vehicles
- Lock doors when working after normal hours
- Report any broken or flickering lights, and doors that don't lock properly

CAMPUS CRIME STATISTICS ARE INCLUDED AT THE END OF THIS DOCUMENT.

SEX AND GENDER BASED MISCONDUCT RESPONSE AND PREVENTION POLICY

This policy applies to complaints or reports of alleged sex and/or gender-based misconduct. Chamberlain University ("Chamberlain") expressly prohibits sex and/or gender-based misconduct which includes sexual harassment, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. Any acts that meet this policy's definitions of sex and/or gender-based misconduct are a violation of Chamberlain's policy, and potentially applicable state and federal law. Chamberlain is committed to fostering an environment where any alleged violation of this policy is promptly reported and complaints are resolved in a fair and timely manner.

Creating a safe environment is the responsibility of all members of the community. Regardless of the definitions provided below, anyone who believes they are a victim of sex and/or gender-based misconduct should report the incident as soon as possible to the Title IX Coordinator (See "Coordinator" under "Definitions" below for contact information) or the campus complaint administrator in addition to seeking immediate medical and/or safety assistance.

This policy applies to all members of the Chamberlain community, and includes, but is not exclusive to faculty, staff, students, Chamberlain visitors, volunteers, vendors, and persons related to, receiving or seeking to receive services, or otherwise pursuing studies with the organization. It also applies, as appropriate, to any alleged act of sex and/or gender-based misconduct that adversely impacts the Chamberlain community, whether those acts occur on or off campus.

Definitions

“Affirmative consent” is the affirmative, knowing, conscious, voluntary, and mutual agreement to engage in sexual activity. Consent can only exist free from intimidation, force, threat of force or coercion. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but voluntary, conscious, affirmative consent to any sexual activity is equivalent to “no” for purposes of this policy. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other, or others, to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. While the legal definition of consent varies by jurisdiction (See “Related Information” for link to consent statutes by state), the following general rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- The lack of protest or resistance does not constitute consent, nor does silence.
- Where there is use of threat, force or restraint by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never, by itself, be assumed to be an indicator of consent.
- Consent to sexual activity with one person does not constitute consent to sexual activity with another person.
- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction. When consent is withdrawn or can no longer be given, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: the person is incapacitated due to use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental disability.
- Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol.

A power differential between people engaged in a sexual act presumes the inability to consent for the less powerful person (e.g. the student in a student-colleague interaction; the supervisee in a direct report-supervisor interaction).

It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed the victim consented to sexual activity if the:

- Respondent’s belief arose from the Respondent’s own intoxication or recklessness;
- Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant was asleep, unconscious, incapacitated due to the influence of drugs, alcohol, or medication, or was unable to communicate due to a mental or physical condition.

“Clery Act” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46. The Clery Act requires that institutions annually disclose certain crimes which have occurred within a geography that includes campus buildings and adjacent locations. Annual disclosures are released on or by the 1st day of October each year.

“Colleague Code of Conduct” refers to the “ATGE Code of Conduct and Ethics” (https://www.adtalem.com/content/dam/atge/www_adtalem_com/documents/organizational-governance/code_of_conduct.pdf) which is applicable to colleagues at all Adtalem Global Education institutions and offices and outlines colleagues’ rights and responsibilities.

“Colleague complaint procedure” is the vehicle by which colleagues can bring to the administration’s attention any complaint relating to their experience with Chamberlain or a member of the Chamberlain community. It is the mechanism for investigating and trying to resolve complaints raised by colleagues and can be found in the Commons Portal > Quick Links > Policy Central.

“Complaint administrator” is a Chamberlain colleague or Adtalem Global Education representative responsible for conducting an investigation when a complaint of sex and/or gender-based misconduct is raised. To find the complaint administrator at any given location or for a particular complaint, consult the location’s student handbook, student services, or the Title IX Coordinator.

“Conduct administrator” is an official authorized to administer disciplinary proceedings for respondents who may have violated the Code of Conduct applicable to students. A conduct administrator may serve as the sole member or as a participant in the conduct panel. Nothing shall prevent Chamberlain from authorizing the same conduct administrator to impose sanctions in all cases at a single or multiple locations.

“Conduct panel” means any person or persons authorized by the conduct administrator to determine whether a respondent has violated the Code of Conduct applicable to students and to determine appropriate sanctions.

“Coordinator” refers to the Title IX Coordinator. Ms. Camille Lee and Mr. Neil Calliccoat, Title IX Coordinators (TitleIXCoordinator@chamberlain.edu or 630-829-0233) are responsible for overseeing compliance with all aspects of this policy and designated to receive and monitor resolution for all Title IX reports.

“CRC” refers to the Coaching Resource Center which is available to managers to assist in addressing colleague relations concerns including complaints about colleague or vendor conduct.

“Dating violence” means sex or gender-based violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a dating relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a dating partner.

“Domestic violence” refers to sex or gender-based violence committed by either a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the jurisdictional domestic or family violence laws; or any other person against a victim who is protected from that person's acts under the jurisdictional domestic or family violence laws. Based on jurisdictional definitions, domestic violence may constitute a felony or misdemeanor crime. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a domestic relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a domestic partner.

“FERPA” means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99. FERPA sets certain limits on the disclosure of student records. This policy is designed to work in tandem with FERPA, and nothing in this policy is intended to require or encourage non-compliance with FERPA.

“Gender-based misconduct” refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

“Member of the Chamberlain community” includes students, faculty members or staff, and any other individuals associated with Chamberlain. The conduct administrator or complaint administrator shall determine a person’s status in a particular situation.

“Notice” refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex or gender-based misconduct. When notice is received, colleagues are required to inform the Title IX Coordinator or their supervisor who in turn must make a report to the Title IX Coordinator.

“One-up manager” is a colleague’s manager’s manager. It is the person responsible for receiving a colleague’s complaint when his/her direct manager is implicated in that complaint.

“Policy” is defined as a general administrative or operational direction with broad application throughout Adtalem Global Education and/or one or more of its institutions.

“Rape” is any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim and/or by force. Rape may involve strangers or a non-stranger (e.g. friend, classmate, relative, spouse or co-worker). In these instances, rape is often referred to as “acquaintance rape.” Rape is a crime regardless of a relationship or lack thereof between individuals.

“Sexual assault” is non-consensual sexual contact defined as physical contact of a sexual nature against the victim’s will or without the victim’s affirmative consent. It includes any intentional sexual touching, however slight, by direct physical contact or by use of any object, by a person upon another person, without affirmative consent and/or by force. Rape is a severe form of sexual assault.

“Sexual contact” means the deliberate touching of a person's intimate body parts (including lips, genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause self-touching by another person of intimate body parts.

“Sexual exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors. Examples include but are not limited to: invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances; and sex- based stalking or bullying.

“Sexual harassment” refers to unwelcomed sex or gender-based advances, requests for favors or other verbal, written, online and/or physical conduct. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where: (1) Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of the student’s education or colleague’s employment; or (2) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions about the student or professional decisions about the colleague; or (3) Such conduct is sufficiently severe or persistently pervasive and objectively offensive thereby having the purpose or effect of unreasonably interfering with a person’s ability to participate in or benefit from Chamberlain’s educational, employment, social or other related programs.

“Sex and gender-based misconduct” is a broad term used to refer to all conduct prohibited by this policy. This encompasses sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking. Sex and gender-based misconduct can occur between strangers or non-strangers, including people involved in an intimate or sexual relationship. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

“Stalking” is a course of behavior directed at a specific person that would cause a reasonable person to feel fear for personal safety, or repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

“Code of Conduct applicable to students” refers to the policy titles “Student Code of Conduct” which is accessible in the student handbook. It outlines students’ rights and responsibilities, as well as the process by which action may be taken against a student for Code violations.

“Student complaint procedure” is the vehicle by which students can bring to Chamberlain’s attention any complaint relating to their experience with Chamberlain or a member of the Chamberlain community. It is the mechanism for investigating and attempting to resolve complaints raised by students. The student complaint procedure can be found in the student handbook <http://www.chamberlain.edu/resources/academics/student-handbooks>.

“Speak Up” refers to Speak Up Adtalem Global Education, a reporting system managed by a third party vendor (EthicsPoint), which encourages members of the Chamberlain community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the SpeakUp program by contacting the third party contractor EthicsPoint by phone at 1-866-421-0617 or on-line at www.speakupadtalem.ethicspoint.com.

“Stranger” and “Non-stranger” are terms to describe the association between a Complainant of sexual harassment or sexual misconduct, and the Respondent. A “Stranger” is a person(s) not known by the Complainant at the time of the alleged sexual harassment or sexual misconduct. A “Non-stranger” is a person(s) known by the Complainant, whether the person(s) is known casually, intimately, or for a short or long period, at the time of the alleged sexual harassment or sexual misconduct. Chamberlain University’s Sex and Gender-Based Misconduct Response and Prevention Policy applies to misconduct involving both Strangers and Non-strangers, occurring on- or off-campus.

“Title IX” is a federal law which prohibits sex and gender discrimination in U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students, colleagues, or other members of the educational institution’s community are impacted. Title IX is enforced by the U.S. Department of Education.

“VAWA” refers to the Violence Against Women Act, 34 CFR Part 668. VAWA supports community resources for victims of rape, sexual assault, stalking, dating violence and domestic violence and articulates expectations regarding the management of related concerns when a report is made to representatives of U.S. colleges and universities.

“Chamberlain” means Chamberlain University.

Prevention and Awareness

Acts that are deemed to fall within the scope of this policy are violations of the Codes of Conduct, as well as the expectations of members of the Chamberlain community. These acts may also be crimes. In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, Chamberlain is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this policy. Themes will include situational awareness and prevention strategies such as bystander intervention and other forms of risk reduction. While bystander intervention specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, risk reduction also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable.

Awareness programs are events that occur online or in person that request active engagement of community members. It is the expectation and responsibility of each member of the Chamberlain community to participate in programming which will assist with ongoing prevention efforts, as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

Primary prevention and awareness programming will include a comprehensive online education platform intended for viewing by all colleagues and students, as well as student-facing vendors if necessary and appropriate. The program will be completed by:

New students and transfer students: within three weeks of the start of the student's first session

Returning and continuing students who did not take the training as a new or transfer student: within three weeks of the start of the session the student is scheduled to resume or continue studies

Colleagues by the date stated in email notification.

Specific vendors by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with Chamberlain. Members of the Chamberlain community are encouraged to visit this resource regularly for personal, professional and academic purposes.

Ongoing prevention and awareness campaigns are public service announcements and campaigns, as well as messages and activities integrated into the day-to-day fabric of the academic community.

These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. Chamberlain will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity, or effort to the Title IX Coordinator for recordkeeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming will be made available to any campus upon request.

Additional training will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct, including but not limited to complaint administrators, conduct administrators, conduct panelists, and appeal reviewers. These colleagues should complete the primary prevention and awareness programming described above, as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of this policy.

Reporting

Victims may file a formal complaint with a designated local campus administrator or through the Title IX Coordinator.

TiShaunda McPherson
Director of Equity and Access
Equity@adtalem.com
630-829-0265

Camille Lee, Title IX Coordinator
Neil Calliccoat, Title IX Coordinator
TitleIXCoordinator@chamberlain.edu
(630) 829-0233

Reports can also be made anonymously through the SpeakUp program (1-866-421-0617).

If a victim wishes to access local community agencies and/or law enforcement for support, Chamberlain will assist the victim in making these contacts.

Anyone may make a report regarding any information pertaining to violations of this policy. All Chamberlain colleagues (faculty, staff, administrators, and student workers) are required to immediately provide any information received about any actual or suspected sex and/or gender-based misconduct impacting the Chamberlain community

to appropriate officials with some very narrow exceptions discussed elsewhere in this policy (see “Confidentiality”). Regardless of how notice is received, reports may prompt a need for Chamberlain to investigate.

Any individual wishing to discuss a situation within the scope of this policy without triggering an immediate investigation may contact a Confidential Advisor.

Ms. Evalye Alexander
Ms. Cyndy Palmer
Confidential Advisors
(630) 799-0138

confidentialadvisor@chamberlain.edu

A student may also seek referral to mental health counseling services or receive other support by contacting ASPIRE at 1-888-470-1531 or via info@myASPIREonline.com. Colleagues may seek support 24 hours a day, seven days a week through GuidanceResources at 1-877-623-3879. General hotline and other resource information can be found at the end of this policy, and focused support services can be obtained through consultation with student services, the CRC, local human resources, or the Title IX Coordinator.

Individuals experiencing misconduct in violation of this policy are also always free to notify the U.S. Department of Education:

Office of Civil Rights (OCR) - Headquarters 400 Maryland Avenue, SW
Washington DC 20202-1100
Customer Service Hotline #: (800) 421-3481
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
Regional Offices: <http://www2.ed.gov/about/offices/list/ocr/addresses.html>

Support and Resources

The Chamberlain official who receives notification of alleged sexual and/or gender-based misconduct will offer appropriate support or refer the victim directly to immediate assistance. Assistance may initially require supported access to local medical, mental health, legal or law enforcement resources and could include academic accommodations, changes in housing for the victim or a respondent student, changes in working situations and other arrangements as may be appropriate and available (such as limiting orders, campus escorts, transportation assistance, or targeted interventions). No victim is required to take advantage of these services and resources, but Chamberlain provides them in the hope of offering help and supporting minimal disruption to access to academic programming or the workplace. If circumstances related to an incident change over time, these and other supportive accommodation options may be revisited. Chamberlain may also provide referrals to counseling services, at the victim’s option, including but not limited to the confidential colleague and student support services outlined above (See “Reporting”). Local resource lists can also be found through student services and in the student handbook. A brief list of national and international referral sites can be found at the end of this policy.

Disciplinary Review and Action

Acts of sex and/or gender-based misconduct are subject to disciplinary action. Disciplinary action is not intended to determine criminal responsibility. Rather it is intended to identify and respond to violations of Chamberlain policy and community standards. Separate and distinct disciplinary action may also be considered in instances of retaliation against those who, in good faith, report or disclose an alleged violation of the comprehensive policy, file complaint, or otherwise participate in the complaint resolution procedure. Failure by a respondent to adhere to interim protective measures will be considered a form of retaliation or an extension of the initial allegations. Chamberlain University will utilize the preponderance of evidence standard to determine if a violation of the Sex and Gender-Based Misconduct Response and Prevention Policy occurred. The preponderance of evidence standard

means that, based on all of the information available, it is more likely than not that the alleged sexual harassment or sexual misconduct occurred.

When the victim chooses, or Chamberlain believes it is necessary, a prompt, fair and impartial investigation will be initiated. In the event that a victim requests that an investigation not occur, their request will be honored when possible and unless Chamberlain determines in good faith that failure to investigate creates a potential risk of harm to the reporting individual or other members of the community. Factors used to determine whether to adhere to such a request include, but are not limited to whether: the accused has a history of violent behavior or is a repeat offender; the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; there is an increased risk that the accused will commit additional acts of violence; the accused is alleged to have used a weapon or force; the reporting individual is a minor; Chamberlain possesses other means to obtain evidence; and/or available information reveals a pattern of perpetration by a specific person, at a given location, or by a particular group.

If allegations appear to be substantiated based on the totality of the circumstances, a respondent student may be subject to the Code of Conduct process, which will determine any violation of this policy based upon a preponderance of evidence. The student complaint procedure which details the investigation and resolution processes, and the Code of Conduct applicable to students, which details the student disciplinary hearing process, can be found in the student handbook or online here: <http://www.chamberlain.edu/resources/academics/student-handbooks>.

If allegations of colleague misconduct are substantiated to the preponderance of evidence standard through the investigation, colleague discipline may be imposed. The colleague complaint procedure, which details the investigation and resolution processes and prohibited colleague conduct, can be found on the Commons Portal > Quick Links > Policy Central.

The Title IX Coordinator will monitor the investigation and resolution of reports of sex and/or gender-based misconduct and facilitate compliance with this policy. Furthermore, the Title IX Coordinator will work with campus administration to identify and initiate strategies intended to remedy the effects on the victim and the Chamberlain community to the extent practicable and reasonable to prevent the recurrence of similar misconduct.

Privacy of the records specific to sex and/or gender-based misconduct investigations is maintained in accordance with applicable law, including FERPA. Any public release of information to comply with the timely warning provisions of the Clery Act will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent interim actions and the results of disciplinary hearings regarding the alleged perpetrator of misconduct will be disclosed to the alleged victim and/or complainant. Confidentiality will be maintained whenever possible, however Chamberlain reserves the right to exercise discretion and disclose details of an incident or allegation to assure community safety or the safety of an individual.

It is Chamberlain's policy to hold perpetrators of sex and/or gender-based misconduct accountable for their actions through appropriate student conduct or personnel procedures, and by working with community agencies and law enforcement as appropriate. Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Chamberlain's internal review processes shall run concurrently with any criminal justice investigation and proceeding, except for temporary delays as requested by external entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Prior sexual history with persons other than the other party in a judicial or conduct process, as well as any mental health diagnosis and/or treatment will be excluded from student conduct hearings at the student's preference. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of a review process that determines sanction.

Investigation and response to allegations of sex or gender-based misconduct will include the following, without limitation: trauma informed assistance to the victim/survivor as appropriate; an interview with the victim/survivor; identifying and locating witnesses; contacting and interviewing the respondent; cooperating with law enforcement.

In any complaint of sex or gender-based misconduct, the person bringing the accusation and the responding party are both entitled to the same opportunities for a support person or advisor of their choice throughout the process, consistent with any guidelines set forth applicable to students or colleagues. Once complete, the parties will be informed, in writing, of the outcome. Notice to both parties will include the findings, as well as the sanctions/discipline (if any) to the degree possible and always when the sanction/ discipline is directly relevant to that individual. Delivery of this outcome will not be unduly delayed to either party, and should occur in the same form and format and as near to simultaneously as possible.

Sanctions for student misconduct

Appropriate disciplinary sanctions for substantiated violations of this policy by students, up to and including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found here: <http://www.chamberlain.edu/resources/academics/student-handbooks>. The full list of available sanctions is provided in the Code of Conduct applicable to students. This policy statement is not intended to replace or substitute for the Code of Conduct applicable to students. This policy is a supplement to the community standards that the Code of Conduct applicable to students sets forth. Alleged violations of this policy will be referred to the applicable complaint administrator and/or conduct administrator for appropriate review. All parties in a student conduct proceeding will be informed at the same time and in the same manner of any final determinations, as well as Chamberlain's appeal process, and their rights to request an appeal. Should any change in outcome occur prior to finalization (e.g., a re-hearing ordered upon appeal), all parties will be informed at the same time and in the same manner, and will be notified when the results of the conduct process is finalized. In addition, violations of this policy may trigger application of sanctions to a student imposed under local, state, or federal law.

Sanctions for colleague misconduct

Alleged violations of this policy by colleagues will be referred to the CRC for appropriate review. Disciplinary sanctions for a colleague's violation of this policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable Chamberlain policies and procedures. Chamberlain reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this policy may trigger application of sanctions to a colleague imposed under local, state, or federal law.

Reporting by Colleagues to External Authorities

Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager and also the Title IX Coordinator. Colleagues can also submit named or anonymous reports of sexual and/or gender-based misconduct by utilizing the ATGE "Speak Up" hotline at <http://www.speakupadtalem.ethicspoint.com/>. Colleagues should contact the Title IX Coordinator with any questions about whether a report to law enforcement is appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Disciplinary procedures are independent of any and all procedures and proceedings under local, state, or federal criminal or civil law. In all cases, Chamberlain reserves the right to refer cases for parallel criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this policy by a visitor, volunteer, vendor,

agents, or other third parties affiliated with Chamberlain may also result in the termination of pre-existing or future relationships.

Victim/Survivor's Rights

Chamberlain will take interim steps to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between a complainant and a respondent and providing reasonable academic, employment, and administrative accommodations in accordance with the Clery Act and Title IX. Students who are victims of sex and/or gender-based misconduct may request a change in their academic arrangements by contacting student services, the Title IX Coordinator, or local leadership. Colleagues who are victims of sex and/or gender-based misconduct may request a change in their employment arrangements by contacting their one-up manager, the CRC, the Title IX Coordinator, or local leadership.

Victim's rights include:

1. The right to notify or not notify law enforcement, and to request and receive assistance from Chamberlain in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.
3. The right to be free from undue coercion from Chamberlain to pursue or not pursue any course of action.
4. The right to be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court (when applicable).
5. The right to request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise divulging details that would require or permit Chamberlain to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Title IX Coordinator).
6. The right to contact information for the Title IX Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
7. The right to be fully informed of any applicable disciplinary conduct process and procedures.
8. The same rights as the accused to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
9. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
10. The right to request interim protective measures and accommodations including a change in academic, employment, on-campus living, transportation or other arrangements after the alleged sex or gender-based misconduct and to be informed of the reasonably available options for those changes.
11. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
12. The right to be informed about Chamberlain's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
13. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
14. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
15. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

For all colleagues: In the event that a violation of this policy is reported to you, the victim should be provided with the above-listed options and a copy of this policy. For more specific instructions on how to properly comply with this policy, please consult the Title IX Coordinator.

Amnesty for Victims and Witnesses

Chamberlain will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. Chamberlain encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to Chamberlain officials or participate in the resolution processes because of concern that they may be accused of policy violations, such as underage or excessive drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, Chamberlain University grants victims and witnesses amnesty, when appropriate, for potential Chamberlain University policy violations, and provides all parties and witnesses other interim measures, as appropriate or needed.

Similarly, Chamberlain encourages direct assistance to those in need as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked, however Chamberlain may provide educational options, rather than punitive sanctions, to those who offer their assistance.

Retaliation

Chamberlain prohibits retaliation against anyone who reports an incident of sex and gender-based misconduct or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Any allegation of retaliation related to the investigation or resolution of a sex or gender-based misconduct allegation will be treated as an independent Title IX complaint requiring consideration of appropriate reparative interim action, as well as investigation and resolution as described in this policy.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. All complaints of retaliation should be reported in accordance with Chamberlain's complaint procedures. If Chamberlain's procedures would result in students or colleagues being required to submit a complaint to the person whom they believe is retaliating, students or colleagues may submit the retaliation complaint directly to the Title IX Coordinator, or to the campus or location leader or one-up manager, who should also inform the Title IX Coordinator. Submission of a good-faith complaint or report of sexual or gender-based misconduct will not adversely affect the complainant's future academic or work environment. Chamberlain will discipline or take other appropriate action against anyone who retaliates against any person who reports an incident of alleged sexual or gender-based misconduct or who retaliates against any person who assists or participates in a proceeding, investigation or hearing related to such allegations.

Confidentiality

Chamberlain wishes to create an environment in which individuals feel free to discuss concerns and make complaints. Chamberlain understands that complainants, witnesses, and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. In some cases, however, Chamberlain may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with Chamberlain's obligations in investigating complaints. Once an individual discloses identifying information to Chamberlain through the processes described above and in the applicable complaint procedures, that person will be considered to have filed a complaint with Chamberlain. While the confidentiality of information received, the privacy of individuals involved, and compliance with the wishes of the complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

If students or colleagues wish to speak with someone who can assure confidentiality, they may contact a Confidential Advisor.

Ms. Evalye Alexander
Ms. Cyndy Palmer
Confidential Advisors
(630) 799-0138
confidentialadvisor@chamberlain.edu

Students and colleagues are also encouraged to access counseling services available by referral through Chamberlain's third party providers: ASPIRE (for students) at 1-888-480-1531, info@myASPIREonline.com, or <http://myaspireonline.com>; and GuidanceResources (for colleagues) at 1-877-623-3879.

Risk Reduction Tips

- Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.
- Communicate limits/ boundaries and respect the limits/ boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/ drug use. Acknowledge that alcohol/ drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

Bystander Intervention Strategies

- Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim.
- Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support, or acknowledgement. Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

- When a member of the Chamberlain community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:
 - Making up an excuse to get someone out of a dangerous situation.
 - Stepping in to change the course of an interaction.
 - Warning potential or perceived perpetrators that their actions may lead to severe consequences.
 - Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
 - Remaining on the scene of observed misconduct and offering to make a statement or act as a witness subsequent to intervention by security, administration or the police.
 - Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
 - Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.
 - Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
 - Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator

Procedures to Follow After a Sexual Misconduct Incident

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking, and rape (including acquaintance rape) that impacts the Chamberlain community have the option and are encouraged to contact local law enforcement authorities.

Whenever possible, victims should report a violation of this policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault, or stalking occurred, or to obtain a protection order. Victims of sexual assault or rape are strongly encouraged to report the incident as described in this policy to deter future assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with physical and emotional trauma associated with the violation. Recommended steps include:

1. Go to a safe place; go somewhere to get emotional support.
2. Consider reporting the incident to the police. If requested, Chamberlain will assist with notification.
3. Report the misconduct to the manager of student services, sr. manager of campus operations, one-up manager, campus incident commander, local Chamberlain leadership, Title IX Coordinator, or the CRC.
4. For your safety and well-being, immediate medical attention is encouraged. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet.
5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from psychological effects and provide a safe environment for recovery.
6. Contact the manager of student services, sr. manager of campus operations, one-up manager, Title IX coordinator, or the CRC if you need assistance with Chamberlain related concerns, such as implementing no-contact orders or other protective measures. Chamberlain may also liaise with local authorities to assist an individual who wishes to obtain protective or restraining orders.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. Anyone with knowledge about a sexual assault or other sex or gender-based misconduct is encouraged to report it immediately to the Title IX Coordinator in order to permit a coordinated report to the applicable law enforcement authorities when appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Please refer to the “Related Information” section of this document for a link to local resources for advice and assistance to victims.

Resources for Victims of Sexual Misconduct

National Sexual Assault Hotline

1-800-656-HOPE (4673)

<https://rain.org>

National Suicide prevention Hotline

1-800-273-TALK (8255)

<https://suicidepreventionlifeline.org>

National Domestic Violence Hotline

1-800-799-7233

(TTY) 1-800-787-3224

<http://thehotline.org>

Americans Overseas Domestic Violence Crisis Center

1-866-USWOMEN (International Toll Free)

crisis@866uswomen.org

National Network to End Domestic Violence

<https://nnedv.org>

<https://womenslaw.org/> [Legal information and resources]

U.S. Embassy

<https://USEmbassy.gov>

National Stalking Resource Center

<https://victimsocri.me.org>

School and College Organization for Prevention Educators

Consent Statutes Listed by State:

<https://wearescope.org/reources/consent-statutes/#list>

National Teen Dating Abuse Helpline

1-866-331-9474

1-866-331-8453 (TTY)

<https://loveisrespect.org>

The White House Task Force to Protect Students from Sexual Assault

<https://NotAlone.Gov>

State Domestic Violence Coalition Resources

North Carolina Coalition against Domestic Violence

919-956-9124

800-232-9124

<http://nccadv.org>

State Sexual Assault Coalition Resources

North Carolina Coalition against Sexual Assault

919-871-1015

800-737-2272

www.nccasa.org

Charlotte, North Carolina

Abused Persons Crisis Services Hotline

(704) 333-2513

Crisis Walk in Center

(704) 531-2633

Charlotte Mecklenburg Police Department Special Victims
(704) 336-2811

Rape Victims Resources
(704) 336-8712

CMC Randolph Counseling Services Hotline
(704) 444-2400

Crisis Assistance Ministry
(704) 371-3000
<http://www.crisisassistance.org>

Sexual Assault Victims Crisis Services
(800) 656-4673

CAMPUS SEX CRIMES PREVENTION ACT

The Campus Sex Crimes Prevention Act requires sex offenders already required to register in a State to provide notice, as required under State law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. The act requires that state procedures ensure this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. These changes became effective two years after enactment of the law (2002).

This act amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect two years after enactment (2002).

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

To check registered sex offenders in a state see the State Sexual Offender Registry List section.

STATE SEXUAL OFFENDER REGISTRY LIST

ALABAMA

Website: <https://app.alea.gov/Community/wfSexOffenderSearch.aspx>
Phone Number: 334-353-1172

ALASKA

Website: <http://www.dps.alaska.gov/sorweb/sorweb.aspx>
Phone Number: 907-269-0396 or 80-658-8892 (outside Anchorage in Alaska)

ARIZONA

Website: <https://www.azdps.gov/services/public/offender>
Phone Number: 602-223-2000

ARKANSAS

Website: <https://www.ark.org/offender-search/index.php>

Phone Number: 501-682-2222

CALIFORNIA

Website: <http://www.meganslaw.ca.gov/>

Phone Number: 916-227-4974

COLORADO

Website: <https://www.colorado.gov/apps/cdps/sor/>

Phone Number: 303-239-4222

CONNECTICUT

Website: http://sheriffalerts.com/cap_main.php?office=54567

Phone Number: 860-685-8060

DELAWARE

Website: <https://sexoffender.dsp.delaware.gov/>

Phone Number: 302-739-5882

DISTRICT OF COLUMBIA

Website: <http://sexoffender.dc.gov/>

Phone Number: 202-727-4407

FLORIDA

Website: <https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>

Phone Number: 888-357-7332

GEORGIA

Website: http://state.sor.gbi.ga.gov/sort_public/SearchOffender.aspx

Email Link: http://state.sor.gbi.ga.gov/sort_public/ContactUs.aspx

HAWAII

Website: <http://sexoffenders.ehawaii.gov/sexoffender/welcome.html>

Phone Number: 808-587-3350

IDAHO

Website: http://www.isp.idaho.gov/sor_id/

Phone Number: 208-884-7305

ILLINOIS

Website: <http://www.isp.state.il.us/sor/>

Phone Number: 217-785-0653

INDIANA

Website: <http://www.icrimewatch.net/indiana.php>

Phone Number: 800-622-4779

IOWA

Website: <http://www.iowasexoffender.com/>

Phone Number: 515-725-6050

KANSASWebsite: <http://www.accesskansas.org/kbi/ro.shtml>

Phone Number: 785-296-2841

KENTUCKYWebsite: <http://kspsor.state.ky.us/>

Phone Number: 202-227-8700

LOUISIANAWebsite: <http://www.lsp.org/socpr/default.html>

Phone Number: 800-858-0551

MAINEWebsite: <http://sor.informe.org/cgi-bin/sor/index.pl>

Phone Number: 207-624-7270

MARYLANDWebsite: <http://www.socem.info/>

Phone Number: 410-585-3600

MASSACHUSETTSWebsite: <http://www.mass.gov/eopss/agencies/sorb/>

Phone Number: 978-740-6400

MICHIGANWebsite: http://www.communitynotification.com/cap_main.php?office=55242/

Phone Number: 517-241-1806

MINNESOTAWebsite: <https://coms.doc.state.mn.us/PublicViewer/>

Phone Number: 651-361-7340

MISSISSIPPIWebsite: <http://state.sor.dps.ms.gov/>

Phone Number: 601-987-1540

MISSOURIWebsite: <http://www.mshp.dps.mo.gov/CJ38/search.jsp>

Phone Number: 888-767-6747

MONTANAWebsite: <https://app.doj.mt.gov/apps/svow/>

Phone Number: 406-444-7068

NEBRASKAWebsite: <https://sor.nebraska.gov/>

Phone Number: 402-471-8647

NEVADAWebsite: <http://www.nvsexoffenders.gov/>

Phone Number: 775-684-6262

NEW HAMPSHIRE

Website: <http://business.nh.gov/NSOR/search.aspx>

Phone Number: 800-735-2964

NEW JERSEY

Website: <http://www.njsp.org/sex-offender-registry/index.shtml>

Phone Number: 609-882-2000

NEW MEXICO

Website:

http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA==

Phone Number: 505-827-9297

NEW YORK

Website: http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

Phone Number: 800-262-3257

NORTH CAROLINA

Website: <http://sexoffender.ncsbi.gov/>

Email Link: <http://sexoffender.ncsbi.gov/contact.aspx>

NORTH DAKOTA

Website: <http://www.sexoffender.nd.gov/>

Phone Number: 701-328-2210

OHIO

Website: http://www.communitynotification.com/cap_main.php?office=55149

Phone Number: 866-406-4534

OKLAHOMA

Website: <https://sors.doc.state.ok.us/svor/f?p=119:5:0::NO>

Email Address: osor@doc.state.ok.us

OREGON

Website: <http://sexoffenders.oregon.gov/>

Phone Number: 503-934-1258

PENNSYLVANIA

Website: <http://www.pameganslaw.state.pa.us/>

Phone Number: 866-771-3170

PUERTO RICO

Website: <http://sor.cjis.pr.gov/>

Phone Number: 787-729-2121

RHODE ISLAND

Website: <http://www.paroleboard.ri.gov/sexoffender/agree.php>

Phone Number: 401-462-0905

SOUTH CAROLINA

Website: <http://scor.sled.sc.gov/ConditionsOfUse.aspx>

Phone Number: 803-896-2601

SOUTH DAKOTA

Website: <http://sor.sd.gov/>

Phone Number: 605-773-3331

TENNESSEE

Website: <https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>

Phone Number: 615-744-4000

TEXAS

Website: <https://records.txdps.state.tx.us/SexOffenderRegistry>

Phone Number: 855-481-7070

UTAH

Website: http://sheriffalerts.com/cap_main.php?office=54438

Phone Number: 801-495-7700

VERMONT

Website: <http://vcic.vermont.gov/sor>

Phone Number: 802-241-5400

VIRGINIA

Website: <http://sex-offender.vsp.virginia.gov/sor/>

Phone Number: 804-674-2825

WASHINGTON

Website: <http://www.icrimewatch.net/washington.php>

Phone Number: 360-486-2386

WEST VIRGINIA

Website: <https://apps.wv.gov/StatePolice/SexOffender/>

Phone Number: 304-746-2133

WISCONSIN

Website: <https://appsdoc.wi.gov/public>

Phone Number: 608-240-5830

WYOMING

Website: http://www.communitynotification.com/cap_main.php?office=55699

Phone Number: 307-777-7181

ALCOHOL AND SUBSTANCE ABUSE POLICY

Chamberlain University expects all members of its community; students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Chamberlain University forbids the use, possession, distribution or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. Chamberlain University specifically prohibits the use, possession, distribution or sale of medical marijuana on its premises or at any Chamberlain University sponsored event. The unauthorized possession, distribution, sale or consumption of alcoholic beverages anywhere on Chamberlain University property or at Chamberlain University-sponsored events is also forbidden. Violation of state, federal or other local regulations with respect to illegal drugs or alcohol are subject to both criminal prosecution and campus disciplinary action. Please refer to the following sections for additional information: Drug Free Schools and

Communities Act, Laws Regarding Alcohol and Drugs, School Sanctions, and Local Treatment Resources, and the Code of Conduct in the Student Handbook <http://www.chamberlain.edu/resources/academics/student-handbooks>.

DRUG FREE SCHOOLS & COMMUNITIES ACT

Educational Guidelines Pertaining to Drug Free Schools & Communities Act

Chamberlain University expects all members of its community including students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Students are also responsible for knowing school regulations concerning alcohol use on campus. Chamberlain University forbids the unauthorized use, possession, distribution or sale of drugs or alcohol by a student anywhere on Chamberlain University property. Violation of these laws or regulations may subject a student to both criminal prosecution and campus disciplinary action.

Use of illicit drugs and abuse of prescription drugs pose a serious threat to mental and physical health. Alcohol is a drug. Its use in even the smallest amounts may be harmful to some people, and when used to excess, alcohol is harmful to everyone. For this reason, responsible drinking is essential and is expected of those who choose to drink.

Substance

Alcohol (at .08 Blood Alcohol Concentration & Above)

Impaired motor abilities; reduced judgment; sleepiness; increased sexual desire but reduced ability to perform; nausea, vomiting; liver disorders-alcoholic hepatitis, alcoholic cirrhosis; cancer of the-tongue, mouth, throat, esophagus, liver, breast; fetal alcohol syndrome (most common symptom is mental retardation).

Cannabis Marijuana Hash/Hash Oil THC

Diminished-short term memory, motivation & cognition, coordination & concentration, oral communication, reaction time; anxiety & panic reactions; carcinogenic elements in smoke; damaged lungs & respiratory system.

Cocaine (includes Crack Cocaine)

Increased likelihood of risk taking; seizures; sleeplessness; paranoia; irregular heartbeat; can cause sudden death by stroke or heart failure, even in young users; cocaine psychosis (paranoia & hallucinations); ulceration of mucous membranes in the nose; sexual dysfunction; during pregnancy can cause severe physical & emotional problems in babies.

Depressants, Tranquilizers, Barbiturates, Methaqualone

Dangerous effects when mixed with alcohol; calmness & relaxed muscles; slurred speech, staggering gait, loss of motor coordination; altered perceptions; respiratory depression which can result in coma or death; disruption of normal sleep cycle; during pregnancy-birth defects, brain tumors in children; tolerance develops severe withdrawal symptoms; physical & psychological dependence.

Other Stimulants (Excluding Cocaine), Amphetamines, Methamphetamines

Increased heart & respiratory rates; elevated blood; decreased appetite; headaches; blurred vision; dizziness; sleeplessness; anxiety; amphetamine psychosis-violent behavior, hallucinations, delusions, paranoia; drug tolerance & dependency; mood swings; ulcers; mental confusion.

Psychedelics, LSD, Mescaline, Psilocybin, Phencyclidine (PCP), MDMA (Ecstasy), MDA

Distorted sense of distance, space and time; blockage of pain sensations; nausea, vomiting & diarrhea; severe mood disorders, panic depression, anxiety; greater suggestibility & feelings of invulnerability; unpredictable reactions if drugs are "cut" with impurities; tolerance after (3-4 daily doses--higher doses are required to produce same effects).

Narcotics, Opium, Morphine, Codeine, Thebaine, Heroin, Methadone, Darvon, Demerol

Feeling of euphoria followed by drowsiness; nausea & vomiting; respiratory depression; central nervous system depression; use of unsterile needles promotes-AIDS, hepatitis B, endocarditis (infection in the heart); women dependent on opiates have multiple pregnancy complications-spontaneous abortions, still births, anemia, diabetes.

LAWS REGARDING ALCOHOL AND DRUGS

North Carolina

In addition to the Federal laws, the State of North Carolina has its own laws dealing with controlled substances.

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_5.html

Article 5.

North Carolina Controlled Substances Act.

§ 90-86. Title of Article.

This Article shall be known and may be cited as the "North Carolina Controlled Substances Act." (1971, c. 919, s. 1.)

§ 90-87. Definitions.

As used in this Article:

(1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject by:

- a. A practitioner (or, in his presence, by his authorized agent), or
- b. The patient or research subject at the direction and in the presence of the practitioner.

(2) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

(3) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice or its successor agency.

(3a) "Commission" means the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services established under Part 4 of Article 3 of Chapter 143B of the General Statutes.

(4) "Control" means to add, remove, or change the placement of a drug, substance, or immediate precursor included in Schedules I through VI of this Article.

(5) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through VI of this Article.

(5a) "Controlled substance analogue" means a substance (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; and does not include (i) a controlled substance; (ii) any substance for which there is an approved new drug application; (iii) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person, under § 355 of Title 21 of the United States Code to the extent conduct with respect to such substance is pursuant to such exemption; or (iv) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance. The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to subdivision 802(34) or 802(35) of Title 21 of the United States Code does not preclude a finding pursuant to this subdivision that the chemical is a controlled substance analogue.

(6) "Counterfeit controlled substance" means:

- a. A controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports, or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser; or

b. Any substance which is by any means intentionally represented as a controlled substance. It is evidence that the substance has been intentionally misrepresented as a controlled substance if the following factors are established:

1. The substance was packaged or delivered in a manner normally used for the illegal delivery of controlled substances.

2. Money or other valuable property has been exchanged or requested for the substance, and the amount of that consideration was substantially in excess of the reasonable value of the substance.

3. The physical appearance of the tablets, capsules or other finished product containing the substance is substantially identical to a specified controlled substance.

(7) "Deliver" or "delivery" means the actual constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(8) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(9) "Dispenser" means a practitioner who dispenses.

(10) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(11) "Distributor" means a person who distributes.

(12) "Drug" means a. substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; b. substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; c. substances (other than food) intended to affect the structure or any function of the body of man or other animals; and d. substances intended for use as a component of any article specified in a, b, or c of this subdivision; but does not include devices or their components, parts, or accessories.

(13) "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from use of that controlled substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(14) "Immediate precursor" means a substance which the Commission has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

(14a) The term "isomer" means any type of isomer, including structural, geometric, or optical isomers, and stereoisomers.

(15) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance by any means, whether directly or indirectly, artificially or naturally, or by extraction from substances of a natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; and "manufacture" further includes any packaging or repackaging of the substance or labeling or relabeling of its container except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

a. By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

b. By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to research, teaching, or chemical analysis and not for sale.

(16) (See editor's note for expiration of last sentence) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

The term does not include industrial hemp as defined in G.S. 106-568.51, when the industrial hemp is produced and used in compliance with rules issued by the North Carolina Industrial Hemp Commission.

(17) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. Opium, opiate and opioid, and any salt, compound, derivative, or preparation of opium, opiate, or opioid.
- b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. 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.

(18) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under G.S. 90-88, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(18a) "Opioid" means any synthetic narcotic drug having opiate-like activities but is not derived from opium.

(19) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(20) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(21) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(22) "Practitioner" means:

- a. A physician, dentist, optometrist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State.
- b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State.

(23) "Prescription" means:

- a. A written order or other order which is promptly reduced to writing for a controlled substance as defined in this Article, or for a preparation, combination, or mixture thereof, issued by a practitioner who is licensed in this State to administer or prescribe drugs in the course of his professional practice; or issued by a practitioner serving on active duty with the Armed Forces of the United States or the United States Veterans Administration who is licensed in this or another state or Puerto Rico, provided the order is written for the benefit of eligible beneficiaries of armed services medical care; a prescription does not include an order entered in a chart or other medical record of a patient by a practitioner for the administration of a drug; or
- b. A drug or preparation, or combination, or mixture thereof furnished pursuant to a prescription order.

(24) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(25) "Registrant" means a person registered by the Commission to manufacture, distribute, or dispense any controlled substance as required by this Article.

(26) "State" means the State of North Carolina.

(26a) "Targeted controlled substance" means any controlled substance included in G.S. 90-90(1) or (2) or G.S. 90-91(d).

(27) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use, or for the use of a member of his household, or for administration to an animal owned by him or by a member of his household. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 540, ss. 2-4; c. 1358, ss. 1, 15; 1977, c. 482, s. 6; 1981, c. 51, ss. 8, 9; c. 75, s. 1; c. 732; 1985, c. 491; 1987, c. 105, ss. 1, 2; 1991 (Reg. Sess., 1992), c. 1030, s. 21; 1997-456, s. 27; 2003-249, s. 2; 2011-183, s. 60; 2015-299, s. 2; 2016-93, s. 6; 2017-74, s. 3; 2017-115, s. 2.)

§ 90-88. Authority to control.

(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 Chapter 150B of the General Statutes 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.

(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.

(b) After considering the required factors, the Commission shall make findings with respect thereto and shall issue an order adding, deleting or rescheduling the substance within Schedules I through VI of this Article.

(c) If the Commission designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) 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 Chapter 150B of the General Statutes is required if the Commission makes a decision to similarly control a substance. However, if the Commission makes a decision to object to adoption of the federal action, it shall initiate rule-making procedures pursuant to Chapter 150B of the General Statutes within 180 days of its decision to object.

(e) The Commission shall exclude any nonnarcotic substance from the provisions of this Article if such substance may, under the federal Food, Drug and Cosmetic Act, lawfully be sold over-the-counter without prescription.

(f) Authority to control under this Article does not include distilled spirits, wine, malt beverages, or tobacco.

(g) The Commission shall similarly exempt from the provisions of this Article any chemical agents and diagnostic reagents not intended for administration to humans or other animals, containing controlled substances which either (i) contain additional adulterant or denaturing agents so that the resulting mixture has no significant abuse potential, or (ii) are packaged in such a form or concentration that the particular form as packaged has no significant abuse potential, where such substance was exempted by the Federal Bureau of Narcotics and Dangerous Drugs.

(h) Repealed by Session Laws 1987, c. 413, s. 4.

(i) The North Carolina Department of Health and Human Services shall maintain a list of all preparations, compounds, or mixtures which are excluded, exempted and excepted from control under any schedule of this Article by the United States Drug Enforcement Administration and/or the Commission. This list and any changes to this list shall be mailed to the North Carolina Board of Pharmacy, the State Bureau of Investigation and each district attorney of this State. (1971, c. 919, s. 1; 1973, c. 476, s. 128; cc. 524, 541; c. 1358, ss. 2, 3, 15; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 1987, c. 413, ss. 1-4; 1989, c. 770, s. 16; 1997-443, s. 11A.118(a); 2000-189, s. 4; 2001-487, s. 22.)

§ 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) Opiates. - Any of the following opiates or opioids, 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, esters, ethers, and salts is possible within the specific chemical designation:

- a. Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4/y-piperidinyl]-N-phenylacet amide).
- b. Acetylmethadol.
- c. Repealed by Session Laws 1987, c. 412, s. 2.
- d. Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl]-4/y-piperidinyl]-N-phenylpropanamide).
- e. Allylprodine.
- f. Alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate and LAAM).
- g. Alphameprodine.
- h. Alphamethadol.
- i. Alpha-methylfentanyl (N-(1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionalilide; 1(1-methyl-2-phenyl-ethyl)-4-(N-propanilido) piperidine).
- j. Benzethidine.
- k. Betacetylmethadol.
- l. Beta-hydroxfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamid).
- m. Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).
- n. Betameprodine.
- o. Betamethadol.
- p. Betaprodine.
- q. Clonitazene.
- r. Dextromoramide.
- s. Diampromide.
- t. Diethylthiambutene.
- u. Difenoxin.
- v. Dimenoxadol.
- w. Dimepheptanol.
- x. Dimethylthiambutene.
- y. Dioxaphetyl butyrate.
- z. Dipipanone.
- aa. Ethylmethylthiambutene.
- bb. Etonitazene.
- cc. Etoxidine.
- dd. Furethidine.
- ee. Hydroxypethidine.
- ff. Ketobemidone.
- gg. Levomoramide.
- hh. Levophenacymorphan.
- ii. 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- jj. 3-Methylfentanyl (N-[3-methyl-1-(2-Phenylethyl)-4-Pi-peridyl]-N-Phenylpropanamide).
- kk. 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)/y-4-piperidinyl]-N-phenylpropanamide).
- ll. Morpheridine.
- mm. Noracymethadol.
- nn. Norlevorphanol.
- oo. Normethadone.

- pp. Norpipanone.
- qq. Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide).
- rr. Phenadoxone.
- ss. Phenampromide.
- tt. 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- uu. Phenomorphan.
- vv. Phenoperidine.
- ww. Piriramide.
- xx. Proheptazine.
- yy. Properidine.
- zz. Propiram.
- aaa. Racemoramide.
- bbb. Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl]-4-piperidinyl)-propanamide.
- ccc. Tilidine.
- ddd. Trimeperidine.
- eee. Acetyl Fentanyl.
- fff. Trans-3,4-dichloro-N-(2(dimethylamino)cyclohexyl)-N-methyl-benzamide (U47700).
- ggg. 3,4-dichloro-N([1(dimethylamino)cyclohexyl)methyl]benzamide; 1-(3,4-dichlorobenzamidomethyl)cyclohexyldimethylamine) (also known as AH-7921).
- hhh. 3,4-dichloro-N-([diethylamino)cyclohexyl]-N-methylbenzamide (also known as U-49900).
- iii. U-77891.
- jjj. 1-phenylethylpiperidylidene-2-(4-chlorophenyl)sulfonamide; 1-(4-nitrophenylethyl)piperidylidene-2-(4-chlorophenyl)sulfonamide; 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]/y-benzenesulfonamide (also known as W-18).
- kkk. 1-phenylethylpiperidylidene-2-(4-chlorophenyl)sulfonamide; 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (also known as W-15).
- lll. 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (also known as MT-45).
- (1a) Fentanyl derivatives. - Any compounds structurally derived from N-[1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide (Fentanyl) by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the anilido phenyl group, or any combination of the above unless specifically excepted or listed in another schedule to include their salts, isomers, and salts of isomers. Fentanyl derivatives include, but are not limited to, the following:
 - a. N-(1-phenylethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (also known as Furanyl Fentanyl).
 - b. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (also known as Butyryl Fentanyl).
 - c. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (also known as Beta-Hydroxythiofentanyl).
 - d. N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-2propenamide (also known as Acrylfentanyl).
 - e. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (also known as Valeryl Fentanyl).
 - f. N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (also known as 2-fluorofentanyl).
 - g. N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (also known as 3-fluorofentanyl).
 - h. N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (also known as tetrahydrofuran fentanyl).
 - i. N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (also known as 4-fluoroisobutyryl fentanyl, 4-FIBF).
 - j. N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (also known as 4-fluorobutyryl fentanyl, 4-FBF).
- (2) Opium derivatives. - Any of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Acetorphine.
 - b. Acetyldihydrocodeine.

- c. Benzylmorphine.
- d. Codeine methylbromide.
- e. Codeine-N-Oxide.
- f. Cyprenorphine.
- g. Desomorphine.
- h. Dihydromorphine.
- i. Etorphine (except hydrochloride salt).
- j. Heroin.
- k. Hydromorphanol.
- l. Methyldesorphine.
- m. Methyldihydromorphine.
- n. Morphine methylbromide.
- o. Morphine methylsulfonate.
- p. Morphine-N-Oxide.
- q. Myrophine.
- r. Nicocodeine.
- s. Nicomorphine.
- t. Normorphine.
- u. Pholcodine.
- v. Thebacon.
- w. Drotebanol.

(3) Hallucinogenic substances. - Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. 3, 4-methylenedioxyamphetamine.
- b. 5-methoxy-3, 4-methylenedioxyamphetamine.
- c. 3, 4-Methylenedioxymethamphetamine (MDMA).
- d. 3, 4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3, 4-(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).
- e. N-hydroxy-3, 4-methylenedioxyamphetamine (also known as N-hydroxy/y-alpha-methyl-3, 4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).
- f. 3, 4, 5-trimethoxyamphetamine.
- g. Alpha-ethyltryptamine. Some trade or other names: etryptamine, Monase, alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.
- h. Bufotenine.
- i. Diethyltryptamine.
- j. Dimethyltryptamine.
- k. 4-methyl-2, 5-dimethoxyamphetamine.
- l. Ibogaine.
- m. Lysergic acid diethylamide.
- n. Mescaline.
- o. Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seed or extracts.
- p. N-ethyl-3-piperidyl benzilate.
- q. N-methyl-3-piperidyl benzilate.
- r. Psilocybin.
- s. Psilocin.
- t. 2, 5-dimethoxyamphetamine.
- u. 2, 5-dimethoxy-4-ethylamphetamine. Some trade or other names: DOET.
- v. 4-bromo-2, 5-dimethoxyamphetamine.

- w. 4-methoxyamphetamine.
 - x. Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.
 - y. Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
 - z. Thiophene analog of phencyclidine. Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP.
 - aa. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; Some other names: TCPy.
 - bb. Parahexyl.
 - cc. 4-Bromo-2, 5-Dimethoxyphenethylamine.
 - dd. Alpha-Methyltryptamine.
 - ee. 5-Methoxy-n-diisopropyltryptamine.
 - ff. Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE).
 - gg. BTCP (Benzothiophenylcyclohexylpiperidine).
 - hh. Deschloroketamine.
 - jj. 3-MeO-PCP (3-methoxyphencyclidine).
 - kk. 4-hydroxy-MET.
 - ll. 4-OH-MiPT (4-hydroxy-N-methyl-N-isopropyltryptamine).
 - mm. 5-methoxy-N-methyl-N-propyltryptamine (5-MeO-MiPT).
- (4) Systemic depressants. - Any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, unless specifically excepted or unless listed in another schedule:
- a. Mecloqualone.
 - b. Methaqualone.
 - c. Gamma hydroxybutyric acid; Some other names: GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.
 - d. Etizolam.
 - e. Flubromazepam.
 - f. Phenazepam.
- (5) Stimulants. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
- a. Aminorex. Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.
 - b. Cathinone. Some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone.
 - c. Fenethylamine.
 - d. Methcathinone. Some trade or other names: 2-(methylamino)-propiofenone, alpha-(methylamino)propiofenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylamino-propiofenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432.
 - e. (+)-cis-4-methylaminorex [(+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine] (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline).
 - f. N,N-dimethylamphetamine. Some other names: N,N,alpha-tri-methylbenzeneethanamine; N,N,alpha-trimethylphenethylamine.
 - g. N-ethylamphetamine.
 - h. 4-methylmethcathinone (also known as mephedrone).
 - i. 3,4-Methylenedioxypropylamphetamine (also known as MDPV).
 - j. Substituted cathinones. A compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii)

by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure.

k. N-Benzylpiperazine.

l. 2,5 - Dimethoxy-4-(n)-propylthiophenethylamine.

(6) NBOMe compounds. - Any material compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation unless specifically excepted or unless listed in another schedule:

a. 25B-NBOMe (2C-B-NBOMe)-2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

b. 25C-NBOMe (2C-C-NBOMe)-2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

c. 25D-NBOMe (2C-D-NBOMe)-2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine.

d. 25E-NBOMe (2C-E-NBOMe)-2-(4-Ethyl-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

e. 25G-NBOMe (2C-G-NBOMe)-2-(2,5-dimethoxy-3,4-dimethylphenyl)-N-(2-methoxybenzyl)ethanamine.

f. 25H-NBOMe (2C-H-NBOMe)-2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

g. 25I-NBOMe (2C-I-NBOMe)-2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

h. 25N-NBOMe (2C-N-NBOMe)-2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine.

i. 25P-NBOMe (2C-P-NBOMe)-2-(4-Propyl-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.

j. 25T2-NBOMe (2C-T2-NBOMe)-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-4-(methylthio)-benzeneethanamine.

k. 25T4-NBOMe (2C-T4-NBOMe)-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-4-[(1-methylethyl)thio]-benzeneethanamine.

l. 25T7-NBOMe (2C-T7-NBOMe)-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-4-(propylthio)-benzeneethanamine.

(7) Synthetic cannabinoids. - Any quantity of any synthetic chemical compound that (i) is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring substances or (ii) has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is not listed as a controlled substance in Schedules I through V, and is not an FDA-approved drug. Synthetic cannabinoids include, but are not limited to, the substances listed in sub-subdivisions a. through p. of this subdivision and any substance that contains any quantity of their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation. The following substances are examples of synthetic cannabinoids and are not intended to be inclusive of the substances included in this Schedule:

a. Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Some trade or other names: JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-2201, and WIN 55-212.

b. Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

c. Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Another name: JWH-307.

d. Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

e. Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Some trade or other names: SR-18, RCS-8, JWH-250, and JWH-203.

f. Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Some trade or other names: CP 47,497 (and homologues), cannabicyclohexanol.

g. Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Some trade or other names: AM-694, Pravadoline (WIN 48,098), and RCS-4.

h. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other name: WIN 55,212-2.

i. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370. Some trade or other name: HU-210.

j. 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not further substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent. Substances in this class include, but are not limited to: UR-144, fluoro-UR-144, XLR-11, A-796,260, and A-834,735.

k. Indole carboxaldehydes. Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-indole-2-carboxaldehyde substituted in both of the following ways:

1. At the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the carbon of the carboxaldehyde by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group;

whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indole ring, or (iv) anitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring. Substances in this class include, but are not limited to: AB-001.

l. Indole carboxamides. Any compound structurally derived from 1H-indole-3-carboxamide or 1H-indole-2-carboxamide substituted in both of the following ways:

1. At the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the nitrogen of the carboxamide by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group;

whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring. Substances in this class include, but are not limited to: SDB-001 and STS-135.

m. Indole carboxylic acids. Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-indole-2-carboxylic acid substituted in both of the following ways:

1. At the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the nitrogen of the carboxamide by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group;

whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring. Substances in this class include, but are not limited to: SDB-001 and STS-135.

whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring. Substances in this class include, but are not limited to: PB-22 and fluoro-PB-22.

n. Indazole carboxaldehydes. Any compound structurally derived from 1H-indazole-3-carboxaldehyde or 1H-indazole-2-carboxaldehyde substituted in both of the following ways:

1. At the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the carbon of the carboxaldehyde by a phenyl, benzyl, whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indazole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indazole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

o. Indazole carboxamides. Any compound structurally derived from 1H-indazole-3-carboxamide or 1H-indazole-2-carboxamide substituted in both of the following ways:

1. At the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the nitrogen of the carboxamide by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group;

whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indazole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indazole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring. Substances in this class include, but are not limited to: AKB-48, fluoro-AKB-48, APINCACA, AB-PINACA, AB-FUBINACA, ADB-FUBINACA, and ADB-PINACA.

p. Indazole carboxylic acids. Any compound structurally derived from 1H-indazole-3-carboxylic acid or 1H-indazole-2-carboxylic acid substituted in both of the following ways:

1. At the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and

2. At the hydroxyl group of the carboxylic acid by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group; whether or not the compound is further modified to any extent in the following ways: (i) substitution to the indazole ring to any extent, (ii) substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent, (iii) a nitrogen heterocyclic analog of the indazole ring, or (iv) a nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

q. Carbazoles. Any compound containing a carbazole ring system with a substituent on the nitrogen atom and bearing an additional substituent at the 1, 2, or 3 position of the carbazole ring system, with a linkage connecting the ring system to the substituent:

1. Where the linkage connecting the carbazole ring system to the substituent if its 1, 2, or 3 position is any of the following: Alkyl, Carbonyl, Ester, Thione, Thioester, Amino, Alkylamino, Amido, or Alkylamido.

2. Where the substituent at the 1, 2, or 3 position of the carbazole ring system, disregarding the linkage, is any of the following groups: Naphthyl, Quinoliny, Adamantyl, Phenyl, Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl), Biphenyl, Alkylamido (limited to ethylamido, propylamido, butanamido, pentamido), Benzyl, Carboxylic acid, Ester, Ether, Phenylpropylamido, or Phenylpropylamino; whether or not further substituted in either of the following ways: (i) the substituent at the 1, 2, or 3 position of the carbazole ring system, disregarding the linkage, is further substituted to any extent (ii) further substitution on the carbazole ring system to any extent. This class includes, but is not limited to, the following: MDMA CHMCZCA, EG-018, and EG-2201.

r. Naphthoynaphthalenes. Any compound structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent. Substances in this class include, but are not limited to: CB-13. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 844; c. 1358, ss. 4, 5, 15; 1975, c. 443, s. 1; c. 790; 1977, c. 667, s. 3; c. 891, s. 1; 1979, c. 434, s. 1; 1981, c. 51, s. 9; 1983, c. 695, s. 1; 1985, c. 172, ss. 1-3; 1987, c. 412, ss. 1-5; 1989 (Reg. Sess., 1990), c. 1040, s. 1; 1993, c. 319, ss. 1, 2; 1995, c. 186, ss. 1-3; c. 509, s. 135.1(c); 1997-456, ss. 12, 27; 1999-165, s. 1; 2000-140, s. 92.2(a); 2011-12, s. 1; 2011-326, s. 14(a), (b); 2015-162, s. 1; 2015-264, s. 13; 2017-115, s. 3.)

§ 90-89.1. Treatment of controlled substance analogues.

A controlled substance analogue shall, to the extent intended for human consumption, be treated for the purposes of any State law as a controlled substance in Schedule I. (2003-249, s. 1.)

§ 90-90. Schedule II 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; currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

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

a. Opium, opiate, or opioid and any salt, compound, derivative, or preparation of opium and opiate, excluding apomorphine, nalbuphine, dextroprhan, naloxone, naltrexone and nalmefene, and their respective salts, but including the following:

1. Raw opium.
2. Opium extracts.
3. Opium fluid extracts.
4. Powdered opium.
5. Granulated opium.
6. Tincture of opium.
7. Codeine.
8. Ethylmorphine.
9. Etorphine hydrochloride.
10. Any material, compound, mixture, or preparation which contains any quantity of hydrocodone.
11. Hydromorphone.
12. Metopon.
13. Morphine.
14. Oxycodone.
15. Oxymorphone.
16. Thebaine.
17. Dihydroetorphine.

b. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph 1 of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.
d. 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.

e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(2) Any of the following opiates or opioids, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation unless specifically exempted or listed in other schedules:

a. Alfentanil.
b. Alphaprodine.
c. Anileridine.
d. Bezitramide.
e. Carfentanil.
f. Dihydrocodeine.
g. Diphenoxylate.
h. Fentanyl.
i. Isomethadone.
j. Levo-alpha-acetylmethadol. Some trade or other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM.

k. Levomethorphan.
l. Levorphanol.
m. Metazocine.
n. Methadone.
o. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4/y-diphenyl butane.
p. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid.
q. Pethidine.
r. Pethidine - Intermediate - A, 4-cyano-1-methyl-4/y-phenylpiperidine.
s. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate.
t. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
u. Phenazocine.
v. Piminodine.
w. Racemethorphan.
x. Racemorphan.
y. Remifentanil.
z. Sufentanil.
aa. Tapentadol.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system unless specifically exempted or listed in another schedule:

a. Amphetamine, its salts, optical isomers, and salts of its optical isomers.
b. Phenmetrazine and its salts.
c. Methamphetamine, including its salts, isomers, and salts of isomers.
d. Methylphenidate, including its salts, isomers, and salts of its isomers.
e. Phenylacetone. Some trade or other names: Phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
f. Lisdexamfetamine, including its salts, isomers, and salts of isomers.

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever

the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, unless specifically exempted by the Commission or listed in another schedule:

- a. Amobarbital
- b. Glutethimide
- c. Repealed by Session Laws 1983, c. 695, s. 2.
- d. Pentobarbital
- e. Phencyclidine
- f. Phencyclidine immediate precursors:
 1. 1-Phenylcyclohexylamine
 2. 1-Piperidinocyclohexanecarbonitrile (PCC)
- g. Secobarbital.

(5) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted, or listed in another schedule, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Repealed by Session Laws 2001-233, s. 2(a), effective June 21, 2001.
- b. Nabilone [Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl/y-9H-dibenzo[b,d]pyran-9-one]. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 540, s. 6; c. 1358, ss. 6, 15; 1975, c. 443, s. 2; 1977, c. 667, s. 3; c. 891, s. 2; 1979, c. 434, s. 2; 1981, c. 51, s. 9; 1983, c. 695, s. 2; 1985, c. 172, ss. 4, 5; 1987, c. 105, s. 3; c. 412, ss. 5A-7; 1989 (Reg. Sess., 1990), c. 1040, s. 2; 1993, c. 319, ss. 3, 4; 1995, c. 186, s. 4; 1997-385, s. 1; 1997-456, s. 27; 1999-165, s. 2; 2001-233, ss. 1, 2(a); 2011-326, ss. 14(c), (d); 2015-162, s. 2; 2017-115, s. 4.)

§ 90-91. Schedule III 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 potential for abuse less than the substances listed in Schedules I and II; currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following controlled substances are included in this schedule:

- (a) Repealed by Session Laws 1973, c. 540, s. 5.
- (b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system unless specifically exempted or listed in another schedule:
 1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
 2. Chlorhexadol.
 3. Repealed by Session Laws 1993, c. 319, s. 5.
 4. Lysergic acid.
 5. Lysergic acid amide.
 6. Methyprylon.
 7. Sulfondiethylmethane.
 8. Sulfonethylmethane.
 9. Sulfonmethane.
 - 9a. Tiletamine and zolazepam or any salt thereof. Some trade or other names for tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine:
2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]/y-diazepin-7(1H)-one. flupyrzapon.
 10. Any compound, mixture or preparation containing
 - (i) Amobarbital.
 - (ii) Secobarbital.
 - (iii) Pentobarbital.or any salt thereof and one or more active ingredients which are not included in any other schedule.
 11. Any suppository dosage form containing

- (i) Amobarbital.
- (ii) Secobarbital.
- (iii) Pentobarbital.

or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing as a suppository.

12. Ketamine.

(c) Nalorphine.

(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof unless specifically exempted or listed in another schedule:

1. Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.

2. Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

3., 4. Repealed by Session Laws 2017-115, s. 5, effective December 1, 2017, and applicable to offenses committed on or after that date.

5. Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

7. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

8. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

9. Buprenorphine.

(e) Any compound, mixture or preparation containing limited quantities of the following narcotic drugs, which shall include one or more active, nonnarcotic, medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

1. Paregoric, U.S.P.; provided, that no person shall purchase or receive by any means whatsoever more than one fluid ounce of paregoric within a consecutive 24-hour period, except on prescription issued by a duly licensed physician.

(f) Paregoric, U.S.P., may be dispensed at retail as permitted by federal law or administrative regulation without a prescription only by a registered pharmacist and no other person, agency or employee may dispense paregoric, U.S.P., even if under the direct supervision of a pharmacist.

(g) Notwithstanding the provisions of G.S. 90-91(f), after the pharmacist has fulfilled his professional responsibilities and legal responsibilities required of him in this Article, the actual cash transaction, credit transaction, or delivery of paregoric, U.S.P., may be completed by a nonpharmacist. A pharmacist may refuse to dispense a paregoric, U.S.P., substance until he is satisfied that the product is being obtained for medicinal purposes only.

(h) Paregoric, U.S.P., may only be sold at retail without a prescription to a person at least 18 years of age. A pharmacist must require every retail purchaser of a paregoric, U.S.P., substance to furnish suitable identification, including proof of age when appropriate, in order to purchase paregoric, U.S.P. The name and address obtained from such identification shall be entered in the record of disposition to consumers.

(i) The Commission may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (a)1 and (a)2 of this schedule from the application of all or any part of this Article if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system; and if the ingredients are included therein in such combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(j) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of said isomers

whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, unless specifically excluded or listed in some other schedule.

1. Benzphetamine.
2. Chlorphentermine.
3. Clortermine.
4. Repealed by Session Laws 1987, c. 412, s. 10.
5. Phendimetrazine.

(k) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, including, but not limited to, the following:

1. Methandrostenolone,
2. Stanozolol,
3. Ethylestrenol,
4. Nandrolone phenpropionate,
5. Nandrolone decanoate,
6. Testosterone propionate,
7. Chorionic gonadotropin,
8. Boldenone,
- 8a. Boldione,
9. Chlorotestosterone (4-chlorotestosterone),
10. Clostebol,
11. Dehydrochlormethyltestosterone,
- 11a. Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol) (also known as madol),
12. Dibydrotestosterone (4-dihydrotestosterone),
13. Drostanolone,
14. Fluoxymesterone,
15. Formebolone (formebolone),
16. Mesterolene,
17. Methandienone,
18. Methandranone,
19. Methandriol,
- 19a. Methasterone,
20. Methenolene,
21. Methyltestosterone,
22. Mibolerone,
23. Nandrolene,
24. Norethandrolene,
25. Oxandrolone,
26. Oxymesterone,
27. Oxymetholone,
28. Stanolone,
29. Testolactone,
30. Testosterone,
31. Trenbolone,
- 31a. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione), and

32. Any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth. Except such term does not include (i) an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for such administration or (ii) chorionic gonadotropin when administered by injection for veterinary use by a licensed veterinarian or the veterinarian's designated agent. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subsection.

(l) Repealed by Session Laws 2001-233, s. 3(a), effective June 21, 2001.

(m) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act.

(n) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. [Some other names: (6aR-trans), -6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol]. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 540, s. 5; c. 1358, ss. 7, 15; 1975, c. 442; 1977, c. 667, s. 3; 1979, c. 434, s. 3; 1981, c. 51, s. 9; 1987, c. 412, ss. 8-10; 1987 (Reg. Sess., 1988), c. 1055; 1991, c. 413, s. 1; 1993, c. 319, s. 5; 1999-370, s. 3; 2000-140, s. 92.2(b); 2001-233, ss. 2(b), 3(a), 3(b); 2011-326, s. 14(e); 2016-113, s. 9; 2017-115, s. 5.)

§ 90-92. Schedule IV controlled substances.

(a) 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 low potential for abuse relative to the substances listed in Schedule III of this Article; currently accepted medical use in the United States; and limited physical or psychological dependence relative to the substances listed in Schedule III of this Article. The following controlled substances are included in this schedule:

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

- a. Alprazolam.
- b. Barbital.
- c. Bromazepam.
- d. Camazepam.
- d1. Carisoprodol.
- e. Chloral betaine.
- f. Chloral hydrate.
- g. Chlordiazepoxide.
- h. Clobazam.
- i. Clonazepam.
- j. Clorazepate.
- k. Clotiazepam.
- l. Cloxazolam.
- m. Delorazepam.
- n. Diazepam.
- n1. Dichloralphenazone.
- o. Estazolam.
- p. Ethchlorvynol.
- q. Ethinamate.
- r. Ethyl loflazepate.
- s. Fludiazepam.
- t. Flunitrazepam.
- u. Flurazepam.
- u1. Fospropol.
- v. Repealed by Session Laws 2000, c. 140, s. 92.2(c), effective December 1, 2000.
- w. Halazepam.
- x. Haloxazolam.
- y. Ketazolam.
- z. Loprazolam.
- aa. Lorazepam.
- bb. Lormetazepam.
- cc. Mebutamate.

- dd. Medazepam.
- ee. Meprobamate.
- ff. Methohexital.
- gg. Methylphenobarbital (mephobarbital).
- hh. Midazolam.
- ii. Nimetazepam.
- jj. Nitrazepam.
- kk. Nordiazepam.
- ll. Oxazepam.
- mm. Oxazolam.
- nn. Paraldehyde.
- oo. Petrichloral.
- pp. Phenobarbital.
- qq. Pinazepam.
- rr. Prazepam.
- ss. Quazepam.
- tt. Temazepam.
- uu. Tetrazepam.
- vv. Triazolam.
- ww. Zolpidem.
- xx. Zaleplon.
- yy. Zopiclone.

(2) Any material, compound, mixture, or preparation which contains any of the following substances, including its salts, or isomers and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- a. Fenfluramine.
- b. Pentazocine.

(3) Stimulants. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Diethylpropion.
- b. Mazindol.
- c. Pemoline (including organometallic complexes and chelates thereof).
- d. Phentermine.
- e. Cathine.
- f. Fencamfamin.
- g. Fenproporex.
- h. Mefenorex.
- i. Sibutramine.
- j. Modafinil.

(4) Other Substances. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- a. Dextropropoxyphene (Alpha-(plus)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).
- b. Pipradrol.
- c. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
- d. Butorphanol.

(5) Narcotic Drugs. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

b. Repealed by Session Laws 2017-115, s. 6, effective December 1, 2017, and applicable to offenses committed on or after that date.

c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol).

(b) The Commission may by regulation except any compound, mixture, or preparation containing any stimulant or depressant substance listed in this schedule from the application of all or any part of this Article if the compound, mixture, or preparation contains one or more active, nonnarcotic, medicinal ingredients not having a stimulant or depressant effect on the central nervous system; provided, that such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 1358, ss. 8, 15; c. 1446, s. 5; 1975, cc. 401, 819; 1977, c. 667, s. 3; c. 891, s. 3; 1979, c. 434, ss. 4-6; 1981, c. 51, s. 9; 1985, c. 172, ss. 6-8; c. 439, s. 1; 1987, c. 412, ss. 11, 12; 1993, c. 319, s. 6; 1995, c. 509, s. 38; 1997-456, s. 27; 1997-501, s. 1; 1999-165, s. 3; 2000-140, s. 92.2(c); 2001-233, s. 4; 2017-115, s. 6; 2017-212, ss. 8.8(a), (b).)

§ 90-93. Schedule V controlled substances.

(a) 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 low potential for abuse relative to the substances listed in Schedule IV of this Article; currently accepted medical use in the United States; and limited physical or psychological dependence relative to the substances listed in Schedule IV of this Article. The following controlled substances are included in this schedule:

(1) Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic alone:

a. Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

b. Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

c. Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

d. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

e. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

f. Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Repealed by Session Laws 1985, c. 172, s. 9.

(3) Stimulants. - Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

a. Repealed by Session Laws 1993, c. 319, s. 7.

b. Pyrovalerone.

(4) Anticonvulsants. - Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

a. Ezogabine.

b. Lacosamide.

c. Brivaracetam.

d. Pregabalin.

(b) A Schedule V substance may be sold at retail without a prescription only by a registered pharmacist and no other person, agent or employee may sell a Schedule V substance even if under the direct supervision of a pharmacist.

(c) Notwithstanding the provisions of G.S. 90-93(b), after the pharmacist has fulfilled the responsibilities required of him in this Article, the actual cash transaction, credit transaction, or delivery of a Schedule V substance,

may be completed by a nonpharmacist. A pharmacist may refuse to sell a Schedule V substance until he is satisfied that the product is being obtained for medicinal purposes only.

(d) A Schedule V substance may be sold at retail without a prescription only to a person at least 18 years of age. The pharmacist must require every retail purchaser of a Schedule V substance to furnish suitable identification, including proof of age when appropriate, in order to purchase a Schedule V substance. The name and address obtained from such identification shall be entered in the record of disposition to consumers. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 1358, ss. 9, 15; 1977, c. 667, s. 3; 1979, c. 434, ss. 7, 8; 1981, c. 51, s. 9; 1985, c. 172, s. 9; 1989 (Reg. Sess., 1990), c. 1040, s. 3; 1993, c. 319, s. 7; 1997-456, s. 27; 2017-115, s. 7.)

§ 90-94. Schedule VI 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 such substance comes within this schedule, the Commission shall find: no currently accepted medical use in the United States, or a relatively low potential for abuse in terms of risk to public health and potential to produce psychic or physiological dependence liability based upon present medical knowledge, or a need for further and continuing study to develop scientific evidence of its pharmacological effects.

The following controlled substances are included in this schedule:

- (1) Marijuana.
- (2) Tetrahydrocannabinols.
- (3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and applicable to offenses committed on or after that date. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 1358, s. 15; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 1997-456, s. 27; 2011-12, s. 5; 2013-109, s. 1; 2015-162, s. 3; 2015-264, s. 48(a); 2017-115, s. 8.)

§ 90-94.1. Exemption for use or possession of hemp extract.

(a) As used in this section, "hemp extract" means an extract from a cannabis plant, or a mixture or preparation containing cannabis plant material, that has all of the following characteristics:

- (1) Is composed of less than nine-tenths of one percent (0.9%) tetrahydrocannabinol by weight.
 - (2) Is composed of at least five percent (5%) cannabidiol by weight.
 - (3) Contains no other psychoactive substance.
- (b) Notwithstanding any other provision of this Chapter, an individual may possess or use hemp extract, and is not subject to the penalties described in this Chapter, if the individual satisfies all of the following criteria:
- (1) Possesses or uses the hemp extract only to treat intractable epilepsy, as defined in G.S. 90-113.101.
 - (2) Possesses, in close proximity to the hemp extract, a certificate of analysis that indicates the hemp extract's ingredients, including its percentages of tetrahydrocannabinol and cannabidiol by weight.
 - (3) Is a caregiver, as defined in G.S. 90-113.101.
- (c) Notwithstanding any other provision of this Chapter, an individual who possesses hemp extract lawfully under this section may administer hemp extract to another person under the individual's care and is not subject to the penalties described in this Chapter for administering the hemp extract to the person if the individual is the person's caregiver, as defined in G.S. 90-113.101. (2014-53, s. 3; 2015-154, s. 1.)

§ 90-95. Violations; penalties.

- (a) Except as authorized by this Article, it is unlawful for any person:
- (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
 - (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
 - (3) To possess a controlled substance.
- (b) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(1) with respect to:
- (1) A controlled substance classified in Schedule I or II shall be punished as a Class H felon, except as follows:
 - (i) the sale of a controlled substance classified in Schedule I or II shall be punished as a Class G felony, and
 - (ii) the manufacture of methamphetamine shall be punished as provided by subdivision (1a) of this subsection.
 - (1a) The manufacture of methamphetamine shall be punished as a Class C felony unless the offense was one of the following: packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine

container. The offense of packaging or repackaging methamphetamine, or labeling or relabeling the methamphetamine container shall be punished as a Class H felony.

(2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, except that the sale of a controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class H felon. The transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(c) Any person who violates G.S. 90-95(a)(2) shall be punished as a Class I felon.

(d) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(3) with respect to:

(1) A controlled substance classified in Schedule I shall be punished as a Class I felon. However, if the controlled substance is MDPV and the quantity of the MDPV is 1 gram or less, the violation shall be punishable as a Class 1 misdemeanor.

(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. 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, the violation shall be punishable as a Class I felony. If the controlled substance is methamphetamine, amphetamine, phencyclidine, or 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.

(3) A controlled substance classified in Schedule V shall be guilty of a Class 2 misdemeanor;

(4) A controlled substance classified in Schedule VI shall be guilty of a Class 3 misdemeanor, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a Class 1 misdemeanor. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana, or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the violation shall be punishable as a Class I felony.

(d1) (1) Except as authorized by this Article, it is unlawful for any person to:

a. Possess an immediate precursor chemical with intent to manufacture a controlled substance; or

b. Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture a controlled substance; or

c. Possess a pseudoephedrine product if the person has a prior conviction for the possession of methamphetamine, possession with the intent to sell or deliver methamphetamine, sell or deliver methamphetamine, trafficking methamphetamine, possession of an immediate precursor chemical, or manufacture of methamphetamine. The prior conviction may be from any jurisdiction within the United States.

Except where the conduct is covered under subdivision (2) of this subsection, any person who violates this subdivision shall be punished as a Class H felon.

(2) Except as authorized by this Article, it is unlawful for any person to:

a. Possess an immediate precursor chemical with intent to manufacture methamphetamine; or

b. Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture methamphetamine.

Any person who violates this subdivision shall be punished as a Class F felon.

(d2) The immediate precursor chemicals to which subsection (d1) of this section applies are those immediate precursor chemicals designated by the Commission pursuant to its authority under G.S. 90-88, and the following (until otherwise specified by the Commission):

(1) Acetic anhydride.

(2) Acetone.

- (2a) Ammonium nitrate.
- (2b) Ammonium sulfate.
- (3) Anhydrous ammonia.
- (4) Anthranilic acid.
- (5) Benzyl chloride.
- (6) Benzyl cyanide.
- (7) 2-Butanone (Methyl Ethyl Ketone).
- (8) Chloroephedrine.
- (9) Chloropseudoephedrine.
- (10) D-lysergic acid.
- (11) Ephedrine.
- (12) Ergonovine maleate.
- (13) Ergotamine tartrate.
- (13a) Ether based starting fluids.
- (14) Ethyl ether.
- (15) Ethyl Malonate.
- (16) Ethylamine.
- (17) Gamma-butyrolactone.
- (18) Hydrochloric Acid. (Muriatic Acid).
- (19) Iodine.
- (20) Isosafrole.
- (21) Sources of lithium metal.
- (22) Malonic acid.
- (23) Methylamine.
- (24) Methyl Isobutyl Ketone.
- (25) N-acetylanthranilic acid.
- (26) N-ethylephedrine.
- (27) N-ethylepseudoephedrine.
- (28) N-methylephedrine.
- (29) N-methylpseudoephedrine.
- (30) Norpseudoephedrine.
- (30a) Petroleum based organic solvents such as camping fuels and lighter fluids.
- (31) Phenyl-2-propane.
- (32) Phenylacetic acid.
- (33) Phenylpropanolamine.
- (34) Piperidine.
- (35) Piperonal.
- (36) Propionic anhydride.
- (37) Pseudoephedrine.
- (38) Pyrrolidine.
- (39) Red phosphorous.
- (40) Safrole.
- (40a) Sodium hydroxide (Lye).
- (41) Sources of sodium metal.
- (42) Sulfuric Acid.
- (43) Tetrachloroethylene.
- (44) Thionylchloride.
- (45) Toluene.

(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

- (1), (2) Repealed by Session Laws 1979, c. 760, s. 5.

- (3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level.
- (4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level.
- (5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age but more than 13 years of age or a pregnant female shall be punished as a Class D felon. Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant.
- (6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial.
- (7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor.
- (8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for a child care center, or for an elementary or secondary school or within 1,000 feet of the boundary of real property used for a child care center, or for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1). For purposes of this subdivision, a child care center is as defined in G.S. 110-86(3)a., and that is licensed by the Secretary of the Department of Health and Human Services.
- (9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class H felony.
- (10) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property that is a public park or within 1,000 feet of the boundary of real property that is a public park shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).
- (f) Any person convicted of an offense or offenses under this Article who is sentenced to an active term of imprisonment that is less than the maximum active term that could have been imposed may, in addition, be sentenced to a term of special probation. Except as indicated in this subsection, the administration of special probation shall be the same as probation. The conditions of special probation shall be fixed in the same manner as probation, and the conditions may include requirements for rehabilitation treatment. Special probation shall follow the active sentence. No term of special probation shall exceed five years. Special probation may be revoked in the same manner as probation; upon revocation, the original term of imprisonment may be increased by no more than the difference between the active term of imprisonment actually served and the maximum active term that could have been imposed at trial for the offense or offenses for which the person was convicted, and the resulting term of imprisonment need not be diminished by the time spent on special probation.
- (g) Whenever matter is submitted to the North Carolina State Crime Laboratory, the Charlotte, North Carolina, Police Department Laboratory or to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the matter is or contains a controlled substance, the report of that analysis certified to upon a form approved by the Attorney General by the person performing the analysis shall be admissible without further authentication and without the testimony of the analyst in all proceedings in the district court and superior court divisions of the General Court of Justice as evidence of the identity, nature, and quantity of the matter analyzed. Provided, however, the provisions of this subsection may be utilized by the State only if:

(1) The State notifies the defendant at least 15 business days before the proceeding at which the report would be used of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and

(2) The defendant fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding that the defendant objects to the introduction of the report into evidence.

If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the objection shall be deemed waived and the report shall be admitted into evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

(g1) Procedure for establishing chain of custody without calling unnecessary witnesses. -

(1) For the purpose of establishing the chain of physical custody or control of evidence consisting of or containing a substance tested or analyzed to determine whether it is a controlled substance, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.

(2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same document as the report provided for in subsection (g) of this section.

(3) The provisions of this subsection may be utilized by the State only if:

a. The State notifies the defendant at least 15 days before trial of its intention to introduce the statement into evidence under this subsection and provides the defendant with a copy of the statement, and

b. The defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the statement into evidence.

If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the objection shall be deemed waived and the statement shall be admitted into evidence without the necessity of a personal appearance by the person signing the statement. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

(4) Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement.

(h) Notwithstanding any other provision of law, the following provisions apply except as otherwise provided in this Article.

(1) Any person who sells, manufactures, delivers, transports, or possesses in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a felony which felony shall be known as "trafficking in marijuana" and if the quantity of such substance involved:

a. Is in excess of 10 pounds, but less than 50 pounds, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars (\$5,000);

b. Is 50 pounds or more, but less than 2,000 pounds, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

c. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

d. Is 10,000 pounds or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars (\$200,000).

(1a) For the purpose of this subsection, a "dosage unit" shall consist of 3 grams of synthetic cannabinoid or any mixture containing such substance. Any person who sells, manufactures, delivers, transports, or possesses in excess of 50 dosage units of a synthetic cannabinoid or any mixture containing such substance, shall be guilty of a felony,

which felony shall be known as "trafficking in synthetic cannabinoids," and if the quantity of such substance involved:

a. Is in excess of 50 dosage units, but less than 250 dosage units, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars (\$5,000);

b. Is 250 dosage units or more, but less than 1250 dosage units, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

c. Is 1250 dosage units or more, but less than 3750 dosage units, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

d. Is 3750 dosage units or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars (\$200,000).

(2) Any person who sells, manufactures, delivers, transports, or possesses 1,000 tablets, capsules or other dosage units, or the equivalent quantity, or more of methaqualone, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in methaqualone" and if the quantity of such substance or mixture involved:

a. Is 1,000 or more dosage units, or equivalent quantity, but less than 5,000 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

b. Is 5,000 or more dosage units, or equivalent quantity, but less than 10,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

c. Is 10,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars (\$200,000).

(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 decocainized 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:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

c. Is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined at least two hundred fifty thousand dollars (\$250,000).

(3a) Repealed by Session Laws 1999-370, s. 1, effective December 1, 1999.

(3b) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of methamphetamine or any mixture containing such substance shall be guilty of a felony which felony shall be known as "trafficking in methamphetamine" and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

c. Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars (\$250,000).

(3c) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of amphetamine or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in amphetamine", and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 39 months in the State's prison and shall be fined not less than five thousand dollars (\$5,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

c. Is 400 grams or more, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined at least one hundred thousand dollars (\$100,000).

(3d) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of MDPV or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in MDPV," and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

c. Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars (\$250,000).

(3e) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of mephedrone or any mixture containing such substance shall be guilty of a felony, which felony shall be known as "trafficking in mephedrone," and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

c. Is 400 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined at least two hundred fifty thousand dollars (\$250,000).

(4) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in opium or heroin" and if the quantity of such controlled substance or mixture involved:

a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 120 months in the State's prison and shall be fined not less than one hundred thousand dollars (\$100,000);

c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 282 months in the State's prison and shall be fined not less than five hundred thousand dollars (\$500,000).

(4a) Any person who sells, manufactures, delivers, transports, or possesses 100 tablets, capsules, or other dosage units, or the equivalent quantity, or more, of Lysergic Acid Diethylamide, or any mixture containing such substance, shall be guilty of a felony, which felony shall be known as "trafficking in Lysergic Acid Diethylamide". If the quantity of such substance or mixture involved:

a. Is 100 or more dosage units, or equivalent quantity, but less than 500 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

b. Is 500 or more dosage units, or equivalent quantity, but less than 1,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

c. Is 1,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred thousand dollars (\$200,000).

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

a. Is 100 or more tablets, capsules, or other dosage units, but less than 500 tablets, capsules, or other dosage units, or 28 grams or more, but less than 200 grams, the person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 51 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

b. Is 500 or more tablets, capsules, or other dosage units, but less than 1,000 tablets, capsules, or other dosage units, or 200 grams or more, but less than 400 grams, the person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 93 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);

c. Is 1,000 or more tablets, capsules, or other dosage units, or 400 grams or more, the person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 222 months in the State's prison and shall be fined not less than two hundred fifty thousand dollars (\$250,000).

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

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

(i) The penalties provided in subsection (h) of this section shall also apply to any person who is convicted of conspiracy to commit any of the offenses described in subsection (h) of this section. (1971, c. 919, s. 1; 1973, c. 654, s. 1; c. 1078; c. 1358, s. 10; 1975, c. 360, s. 2; 1977, c. 862, ss. 1, 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1251, ss. 4-7; 1983, c. 18; c. 294, s. 6; c. 414; 1985, c. 569, s. 1; c. 675, ss. 1, 2; 1987, c. 90; c. 105, ss. 4, 5; c. 640, ss. 1, 2; c. 783, s. 4; 1989, c. 641; c. 672; c. 690; c. 770, s. 68; 1989 (Reg. Sess., 1990), c. 1024, s. 17; c. 1039, s. 5; c. 1081, s. 2; 1991, c. 484, s. 1; 1993, c. 538, s. 30; c. 539, s. 1358.1; 1994, Ex. Sess., c. 11, s. 1; c. 14, ss. 46, 47; c. 24, s. 14(b); 1996, 2nd Ex. Sess., c. 18, s. 20.13(c); 1997-304, ss. 1, 2; 1997-443, s. 19.25(b), (u), (ii); 1998-212, s.

17.16(e); 1999-165, s. 4; 1999-370, s. 1; 2000-140, s. 92.2(d); 2001-307, s. 1; 2001-332, s. 1; 2004-178, ss. 3, 4, 5, 6; 2007-375, s. 1; 2009-463, ss. 1, 2; 2009-473, s. 7; 2011-12, ss. 2-4, 6-8; 2011-19, s. 5; 2012-188, s. 5; 2013-124, s. 1; 2013-171, ss. 7, 8; 2014-115, s. 41(a); 2015-32, s. 1; 2015-173, s. 4; 2017-115, s. 11.)

§ 90-95.1. Continuing criminal enterprise.

- (a) Any person who engages in a continuing criminal enterprise shall be punished as a Class C felon and in addition shall be subject to the forfeiture prescribed in subsection (b) of this section.
- (b) Any person who is convicted under subsection (a) of engaging in a continuing criminal enterprise shall forfeit to the State of North Carolina:
- (1) The profits obtained by him in such enterprise, and
 - (2) Any of his interest in, claim against, or property or contractual rights of any kind affording a source of influence over, such enterprise.
- (c) For purposes of this section, a person is engaged in a continuing criminal enterprise if:
- (1) He violates any provision of this Article, the punishment of which is a felony; and
 - (2) Such violation is a part of a continuing series of violations of this Article;
 - a. Which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management; and
 - b. From which such person obtains substantial income or resources.
- (d) Repealed by Session Laws 1979, c. 760, s. 5. (1971, s. 919, s. 1; 1979, c. 760, s. 5.)

§ 90-95.2. Cooperation between law-enforcement agencies.

- (a) The head of any law-enforcement agency may temporarily provide assistance to another agency in enforcing the provisions of this Article if so requested in writing by the head of the other agency. The assistance may comprise allowing officers of the agency to work temporarily with officers of the other agency (including in an undercover capacity) and lending equipment and supplies. While working with another agency under the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those he normally possesses. While on duty with the other agency, he shall be subject to the lawful operational commands of his superior officers in the other agency, but he shall for personnel and administrative purposes remain under the control of his own agency, including for purposes of pay. He shall furthermore be entitled to workers' compensation when acting pursuant to this section to the same extent as though he were functioning within the normal scope of his duties.
- (b) As used in this section:
- (1) "Head" means any director or chief officer of a law-enforcement agency, including the chief of police of a local police department and the sheriff of a county, or an officer of the agency to whom the head of the agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
 - (2) "Law-enforcement agency" means any State or local agency, force, department, or unit responsible for enforcing criminal laws in this State, including any local police department or sheriff's department.
- (c) This section in no way reduces the jurisdiction or authority of State law-enforcement officers. (1975, c. 782, s. 1; 1981, c. 93, s. 1; 1991, c. 636, s. 3.)

§ 90-95.3. Restitution to law-enforcement agencies for undercover purchases; restitution for drug analyses; restitution for seizure and cleanup of clandestine laboratories.

- (a) When any person is convicted of an offense under this Article, the court may order him to make restitution to any law-enforcement agency for reasonable expenditures made in purchasing controlled substances from him or his agent as part of an investigation leading to his conviction.
- (b) Repealed by Session Laws 2002-126, s. 29A.8(b), effective October 1, 2002. See Editor's Note.
- (c) When any person is convicted of an offense under this Article involving the manufacture of controlled substances, the court must order the person to make restitution for the actual cost of cleanup to the law enforcement agency that cleaned up any clandestine laboratory used to manufacture the controlled substances, including

personnel overtime, equipment, and supplies. (1975, c. 782, s. 2; 1989 (Reg. Sess., 1990), c. 1039, s. 3; 1999-370, s. 2; 2002-126, s. 29A.8(b).)

§ 90-95.4. Employing or intentionally using minor to commit a drug law violation.

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is one class more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is two classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(b) A person 21 years of age or older who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony. An offense under this subsection shall be punishable as follows:

(1) If the minor was more than 13 years of age, then as a felony that is three classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(2) If the minor was 13 years of age or younger, then as a felony that is four classes more severe than the violation of G.S. 90-95(a)(1) for which the minor was hired or intentionally used.

(c) Mistake of Age. - Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age. (1989 (Reg. Sess., 1990), c. 1081, s. 1; 1998-212, s. 17.16(f).)

§ 90-95.5. Civil liability - employing a minor to commit a drug offense.

A person 21 years of age or older, who hires, employs, or intentionally uses a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation. The doctrines of contributory negligence and assumption of risk are no defense to liability under this section. (1989 (Reg. Sess., 1990), c. 1081, s. 3; 1998-212, s. 17.16(g).)

§ 90-95.6. Promoting drug sales by a minor.

(a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:

(1) Entices, forces, encourages, or otherwise facilitates a minor in violating G.S. 90-95(a)(1).

(2) Supervises, supports, advises, or protects the minor in violating G.S. 90-95(a)(1).

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class D felony. (1998-212, s. 17.16(h).)

§ 90-95.7. Participating in a drug violation by a minor.

(a) A person 21 years of age or older who purchases or receives a controlled substance from a minor 13 years of age or younger who possesses, sells, or delivers the controlled substance in violation of G.S. 90-95(a)(1) is guilty of participating in a drug violation of a minor.

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class G felony. (1998-212, s. 17.16(h).)

§ 90-96. Conditional discharge for first offense.

(a) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under this Article; or (iii) an offense under any statute of the United States or any state relating to those substances included in Article 5 or 5A of Chapter 90 or to that paraphernalia included in Article 5B of Chapter 90 of the General Statutes pleads guilty to or is found guilty of (i) a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article or by possessing drug paraphernalia as prohibited by G.S. 90-113.22 or G.S. 90-113.22A or (ii) a felony under G.S. 90-95(a)(3), the court shall, without entering a judgment of guilt and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable terms and conditions as it may require, unless the court determines with a written finding, and with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense. Notwithstanding the provisions of G.S. 15A-1342(c) or any

other statute or law, probation may be imposed under this section for an offense under this Article for which the prescribed punishment includes only a fine. To fulfill the terms and conditions of probation the court may allow the defendant to participate in a drug education program approved for this purpose by the Department of Health and Human Services or in the Treatment for Effective Community Supervision Program under Subpart B of Part 6 of Article 13 of Chapter 143B of the General Statutes. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime including the additional penalties imposed for second or subsequent convictions under this Article. Discharge and dismissal under this section or G.S. 90-113.14 may occur only once with respect to any person. Disposition of a case to determine discharge and dismissal under this section at the district court division of the General Court of Justice shall be final for the purpose of appeal. Prior to taking any action to discharge and dismiss under this section the court shall make a finding that the defendant has no record of previous convictions as provided in this subsection.

(a1) Upon the first conviction only of any offense which qualifies under the provisions of subsection (a) of this section, and the provisions of this subsection, the court may place defendant on probation under this section for an offense under this Article including an offense for which the prescribed punishment includes only a fine. The probation, if imposed, shall be for not less than one year and shall contain a minimum condition that the defendant who was found guilty or pleads guilty enroll in and successfully complete, within 150 days of the date of the imposition of said probation, the program of instruction at the drug education school approved by the Department of Health and Human Services pursuant to G.S. 90-96.01. The court may impose probation that does not contain a condition that defendant successfully complete the program of instruction at a drug education school if:

- (1) There is no drug education school within a reasonable distance of the defendant's residence; or
- (2) There are specific, extenuating circumstances which make it likely that defendant will not benefit from the program of instruction.

The court shall enter such specific findings in the record; provided that in the case of subdivision (2) above, such findings shall include the specific, extenuating circumstances which make it likely that the defendant will not benefit from the program of instruction.

Upon fulfillment of the terms and conditions of the probation, the court shall discharge such person and dismiss the proceedings against the person.

For the purposes of determining whether the conviction is a first conviction or whether a person has already had discharge and dismissal, no prior offense occurring more than seven years before the date of the current offense shall be considered. In addition, convictions for violations of a provision of G.S. 90-95(a)(1) or 90-95(a)(2) or 90-

95(a)(3), or 90-113.10, or 90-113.11, or 90-113.12, or 90-113.22, or 90-113.22A shall be considered previous convictions.

Failure to complete successfully an approved program of instruction at a drug education school shall constitute grounds to revoke probation pursuant to this subsection and deny application for expunction of all recordation of defendant's arrest, indictment, or information, trial, finding of guilty, and dismissal and discharge pursuant to G.S. 15A-145.2. For purposes of this subsection, the phrase "failure to complete successfully the prescribed program of instruction at a drug education school" includes failure to attend scheduled classes without a valid excuse, failure to complete the course within 150 days of imposition of probation, willful failure to pay the required fee for the course as provided in G.S. 90-96.01(b), or any other manner in which the person fails to complete the course successfully. The instructor of the course to which a person is assigned shall report any failure of a person to complete successfully the program of instruction to the court which imposed probation. Upon receipt of the instructor's report that the person failed to complete the program successfully, the court shall revoke probation, shall not discharge such person, shall not dismiss the proceedings against the person, and shall deny application for expunction of all recordation of defendant's arrest, indictment, or information, trial, finding of guilty, and dismissal and discharge pursuant to G.S. 15A-145.2. A person may obtain a hearing before the court of original jurisdiction prior to revocation of probation or denial of application for expunction.

This subsection is supplemental and in addition to existing law and shall not be construed so as to repeal any existing provision contained in the General Statutes of North Carolina.

(b) Upon the discharge of such person, and dismissal of the proceedings against the person under subsection (a) or (a1) of this section, such person, if he or she was not over 21 years of age at the time of the offense, may be eligible to apply for expunction of certain records relating to the offense pursuant to G.S. 15A-145.2(a).

(c) Repealed by Session Laws 2009-510, s. 8(b), effective October 1, 2010.

(d) Whenever any person is charged with a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article or a felony under G.S. 90-95(a)(3), upon dismissal by the State of the charges against such person, upon entry of a nolle prosequi, or upon a finding of not guilty or other adjudication of innocence, the person may be eligible to apply for expunction of certain records relating to the offense pursuant to G.S. 15A-145.2(b).

(e) Whenever any person who has not previously been convicted of (i) any felony offense under any state or federal laws; (ii) any offense under this Article; or (iii) an offense under any statute of the United States or any state relating to controlled substances included in any schedule of this Article or to that paraphernalia included in Article 5B of Chapter 90 of the General Statutes pleads guilty to or has been found guilty of (i) a misdemeanor under this Article by possessing a controlled substance included within Schedules I through VI of this Article, or by possessing drug paraphernalia as prohibited by G.S. 90-113.22 or G.S. 90-113.22A, or (ii) a felony under G.S. 90-95(a)(3), the person may be eligible to apply for cancellation of the judgment and expunction of certain records related to the offense pursuant to G.S. 15A-145.2(c).

(f) Repealed by Session Laws 2009-577, s. 6, effective December 1, 2009, and applicable to petitions for expunctions filed on or after that date. (1971, c. 919, s. 1; 1973, c. 654, s. 2; c. 1066; 1977, 2nd Sess., c. 1147, s. 11B; 1979, c. 431, ss. 3, 4; c. 550; 1981, c. 922, ss. 1-4; 1994, Ex. Sess., c. 11, s. 1.1; 1997-443, s. 11A.118(a); 2002-126, s. 29A.5(d); 2009-510, s. 8(a)-(d); 2009-577, s. 6; 2010-174, ss. 10-12; 2011-192, s. 5(a); 2013-210, s. 1; 2017-102, s. 38.)

§ 90-96.01. Drug education schools; responsibilities of the Department of Health and Human Services; fees.

(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall establish standards and guidelines for the curriculum and operation of local drug education programs. The Department of Health and Human Services shall oversee the development of a statewide system of schools and shall insure that schools are available in all localities of the State as soon as is practicable.

(1) A fee of one hundred fifty dollars (\$150.00) shall be paid by all persons enrolling in an accredited drug education school established pursuant to this section. That fee must be paid to an official designated for that purpose and at a time and place specified by the area mental health, developmental disabilities, and substance abuse authority providing the course of instruction in which the person is enrolled. If the clerk of court in the county in which the person is convicted agrees to collect the fees, the clerk shall collect all fees for persons convicted in that county. The clerk shall pay the fees collected to the area mental health, developmental disabilities, and substance abuse authority for the catchment area where the clerk is located regardless of the location where the defendant attends the drug education school and that authority shall distribute the funds in accordance with the rules and regulations of the Department. The fee must be paid in full within two weeks of the date the person is convicted and before he attends any classes, unless the court, upon a showing of reasonable hardship, allows the person additional time to pay the fee or allows him to begin the course of instruction without paying the fee. If the person enrolling in the school demonstrates to the satisfaction of the court that ordered him to enroll in the school that he is unable to pay and his inability to pay is not willful, the court may excuse him from paying the fee. Parents or guardians of persons attending drug education school shall be allowed to audit the drug education school along with their children or wards at no extra expense.

(2) The Department of Health and Human Services shall have the authority to approve programs to be implemented by area mental health, developmental disabilities, and substance abuse authorities. Area mental health, developmental disabilities, and substance abuse authorities may subcontract for the delivery of drug education program services. The Department shall have the authority to approve budgets and contracts with public and private governmental and nongovernmental bodies for the operation of such schools.

(3) Fees collected under this section and retained by the area mental health, developmental disabilities, and substance abuse authority shall be placed in a nonreverting fund. That fund must be used, as necessary, for the operation, evaluation and administration of the drug educational schools; excess funds may only be used to fund other drug or alcohol programs. The area mental health, developmental disabilities, and substance abuse authority

shall remit five percent (5%) of each fee collected to the Department of Health and Human Services on a monthly basis. Fees received by the Department as required by this section may only be used in supporting, evaluating, and administering drug education schools, and any excess funds will revert to the General Fund.

(4) All fees collected by any area mental health, developmental disabilities, and substance abuse authority under the authority of this section may not be used in any manner to match other State funds or be included in any computation for State formula-funded allocations.

(b) Willful failure to pay the fee is one ground for a finding that a person placed on probation or who may make application for expunction of all recordation of his arrest or conviction has not successfully completed the course. If the court determines the person is unable to pay, he shall not be deemed guilty of a willful failure to pay the fee. (1981, c. 922, s. 8; 1991, c. 636, s. 19(b), (c); 1993, c. 395, s. 1; 1997-443, s. 11A.118(a).)

§ 90-96.1. Immunity from prosecution for minors.

Whenever any person who is not more than 18 years of age, who has not previously been convicted of any offense under this Article or under any statute of the United States of any state relating to controlled substances included in any schedule of this Article, is accused with possessing or distributing a controlled substance in violation of G.S. 90-95(a)(1) or 90-95(a)(2) or 90-95(a)(3), the court may, upon recommendation of the district attorney, grant said person immunity from prosecution for said violation(s) if said person shall disclose the identity of the person or persons from whom he obtained the controlled substance(s) for which said person is being accused of possessing or distributing. (1973, c. 47, s. 2; c. 654, s. 3.)

§ 90-96.2. Drug-related overdose treatment; limited immunity.

(a) As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

(b) Limited Immunity for Samaritan. - A person shall not be prosecuted for any of the offenses listed in subsection (c3) of this section if all of the following requirements and conditions are met:

(1) The person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.

(2) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.

(3) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.

(4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(5) The evidence for prosecution of the offenses listed in subsection (c3) of this section was obtained as a result of the person seeking medical assistance for the drug-related overdose.

(c) Limited Immunity for Overdose Victim. - The immunity described in subsection (b) of this section shall extend to the person who experienced the drug-related overdose if all of the requirements and conditions listed in subdivisions (1), (2), (4), and (5) of subsection (b) of this section are satisfied.

(c1) Probation or Release. - A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution under subsection (b) or (c) of this section. The arrest of a person for an offense for which subsection (b) or (c) of this section may provide the person with immunity will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.

(c2) Civil Liability for Arrest or Charges. - In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges.

(c3) Covered Offenses. - A person shall have limited immunity from prosecution under subsections (b) and (c) of this section for only the following offenses:

(1) A misdemeanor violation of G.S. 90-95(a)(3).

- (2) A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of cocaine.
- (3) A felony violation of G.S. 90-95(a)(3) for possession of less than one gram of heroin.
- (4) A violation of G.S. 90-113.22.
- (d) Construction. - Nothing in this section shall be construed to do any of the following:
 - (1) Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of (i) other crimes committed by a person who otherwise qualifies for limited immunity under this section or (ii) any crimes committed by a person who does not qualify for limited immunity under this section.
 - (2) Limit any seizure of evidence or contraband otherwise permitted by law.
 - (3) Limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation of, or to effectuate an arrest for, any offense other than an offense listed in subsection (c3) of this section.
 - (4) Limit or abridge the authority of a probation officer to conduct drug testing of persons on pretrial release, probation, or parole. (2013-23, s. 1; 2015-94, s. 1.)

§ 90-97. Other penalties.

Any penalty imposed for violation of this Article shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law. If a violation of this Article is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this State. (1971, c. 919, s. 1.)

§ 90-98. Attempt and conspiracy; penalties.

Except as otherwise provided in this Article, any person who attempts or conspires to commit any offense defined in this Article is guilty of an offense that is the same class as the offense which was the object of the attempt or conspiracy and is punishable as specified for that class of offense and prior record or conviction level in Article 81B of Chapter 15A of the General Statutes. (1971, c. 919, s. 1; 1979, c. 760, s. 5; 1997-80, s. 9.)

§ 90-99. Republishing of schedules.

The North Carolina Department of Health and Human Services shall update and republish the schedules established by this Article on a semiannual basis for two years from January 1, 1972, and thereafter on an annual basis. (1971, c. 919, s. 1; 1977, c. 667, s. 3; 1997-443, s. 11A.118(a).)

§ 90-100. Rules.

The Commission may adopt rules relating to the registration and control of the manufacture, distribution, security, and dispensing of controlled substances within this State. (1971, c. 919, s. 1; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 1991, c. 309, s. 2; 1993, c. 384, s. 1.)

§ 90-101. Annual registration and fee to engage in listed activities with controlled substances; effect of registration; exceptions; waiver; inspection.

(a) Every person who manufactures, distributes, dispenses, or conducts research with any controlled substance within this State or who proposes to engage in any of these activities shall annually register with the North Carolina Department of Health and Human Services, in accordance with rules adopted by the Commission, and shall pay the registration fee set by the Commission for the category to which the applicant belongs. An applicant for registration shall file an application for registration with the Department of Health and Human Services and submit the required fee with the application. The categories of applicants and the maximum fee for each category are as follows:

CATEGORY.....	MAXIMUM FEE
Clinic.....	\$150.00
Animal Shelter.....	150.00
Hospital.....	350.00

Nursing Home	150.00
Teaching Institution.....	150.00
Researcher.....	150.00
Analytical Laboratory.....	150.00
Dog Handler.....	150.00
Distributor.....	600.00
Manufacturer.....	700.00

(a1) Any physician who prescribes or dispenses Buprenorphine for the treatment of opiate dependence shall annually register with the Department, in accordance with rules adopted by the Commission. In the application for registration under this subsection, the applicant shall document plans to ensure that patients are directly engaged or referred to a qualified provider to receive counseling and case management, as appropriate, and shall acknowledge the application of federal confidentiality regulations to patient information. Applicant plans for referral to appropriate services shall be a written document and may include either an executed memorandum of agreement, contractual arrangement, or linkage agreement with qualified providers. The Department shall provide assistance upon request to physicians registered under this subsection to identify and establish linkages with qualified providers of counseling and case management. The Department shall provide the North Carolina Medical Board with any evidence of noncompliance with this subsection by a qualified physician prior to taking action to rescind the physician's registration to prescribe or dispense Buprenorphine for the treatment of opiate dependency.

(a2) An animal shelter may register under this section for the limited purpose of obtaining, possessing, and using sodium pentobarbital and other drugs approved by the Department in consultation with the North Carolina Veterinary Medical Association for the euthanasia of animals lawfully held by the animal shelter. An animal shelter registered under this section shall also register with the federal Drug Enforcement Agency under the federal Controlled Substances Act. An animal shelter's acquisition of sodium pentobarbital and other approved drugs for use in the euthanizing of animals shall be made only by the shelter's manager or chief operating officer or by a licensed veterinarian.

A person certified by the Department of Agriculture and Consumer Services to administer euthanasia by injection is authorized to possess and administer sodium pentobarbital and other approved euthanasia drugs for the purposes of euthanizing domestic dogs (*Canis familiaris*) and cats (*Felis domestica*) lawfully held by an animal shelter. Possession and administration of sodium pentobarbital and other approved drugs for use in the euthanizing of dogs and cats by a certified euthanasia technician shall be limited to the premises of the animal shelter.

For purposes of this section, "animal shelter" means an animal shelter registered under Article 3 of Chapter 19A of the General Statutes and owned, operated, or maintained by a unit of local government or under contract with a unit of local government for the purpose of housing or containing seized, stray, homeless, quarantined, abandoned, or unwanted animals.

(b) Persons registered by the North Carolina Department of Health and Human Services under this Article (including research facilities) to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons shall not be required to register and may lawfully possess controlled substances under the provisions of this Article:

(1) An agent, or an employee thereof, of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his business or employment;

(2) The State courier service operated by the Department of Administration, a common or contract carrier, or a public warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of his business or employment;

- (3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner;
- (4) Repealed by Session Laws 1977, c. 891, s. 4.
- (5) Any law-enforcement officer acting within the course and scope of official duties, or any person employed in an official capacity by, or acting as an agent of, any law-enforcement agency or other agency charged with enforcing the provisions of this Article when acting within the course and scope of official duties; and
- (6) A practitioner, as defined in G.S. 90-87(22)a., who is required to be licensed in North Carolina by his respective licensing board.
- (d) The Commission may, by rule, waive the requirement for registration of certain classes of manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.
- (e) A separate registration shall be required at each principal place of business, research or professional practice where the registrant manufactures, distributes, dispenses or uses controlled substances.
- (f) The North Carolina Department of Health and Human Services is authorized to inspect the establishment of a registrant, applicant for registration, or practitioner in accordance with rules adopted by the Commission.
- (g) Practitioners licensed in North Carolina by their respective licensing boards may possess, dispense or administer controlled substances to the extent authorized by law and by their boards.
- (h) A physician licensed by the North Carolina Medical Board pursuant to Article 1 of this Chapter may possess, dispense or administer tetrahydrocannabinols in duly constituted pharmaceutical form for human administration for treatment purposes pursuant to rules adopted by the Commission.
- (i) A physician licensed by the North Carolina Medical Board pursuant to Article 1 of this Chapter may dispense or administer Dronabinol or Nabilone as scheduled in G.S. 90-90(5) only as an antiemetic agent in cancer chemotherapy. (1971, c. 919, s. 1; 1973, c. 1358, s. 12; 1977, c. 667, s. 3; c. 891, s. 4; 1979, c. 781; 1981, c. 51, s. 9; 1983, c. 375, s. 2; 1985, c. 439, s. 2; 1987, c. 412, s. 13; 1989 (Reg. Sess., 1990), c. 1040, s. 4; 1993, c. 384, s. 2; 1995, c. 94, ss. 26, 27; 1997-443, s. 11A.118(a); 1997-456, s. 27; 2003-335, s. 1; 2003-398, s. 1; 2010-127, s. 1.)

§ 90-102. Additional provisions as to registration.

- (a) The North Carolina Department of Health and Human Services shall register an applicant to manufacture or distribute controlled substances included in Schedules I through VI of this Article unless it determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:
 - (1) Maintenance of effective controls against diversion of any controlled substances and any substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;
 - (2) Compliance with applicable federal, State and local law;
 - (3) Prior conviction record of applicant, its agents or employees under federal and State laws relating to the manufacture, distribution, or dispensing of such substances;
 - (4) Past experience in the manufacture of controlled substances, and the existence in the establishment or facility of effective controls against diversion; and
 - (5) Any factor relating to revocation, suspension, or denial of past registrations, licenses, or applications under this or any other State or federal law;
 - (6) Such other factors as may be relevant to and consistent with the public health and safety.
- (b) Registration granted under subsection (a) of this section shall not entitle a registrant to manufacture and distribute controlled substances included in Schedule I or II other than those specified in the registration.
- (c) Individual practitioners licensed to dispense and authorized to conduct research under federal law with Schedules II through V substances must be registered with the North Carolina Department of Health and Human Services to conduct such research.
- (d) Manufacturers and distributors registered or licensed under federal law to manufacture or distribute controlled substances included in Schedules I through VI of this Article are entitled to registration under this Article, but this registration is expressly made subject to the provisions of G.S. 90-103.
- (e) The North Carolina Department of Health and Human Services shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any substances prior to January 1, 1972, and who are registered or licensed by the State. (1971, c. 919, s. 1; 1973, c. 1358, s. 14; 1977, c. 667, s. 3; 1985, c. 439, ss. 3, 4; 1997-443, s. 11A.118(a).)

§ 90-102.1. Registration of persons requiring limited use of controlled substances for training purposes in certain businesses.

(a) Definitions. - As used in this Article:

(1) "Commercial detection service" means any person, firm, association, or corporation contracting with another person, firm, association, or corporation for a fee or other valuable consideration to place, lease, or rent a trained drug detection dog with a dog handler.

(2) "Dog handler" means a person trained in the handling of drug detection dogs, including the care, feeding, and maintenance of drug detection dogs and the procedures necessary to train and control the behavior of drug detection dogs.

(3) "Drug detection dog" means a dog trained to locate controlled substances by scent.

(b) Registration. - A dog handler who is not exempt from registration under G.S. 90-101 who intends to use any controlled substance included in Schedules I through VI for the limited purpose of the initial training and maintenance training of drug detection dogs shall file an application for registration with the Department of Health and Human Services and pay the applicable fee as provided in G.S. 90-101.

(c) Prerequisites for Registration. - Upon receipt of an application, the Department of Health and Human Services shall conduct a background investigation, during the course of which the applicant shall be required to show that the applicant meets all the following requirements and qualifications:

(1) That the applicant is at least 21 years of age.

(2) That the applicant is of good moral character and temperate habits. The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits:

a. Conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage;

b. Conviction of a felony or a crime involving an act of violence;

c. Conviction of a crime involving unlawful breaking or entering, burglary, larceny, or any offense involving moral turpitude; or

d. A history of addiction to alcohol or a narcotic drug;

provided that, for purposes of this subsection, conviction means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

(3) That the applicant has not been convicted of any felony involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage.

(4) That the applicant has the necessary training, qualifications, and experience to demonstrate competency and fitness as a dog handler as the Department of Health and Human Services may determine by rule for all registrations to be approved by the Department.

(5) That the applicant affirms in writing that if the application for registration is approved, the applicant shall report all dog alerts to, or finds of, any controlled substance to a law enforcement agency having jurisdiction in the area where the dog alert occurs or where the controlled substance is found.

(d) Criminal Record Check. - The Department of Public Safety may provide a criminal record check to the Department of Health and Human Services for a person who has applied for a new or renewal registration. The Department of Health and Human Services shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Department of Health and Human Services shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes. The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

(e) Acquisition of Controlled Substances. - If the application for registration is approved, the registrant may lawfully obtain and possess controlled substances in the manner and to the extent authorized by the registration, in

conformity with G.S. 90-105, other provisions of this Article, and rules promulgated by the Commission pursuant to G.S. 90-100.

(f) Record Keeping; Physical Security. - Each registrant shall keep records and maintain inventories in the manner specified in G.S. 90-104. Registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances. Controlled substances shall be stored in a securely locked, substantially constructed cabinet, and the storage area shall be protected by an alarm system that is continuously monitored by an alarm company central station.

(g) Disclosure of Discovery of Controlled Substances. - A dog handler shall, upon a dog alert or finding of a controlled substance, notify the State or local law enforcement agency having jurisdiction over the area where the dog alert occurs or the controlled substance is found. Before leaving the premises where the dog alert occurs or where the controlled substance is found, the dog handler shall inform law enforcement of the dog alert or the finding of a controlled substance and shall provide all relevant information concerning the dog alert or the discovery of the controlled substance.

(h) Commercial Detection Services; Dog Certification and Client Confidentiality. - Any drug detection dog utilized in a commercial detection service in this State shall first be certified by a canine certification association approved by the Department of Health and Human Services. Any person, including a nonresident, engaged in providing a commercial detection service in this State shall comply with the requirements of subsection (g) of this section regarding disclosure of the discovery of controlled substances. Client records of a dog handler who provides a commercial detection service for controlled substances shall be confidential unless the dog handler is required to report a dog alert or finding of a controlled substance in the course of a search, the records are lawfully subpoenaed, or the records are obtained by a law enforcement officer pursuant to a court order, a search warrant, or an exception to the search warrant requirement.

(i) Notice of Disclosure Requirement. - A dog handler shall provide conspicuous written notice to clients at the dog handler's place of business and in the contract for services stating that the dog handler is required by law to notify law enforcement of any dog alert or finding of a controlled substance.

Any person who contracts with a dog handler to provide commercial drug detection services shall provide conspicuous written notice to any person whose person or property may be subject to search stating that the premises is subject to search and that the dog handler is required by law to notify law enforcement of any dog alert or finding of a controlled substance.

(j) The Department of Health and Human Services shall have the power to investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this section involving individuals registered or applying to be registered under this section. The Department or the Commission may deny, suspend, or revoke a registration issued under this section if it is determined that the applicant or registrant has:

(1) Made any false statement or given any false information in connection with any application for a registration or for the renewal or reinstatement of a registration.

(2) Violated any provision of this Article.

(3) Violated any rule promulgated by the Department of Health and Human Services or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services pursuant to the authority contained in this Article.

(k) This section does not apply to law enforcement agencies, to dog handlers and drug detection dogs that are employed or under contract to law enforcement agencies, or to other persons who are exempt from registration under G.S. 90-101(c)(5). (2003-398, s. 2; 2014-100, s. 17.1(o).)

§ 90-103. Revocation or suspension of registration.

(a) A registration under G.S. 90-102 to manufacture, distribute, or dispense a controlled substance, may be suspended or revoked by the Commission upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under this Article;

(2) Has been convicted of a felony under any State or federal law relating to any controlled substance; or

(3) Has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The Commission may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) Before denying, suspending, or revoking a registration or refusing a renewal of registration, the Commission shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Commission at a time and place not less than 30 days after the date of service of the order, but in the case of a denial or renewal of registration, the show cause order shall be served not later than 30 days before the expiration of the registration. These proceedings shall be conducted in accordance with rules and regulations of the Commission required by Chapter 150B of the General Statutes, and subject to judicial review as provided in Chapter 150B of the General Statutes. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this Article or any law of the State.

(d) The Commission may suspend, without an order to show cause, any registration simultaneously with the institutions of proceedings under this section, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Commission or dissolved by a court of competent jurisdiction.

(e) In the event the Commission suspends or revokes a registration granted under G.S. 90-102, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may in the discretion of the Commission be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances may be ordered forfeited to the State.

(f) The Bureau shall promptly be notified of all orders suspending or revoking registration. (1971, c. 919, s. 1; 1973, c. 1331, s. 3; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 1987, c. 827, s. 1.)

§ 90-104. Records of registrants or practitioners.

Each registrant or practitioner manufacturing, distributing, or dispensing controlled substances under this Article shall keep records and maintain inventories in conformance with the record-keeping and the inventory requirements of the federal law and shall conform to such rules and regulations as may be promulgated by the Commission. (1971, c. 919, s. 1; 1977, c. 667, s. 3; 1981, c. 51, s. 9.)

§ 90-105. Order forms.

Controlled substances included in Schedules I and II of this Article shall be distributed only by a registrant or practitioner, pursuant to an order form. Compliance with the provisions of the Federal Controlled Substances Act or its successor respecting order forms shall be deemed compliance with this section. (1971, c. 919, s. 1.)

§ 90-106. Prescriptions and labeling.

(a) (Effective until January 1, 2020) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance included in Schedule II of this Article may be dispensed without the written prescription of a practitioner. No Schedule II substance shall be dispensed pursuant to a written prescription more than six months after the date it was prescribed.

(a) (Effective January 1, 2020) No Schedule II substance shall be dispensed pursuant to a written or electronic prescription more than six months after the date it was prescribed.

(a1) (Effective January 1, 2020) Electronic Prescription Required; Exceptions. - Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe all targeted controlled substances. This subsection does not apply to prescriptions for targeted controlled substances issued by any of the following:

(1) A practitioner, other than a pharmacist, who dispenses directly to an ultimate user.

(2) A practitioner who orders a controlled substance to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility, as defined in G.S. 14-32.2.

- (3) A practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the patient's medical record.
- (4) A practitioner who writes a prescription to be dispensed by a pharmacy located on federal property; provided, however, that the practitioner documents the reason for this exception in the patient's medical record.
- (5) A person licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90 of the General Statutes.
- (a2) (Effective January 1, 2020) Verification by Dispenser Not Required. - A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in subsection (a1) of this section prior to dispensing a targeted controlled substance. A dispenser may continue to dispense targeted controlled substances from valid written, oral, or facsimile prescriptions that are otherwise consistent with applicable laws.
- (a3) (Effective January 1, 2018) Limitation on Prescriptions Upon Initial Consultation for Acute Pain. - A practitioner may not prescribe more than a five-day supply of any targeted controlled substance upon the initial consultation and treatment of a patient for acute pain, unless the prescription is for post-operative acute pain relief for use immediately following a surgical procedure. A practitioner shall not prescribe more than a seven-day supply of any targeted controlled substance for post-operative acute pain relief immediately following a surgical procedure. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription for a targeted controlled substance. This subsection does not apply to prescriptions for controlled substances issued by a practitioner who orders a controlled substance to be wholly administered in a hospital, nursing home licensed under Chapter 131E of the General Statutes, hospice facility, or residential care facility, as defined in G.S. 14-32.2(c1). A practitioner who acts in accordance with the limitation on prescriptions as set forth in this subsection shall be immune from any civil liability or disciplinary action from the practitioner's occupational licensing agency for acting in accordance with this subsection.
- (a4) (Effective January 1, 2018) Definitions. - As used in this subsection, the following terms have the following meanings:
- (1) Acute pain. - Pain, whether resulting from disease, accident, intentional trauma, or other cause, that the practitioner reasonably expects to last for three months or less. The term does not include chronic pain or pain being treated as part of cancer care, hospice care, palliative care, or medication-assisted treatment for substance use disorder.
- (2) Chronic pain. - Pain that typically lasts for longer than three months or that lasts beyond the time of normal tissue healing.
- (3) Surgical procedure. - A procedure that is performed for the purpose of structurally altering the human body by incision or destruction of tissues as part of the practice of medicine. This term includes the diagnostic or therapeutic treatment of conditions or disease processes by use of instruments such as lasers, ultrasound, ionizing, radiation, scalpels, probes, or needles that cause localized alteration or transportation of live human tissue by cutting, burning, vaporizing, freezing, suturing, probing, or manipulating by closed reduction for major dislocations and fractures, or otherwise altering by any mechanical, thermal, light-based, electromagnetic, or chemical means.
- (a5) Dispenser Immunity. - A dispenser shall be immune from any civil or criminal liability or disciplinary action from the Board of Pharmacy for dispensing a prescription written by a prescriber in violation of this section.
- (b) In emergency situations, as defined by rule of the Commission, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the dispensing agent. Prescriptions shall be retained in conformity with the requirements of G.S. 90-104. No prescription for a Schedule II substance may be refilled.
- (c) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance included in Schedules III or IV, except paregoric, U.S.P., as provided in G.S. 90-91(e)1, may be dispensed without a prescription, and oral prescriptions shall be promptly reduced to writing and filed with the dispensing agent. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription.
- (d) No controlled substance included in Schedule V of this Article or paregoric, U.S.P., may be distributed or dispensed other than for a medical purpose.

(e) No controlled substance included in Schedule VI of this Article may be distributed or dispensed other than for scientific or research purposes by persons registered under, or permitted by, this Article to engage in scientific or research projects.

(f) No controlled substance shall be dispensed or distributed in this State unless such substance shall be in a container clearly labeled in accord with regulations lawfully adopted and published by the federal government or the Commission.

(g) When a copy of a prescription for a controlled substance under this Article is given as required by G.S. 90-70, such copy shall be plainly marked: "Copy - for information only." Copies of prescriptions for controlled substances shall not be filled or refilled.

(h) A pharmacist dispensing a controlled substance under this Article shall enter the date of dispensing on the prescription order pursuant to which such controlled substance was dispensed.

(i) A manufacturer's sales representative may distribute a controlled substance as a complimentary sample only upon the written request of a practitioner. Such request must be made on each distribution and must contain the names and addresses of the supplier and the requester and the name and quantity of the specific controlled substance requested. The manufacturer shall maintain a record of each such request for a period of two years. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 1358, s. 15; 1975, c. 572; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 2007-248, s. 2; 2013-379, s. 5; 2017-74, s. 6.)

§ 90-106.1. Photo ID requirement for Schedule II controlled substances.

(a) Immediately prior to dispensing a Schedule II controlled substance, or any of the Schedule III controlled substances listed in subdivisions 1. through 8. of G.S. 90-91(d), each pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the person seeking the dispensation to present one of the following valid, unexpired forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the pharmacy shall document the name of the person seeking the dispensation, the type of photographic identification presented by the person seeking the dispensation, and the photographic identification number. The pharmacy shall retain this identifying information on the premises or at a central location apart from the premises as part of its business records for a period of three years following dispensation.

(b) The pharmacy shall make the identifying information available to any person authorized under G.S. 90-113.74 to receive prescription information data in the controlled substances reporting system within 72 hours after a request for the identifying information. A pharmacy that submits the identifying information required under this section to the controlled substances reporting system established and maintained pursuant to G.S. 90-113.73 is deemed in compliance with this subsection.

(c) Nothing in this section shall be deemed to require that the person seeking the dispensation and the person to whom the prescription is issued be the same person, and nothing in this section shall apply to the dispensation of controlled substances to employees of "health care facilities", as that term is defined in G.S. 131E-256(b), when the controlled substances are delivered to the health care facilities for the benefit of residents or patients of such health care facilities. (2011-349, s. 1.)

§ 90-106.2: Recodified as G.S. 90-12.7 by Session Laws 2016-17, s. 1, effective June 20, 2016.

§ 90-106.3. Disposal of residual pain prescriptions following death of hospice or palliative care patient.

Any hospice or palliative care provider who prescribes a targeted controlled substance to be administered to a patient in his or her home for the treatment of pain as part of in-home hospice or palliative care shall, at the commencement of treatment, provide oral and written information to the patient and his or her family regarding the proper disposal of such targeted controlled substances. This information shall include the availability of permanent drop boxes or periodic "drug take-back" events that allow for the safe disposal of controlled substances such as those permanent drop boxes and events that may be identified through North Carolina Operation Medicine Drop. (2017-74, s. 7.)

§ 90-107. Prescriptions, stocks, etc., open to inspection by officials.

Prescriptions, order forms and records, required by this Article, and stocks of controlled substances included in Schedules I through VI of this Article shall be open for inspection only to federal and State officers, whose duty it is to enforce the laws of this State or of the United States relating to controlled substances included in Schedules I through VI of this Article, and to authorized employees of the North Carolina Department of Health and Human Services. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge other than to other law-enforcement officials or agencies, except in connection with a prosecution or proceeding in court or before a licensing board or officer to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party. (1971, c. 919, s. 1; 1973, c. 1358, s. 13; 1977, c. 667, s. 3; 1997-443, s. 11A.118(a).)

§ 90-108. Prohibited acts; penalties.

(a) It shall be unlawful for any person:

- (1) Other than practitioners licensed under Articles 1, 2, 4, 6, 11, 12A of this Chapter to represent to any registrant or practitioner who manufactures, distributes, or dispenses a controlled substance under the provision of this Article that he is a licensed practitioner in order to secure or attempt to secure any controlled substance as defined in this Article or to in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner as listed above and who is licensed by this State;
- (2) Who is subject to the requirements of G.S. 90-101 or a practitioner to distribute or dispense a controlled substance in violation of G.S. 90-105 or 90-106;
- (3) Who is a registrant to manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
- (4) To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or its successor;
- (5) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this Article;
- (6) To refuse any entry into any premises or inspection authorized by this Article;
- (7) To knowingly keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled substances in violation of this Article for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this Article;
- (8) Who is a registrant or a practitioner to distribute a controlled substance included in Schedule I or II of this Article in the course of his legitimate business, except pursuant to an order form as required by G.S. 90-105;
- (9) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
- (10) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
- (11) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Article, or any record required to be kept by this Article;
- (12) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled substance;
- (13) To obtain controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners;
- (14) Who is an employee of a registrant or practitioner and who is authorized to possess controlled substances or has access to controlled substances by virtue of his employment, to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or other unauthorized or illegal use or to take, make away with or secrete, with intent to embezzle or fraudulently or knowingly and willfully misapply or divert to his own use or

other unauthorized or illegal use any controlled substance which shall have come into his possession or under his care.

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

(1) A person who violates subdivision (7) of subsection (a) of this section and also fortifies the structure, with the intent to impede law enforcement entry, (by barricading windows and doors) shall be punished as a Class I felon.

(2) A person who violates subdivision (14) of subsection (a) of this section shall be punished as a Class G felon. (1971, c. 919, s. 1; 1973, c. 1358, s. 11; 1979, c. 760, ss. 5, 6; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 1983, c. 294, s. 7; c. 773; 1991 (Reg. Sess., 1992), c. 1041, s. 1; 1993, c. 539, s. 622; 1994, Ex. Sess., c. 24, s. 14(c); 2013-90, s. 1.)

§ 90-109. Licensing required.

A facility for drug treatment as defined in G.S. 122C-3(14)b. shall obtain the license required by Article 2 of Chapter 122C of the General Statutes permitting operation. Subject to rules governing the operation and licensing of these facilities set by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, the Department of Health and Human Services shall be responsible for issuing licenses. These licensing rules shall be consistent with the licensing rules adopted under Article 2 of Chapter 122C of the General Statutes. (1971, c. 919, s. 1; 1973, c. 1361; 1977, c. 667, s. 3; 1981, c. 51, s. 9; 1983, c. 718, s. 2; 1985, c. 589, s. 32; 1995, c. 509, s. 39; 1997-443, s. 11A.118(a).)

§ 90-109.1. Treatment.

(a) A person may request treatment and rehabilitation for drug dependence from a practitioner, and such practitioner or employees thereof shall not disclose the name of such person to any law-enforcement officer or agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. A practitioner may undertake the treatment and rehabilitation of such person or refer such person to another practitioner for such purpose and under the same requirement of confidentiality.

(b) An individual who requests treatment or rehabilitation for drug dependence in a program where medical services are to be an integral component of his treatment shall be examined and evaluated by a practitioner before receiving treatment and rehabilitation services. If a practitioner performs an initial examination and evaluation, the practitioner shall prescribe a proper course of treatment and medication, if needed. That practitioner may authorize another practitioner to provide the prescribed treatment and rehabilitation services.

(c) Every practitioner that provides treatment or rehabilitation services to a person dependent upon drugs shall periodically as required by the Secretary of the North Carolina Department of Health and Human Services commencing January 1, 1972, make a statistical report to the Secretary of the North Carolina Department of Health and Human Services in such form and manner as the Secretary shall prescribe for each such person treated or to whom rehabilitation services were provided. The form of the report prescribed shall be furnished by the Secretary of the North Carolina Department of Health and Human Services. Such report shall include the number of persons treated or to whom rehabilitation services were provided; the county of such person's legal residence; the age of such person; the number of such persons treated as inpatients and the number treated as outpatients; the number treated who had received previous treatment or rehabilitation services; and any other data required by the Secretary. If treatment or rehabilitation services are provided to a person by a hospital, public agency, or drug treatment facility, such hospital, public agency, or drug treatment facility shall coordinate with the treating medical practitioner so that statistical reports required in this section shall not duplicate one another. The Secretary shall cause all such reports to be compiled into periodical reports which shall be a public record. (1971, c. 919, s. 1; 1977, c. 667, s. 3; 1985, c. 439, s. 5; 1997-443, s. 11A.118(a).)

§ 90-110. Injunctions.

(a) The superior court of North Carolina shall have jurisdiction in proceedings in accordance with the rules of those courts to enjoin violations of this Article.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the rules of the superior courts of North Carolina. (1971, c. 919, s. 1.)

§ 90-111. Cooperative arrangements.

The North Carolina Department of Health and Human Services and the Attorney General of North Carolina shall cooperate with federal and other State agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, they are authorized to:

- (1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;
- (2) Coordinate and cooperate in training programs on controlled substances for law enforcement at the local and State levels;
- (3) Cooperate with the Bureau by establishing a centralized unit which will accept, catalogue, file, and collect statistics, including records of drug-dependent persons and other controlled substance law offenders within the State, and make such information available for federal, State, and local law-enforcement purposes. Provided that neither the Attorney General of North Carolina, the North Carolina Department of Health and Human Services nor any other State officer or agency shall be authorized to accept or file, or give out the names or other form of personal identification of drug-dependent persons who voluntarily seek treatment or assistance related to their drug dependency. (1971, c. 919, s. 1; 1977, c. 667, s. 3; 1997-443, s. 11A.118(a).)

§ 90-112. Forfeitures.

(a) The following shall be subject to forfeiture:

- (1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of the provisions of this Article;
 - (2) All money, raw material, products, and equipment of any kind which are acquired, used, or intended for use, in selling, purchasing, manufacturing, compounding, processing, delivering, importing, or exporting a controlled substance in violation of the provisions of this Article;
 - (3) All property which is used, or intended for use, as a container for property described in subdivisions (1) and (2);
 - (4) All conveyances, including vehicles, vessels, or aircraft, which are used or intended for use to unlawfully conceal, convey, or transport, or in any manner to facilitate the unlawful concealment, conveyance, or transportation of property described in (1) or (2), except that
 - a. No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this Article unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this Article;
 - b. No conveyance shall be forfeited under the provisions of this section by reason of any act or omission, committed or omitted while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state;
 - c. No conveyance shall be forfeited unless the violation involved is a felony under this Article;
 - d. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party who had no knowledge of or consented to the act or omission.
 - (5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this Article.
- (b) Any property subject to forfeiture under this Article may be seized by any law-enforcement officer upon process issued by any district or superior court having jurisdiction over the property except that seizure without such process may be made when:
- (1) The seizure is incident to an arrest or a search under a search warrant;
 - (2) The property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding under this Article.
- (c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in custody of the law-enforcement agency seizing it, which may:
- (1) Place the property under seal; or,

- (2) Remove the property to a place designated by it; or,
- (3) Request that the North Carolina Department of Justice take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Any property seized by a State, local, or county law enforcement officer shall be held in safekeeping as provided in this subsection until an order of disposition is properly entered by the judge.

- (d) Whenever property is forfeited under this Article, the law-enforcement agency having custody of it may:
 - (1) Retain the property for official use; or
 - (2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses of the proceedings for forfeiture and sale including expense of seizure, maintenance of custody, advertising, and court costs; or
 - (3) Transfer any conveyance including vehicles, vessels, or aircraft which are forfeited under the provisions of this Article to the North Carolina Department of Justice when, in the discretion of the presiding judge and upon application of the North Carolina Department of Justice, said conveyance may be of official use to the North Carolina Department of Justice;
 - (4) Upon determination by the director of any law-enforcement agency that a vehicle, vessel or aircraft transferred pursuant to the provisions of this Article is of no further use to said agency for use in official investigations, such vehicle, vessel or aircraft may be sold as surplus property in the same manner as other vehicles owned by the law-enforcement agency and the proceeds from such sale after deducting the cost of sale shall be paid to the treasurer or proper officer authorized to receive fines and forfeitures to be used for the school fund of the county in the county in which said vehicle, vessel or aircraft was seized; provided, that any vehicle transferred to any law-enforcement agency under the provisions of this Article which has been modified to increase speed shall be used in the performance of official duties only and not for resale, transfer or disposition other than as junk.
 - (d1) Notwithstanding the provisions of subsection (d), the law-enforcement agency having custody of money that is forfeited pursuant to this section shall pay it to the treasurer or proper officer authorized to receive fines and forfeitures to be used for the school fund of the county in which the money was seized.
- (e) All substances included in Schedules I through VI that are possessed, transferred, sold, or offered for sale in violation of the provisions of this Article shall be deemed contraband and seized and summarily forfeited to the State. All substances included in Schedules I through VI of this Article which are seized or come into the possession of the State, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the State according to rules and regulations of the North Carolina Department of Justice.
All species of plants from which controlled substances included in Schedules I, II and VI of this Article may be derived, which have been planted or cultivated in violation of this Article, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State.
The failure, upon demand by the Attorney General of North Carolina, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.
- (f) All other property subject to forfeiture under the provisions of this Article shall be forfeited as in the case of conveyances used to conceal, convey, or transport intoxicating beverages. (1971, c. 919, s. 1; 1973, cc. 447, 542; c. 1446, s. 6; 1983, c. 528, ss. 1-3; 1989, c. 772, s. 4.)

§ 90-112.1. Remission or mitigation of forfeitures; possession pending trial.

- (a) Whenever, in any proceeding in court for a forfeiture, under G.S. 90-112 of any conveyance seized for a violation of this Article the court shall have exclusive jurisdiction to continue, remit or mitigate the forfeiture.
- (b) In any such proceeding the court shall not allow the claim of any claimant for remission or mitigation unless and until he proves (i) that he has an interest in such conveyance, as owner or otherwise, which he acquired in good faith; (ii) that he had no knowledge, or reason to believe, that it was being or would be used in the violation of laws of this State relating to controlled substances; (iii) that his interest is in an amount in excess or equal to the fair market value of such conveyance.
- (c) If the court, in its discretion, allows the remission or mitigation the conveyance shall be returned to the claimant; and should there be joint request of any two or more claimants, whose claims are allowed, the court shall order the return of the conveyance to such of the joint requesting claimants as have the prior claim on lien. Such

return shall be made only upon payment of all expenses incident to the seizure and forfeiture incurred by the State. In all other cases the court shall order disposition of such conveyance as provided in G.S. 90-112, and after satisfaction of the expenses of the sale, and such claims as may be approved by the court, the funds shall be paid to the treasurer or proper officer authorized to receive fines and forfeitures to be used for the school fund of the county in which said vehicle was seized.

(d) If the court should determine that the conveyance should be held for purposes of evidence, then it may order the vehicle to be held until the case is heard. (1975, c. 601.)

§ 90-113. Repealed by Session Laws 1973, c. 540, s. 7.

§ 90-113.1. Burden of proof; liabilities.

(a) It shall not be necessary for the State to negate any exemption or exception set forth in this Article in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this Article, and the burden of proof of any such exemption or exception shall be upon the person claiming its benefit.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Article, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

(c) No liability shall be imposed by virtue of this Article upon any duly authorized officer, engaged in the lawful enforcement of this Article. (1971, c. 919, s. 1.)

§ 90-113.2. Judicial review.

All final determinations, findings, and conclusions of the Commission under this Article shall be final and conclusive decisions of the matters involved, except that any person aggrieved by such decision may obtain review of the decision as provided in Chapter 150B of the General Statutes. Findings of fact by the Commission, if supported by substantial evidence, shall be conclusive. (1971, c. 919, s. 1; 1973, c. 476, s. 128; c. 1331, s. 3; 1977, c. 667, s. 3; c. 891, s. 5; 1981, c. 51, s. 9; 1987, c. 827, s. 1.)

§ 90-113.3. Education and research.

(a) The North Carolina Department of Public Instruction and the Board of Governors of the University of North Carolina are authorized and directed to carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with such programs, they are authorized to:

(1) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances; and

(3) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them.

(b) The North Carolina Department of Public Instruction and the Board of Governors of the University of North Carolina or either of them may enter into contracts for educational activities related to controlled substances.

(c) The North Carolina Department of Health and Human Services is authorized and directed to encourage research on misuse and abuse of controlled substances. In connection with such research and in furtherance of the enforcement of this Article, it is authorized to:

(1) Establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;

(2) Make studies and undertake programs of research to:

a. Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this Article;

b. Determine patterns of misuse and abuse of controlled substances and the social effect thereof; and

c. Improve methods for preventing, predicting, understanding, and dealing with the misuse and abuse of controlled substances.

(3) Enter into contracts with other public agencies, any district attorney, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(d) The North Carolina Department of Health and Human Services may enter into contracts for research activities related to controlled substances, and the North Carolina Department of Public Instruction and the Board of Governors of the University of North Carolina or either of them may enter into contracts for educational activities related to controlled substances, without performance bonds.

(e) The North Carolina Department of Health and Human Services may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any State civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(f) The North Carolina Department of Health and Human Services may authorize persons engaged in research to possess and distribute controlled substances in accordance with such restrictions as the authorization may impose. Persons who obtain this authorization shall be exempt from State prosecution for possession and distribution of controlled substances to the extent authorized by the North Carolina Department of Health and Human Services. (1971, c. 919, s. 1; c. 1244, s. 14; 1973, c. 476, s. 128; 1977, c. 667, s. 3; 1981, c. 218; 1997-443, s. 11A.118(a).)

§ 90-113.4. Repealed by Session Laws 1981, c. 500, s. 2, effective October 1, 1981.

§ 90-113.4A: Repealed by Session Laws 1989, c. 784, s. 4.

§ 90-113.5. State Board of Pharmacy, State Bureau of Investigation and peace officers to enforce Article.

It is hereby made the duty of the State Board of Pharmacy, its officers, agents, inspectors, and representatives, and all peace officers within the State, including agents of the State Bureau of Investigation, and all State's attorneys, to enforce all provisions of this Article, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to controlled substances. The State Bureau of Investigation is hereby authorized to make initial investigation of all violations of this Article, and is given original but not exclusive jurisdiction in respect thereto with all other law-enforcement officers of the State. (1971, c. 919, s. 1; 2014-100, s. 17.1(hh).)

§ 90-113.6. Payments and advances.

(a) The Attorney General is authorized to pay any person, from funds appropriated for the North Carolina Department of Justice, for information concerning a violation of this Article, such sum or sums of money as he may find appropriate, without reference to any rewards to which such persons may otherwise be entitled by law.

(b) Moneys expended from appropriations of the North Carolina Department of Justice for the purchase of controlled substances or other substances proscribed by this Article which is subsequently recovered shall be reimbursed to the current appropriation for the Department.

(c) The Attorney General is authorized to direct the advance of funds by the State Treasurer in connection with the enforcement of this Article. (1971, c. 919, s. 1.)

§ 90-113.7. Pending proceedings.

(a) Prosecutions for any violation of law occurring prior to January 1, 1972, shall not be affected by these repealers, or amendments, or abated by reason, thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to January 1, 1972, shall not be affected by these repealers, or amendments, or abated by reason, thereof.

(c) All administrative proceedings pending on January 1, 1972, shall be continued and brought to final determination in accord with laws and regulations in effect prior to January 1, 1972. Such drugs placed under control prior to January 1, 1972, which are not included within Schedules I through VI of this Article shall automatically be controlled and listed in the appropriate schedule.

(d) The provisions of this Article shall be applicable to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings, and investigations which occur following January 1, 1972. (1971, c. 919, s. 1.)

§ 90-113.8. Continuation of regulations.

Any orders, rules, and regulations which have been promulgated under any law affected by this act [c. 919 of the 1971 Session Laws] and which are in effect on the day preceding January 1, 1972, shall continue in effect until modified, superseded, or repealed by proper authority. (1971, c. 919, s. 2.)

Alcohol: Drinking alcoholic beverages is prohibited on public property under North Carolina State law and under many county and local codes within North Carolina.

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_18B.html

Article 3.

Sale, Possession, and Consumption.

§ 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.

(a) Generally. - Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(a1) Consumption on Premises During Time of Permit Revocation or Suspension. - It shall be unlawful to consume or for a permittee or his agent or employee to allow the consumption of malt beverages or unfortified wine on the premises of any business during the period of time that any on-premises permit issued to the business authorizing the sale and consumption of malt beverages or unfortified wine has been suspended or revoked by the Commission. The prohibition in this subsection does not apply to the premises upon which the business was located at the time the permit was suspended or revoked if the business ceases to operate in that location and the owner of the property is not the permittee, provided that the permittee is not engaged in any other business or other activity on the premises during the period of suspension or revocation.

(b) Consumption at Off-Premises Establishment. - It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.

(c) Local Ordinance. - A city or county may by ordinance:

(1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;

(2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and

(3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law. (1939, c. 158, s. 503; 1971, c. 872, s. 1; 1973, c. 1452, ss. 1-3; 1977, c. 176, ss. 2, 3; c. 693; 1979, c. 19, s. 2; c. 445, s. 4; c. 893, s. 11; 1981, c. 412, s. 2; 1983, c. 435, s. 32; 1985, c. 141, s. 1; 1995, c. 144, s. 1; c. 366, s. 2; 2001-79, s. 1; 2013-392, s. 1.)

§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.

(a) Possession at Home. - It shall be lawful, without an ABC permit, for any person at least 21 years old to possess for lawful purposes any amount of fortified wine and spirituous liquor at his home or a temporary residence, such as a hotel room.

(b) Possession on Other Property. - It shall be lawful, without an ABC permit, for a person to possess for his personal use and the use of his guests not more than eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, at the following places:

(1) The residence of any other person with that person's consent;

(2) Any other property not primarily used for commercial purposes and not open to the public at the time the alcoholic beverage is possessed, if the owner or other person in charge of the property consents to that possession and consumption;

(3) An establishment with a brown-bagging permit as defined in G.S. 18B-1001(7).

(c) Special Occasions. - It shall be lawful for a person to possess, without a permit and not for sale, any amount of fortified wine or spirituous liquor for a private party, private reception, or private special occasion, at the following places:

(1) His home or a temporary residence, such as a hotel room;

(2) Any other property not primarily used for commercial purposes, which is under his exclusive control and supervision, and which is not open to the public during the event;

(3) The licensed premises of any business for which the Commission has issued a special occasions permit under G.S. 18B-1001(8), if he is the host of that private function and has the permission of the permittee.

(d) Consumption. - It shall be lawful for a person to consume fortified wine and spirituous liquor in any place where it is lawful for him to possess those alcoholic beverages under subsections (a) through (c).

(e) Incident to Sale. - It shall be lawful to possess fortified wine and spirituous liquor at any place, such as an ABC store, where possession is a necessary incident to lawful sale. Consumption at such a place shall be unlawful unless the establishment has a permit authorizing consumption on the premises as well as sale.

(f) Unlawful Possession or Use. - As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

(1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another person at any of the following places:

a. On the premises of an ABC store.

b. Upon any property used or occupied by a local board.

c. On any public road, street, highway, or sidewalk, unless a consumer tasting authorized by G.S. 18B-1114.7 is being conducted.

(2) Any person to display publicly at an athletic contest fortified wine, spirituous liquor, or mixed beverages;

(3) Any person to permit any fortified wine, spirituous liquor, or mixed beverages to be possessed or consumed upon any premises not authorized by this Chapter;

(4) Any person to possess or consume any fortified wine, spirituous liquor, or mixed beverages upon any premises where such possession or consumption is not authorized by law, or where the person has been forbidden to possess or consume that beverage by the owner or other person in charge of the premises;

(5) Any person to possess on any of the premises described in subsections (a) through (c) a greater amount of fortified wine or spirituous liquor than authorized by this Chapter;

(6) Any permittee, other than a mixed beverage or culinary permittee, to possess spirituous liquor or mixed beverages on his licensed premises.

(7) Any person to possess on his person or consume malt beverages or unfortified wine upon any property owned or leased by a local board of education and used by the local board of education for school purposes. Provided, however, the prohibition in G.S. 18B-102(a) and this subdivision shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. (1905, c. 498, ss. 6-8; Rev., ss. 3526, 3534; C.S., s. 3371; 1937, c. 49, ss. 12, 16, 22; c. 411; 1955, c. 999; 1967, c. 222, ss. 1, 8; c. 1256, s. 3; 1969, c. 1018; 1971, c. 872, s. 1; 1973, c. 1226; 1977, c. 176, s. 1; 1977, 2nd Sess., c. 1138, ss. 8-12, 18; 1979, c. 384, s. 3; c. 609, s. 2; c. 718; c. 893, s. 10; 1981, c. 412, s. 2; c. 747, s. 39; 1983, c. 917, s. 1; 1985, c. 566, s. 1; 1991, c. 459, s. 1; 1993, c. 508, s. 1; 1995, c. 372, s. 1; 2017-87, s. 2(a).)

§ 18B-302. Sale to or purchase by underage persons.

(a) Sale. - It shall be unlawful for any person to:

(1) Sell malt beverages or unfortified wine to anyone less than 21 years old; or

- (2) Sell fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.
- (a1) Give. - It shall be unlawful for any person to:
 - (1) Give malt beverages or unfortified wine to anyone less than 21 years old; or
 - (2) Give fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.
- (b) Purchase, Possession, or Consumption. - It shall be unlawful for:
 - (1) A person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or
 - (2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortified wine, spirituous liquor, or mixed beverages; or
 - (3) A person less than 21 years old to consume any alcoholic beverage.
- (c) Aider and Abettor.
 - (1) By Underage Person. - Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) of this section shall be guilty of a Class 2 misdemeanor.
 - (2) By Person over Lawful Age. - Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) of this section shall be guilty of a Class 1 misdemeanor.
- (d) Defense. - It shall be a defense to a violation of subsection (a) of this section if the seller:
 - (1) Shows that the purchaser produced a driver's license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport, showing his age to be at least the required age for purchase and bearing a physical description of the person named on the card reasonably describing the purchaser; or
 - (2) Produces evidence of other facts that reasonably indicated at the time of sale that the purchaser was at least the required age.
 - (3) Shows that at the time of purchase, the purchaser utilized a biometric identification system that demonstrated (i) the purchaser's age to be at least the required age for the purchase and (ii) the purchaser had previously registered with the seller or seller's agent a drivers license, a special identification card issued under G.S. 20-37.7, a military identification card, or a passport showing the purchaser's date of birth and bearing a physical description of the person named on the document.
- (e) Fraudulent Use of Identification. - It shall be unlawful for any person to enter or attempt to enter a place where alcoholic beverages are sold or consumed, or to obtain or attempt to obtain alcoholic beverages, or to obtain or attempt to obtain permission to purchase alcoholic beverages, in violation of subsection (b) of this section, by using or attempting to use any of the following:
 - (1) A fraudulent or altered drivers license.
 - (2) A fraudulent or altered identification document other than a drivers license.
 - (3) A drivers license issued to another person.
 - (4) An identification document other than a drivers license issued to another person.
 - (5) Any other form or means of identification that indicates or symbolizes that the person is not prohibited from purchasing or possessing alcoholic beverages under this section.
- (f) Allowing Use of Identification. - It shall be unlawful for any person to permit the use of the person's drivers license or any other form of identification of any kind issued or given to the person by any other person who violates or attempts to violate subsection (b) of this section.
- (g) Conviction Report Sent to Division of Motor Vehicles. - The court shall file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division if the person is convicted of any of the following:
 - (1) A violation of subsection (e) or (f) of this section.
 - (2) A violation of subsection (c) of this section.
 - (3) A violation of subsection (b) of this section, if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage.
 - (4) A violation of subsection (a1) of this section.
 Upon receipt of a conviction report, the Division shall revoke the person's license as required by G.S. 20-17.3.
- (h) Handling in Course of Employment. - Nothing in this section shall be construed to prohibit an underage person from selling, transporting, possessing or dispensing alcoholic beverages in the course of employment, if the employment of the person for that purpose is lawful under applicable youth employment statutes and Commission rules.

(i) Purchase, Possession, or Consumption by 19 or 20-Year Old. - A violation of subdivision (b)(1) or (b)(3) of this section by a person who is 19 or 20 years old is a Class 3 misdemeanor.

(j) Notwithstanding any other provisions of law, a law enforcement officer may require any person the officer has probable cause to believe is under age 21 and has consumed alcohol to submit to an alcohol screening test using a device approved by the Department of Health and Human Services. The results of any screening device administered in accordance with the rules of the Department of Health and Human Services shall be admissible in any court or administrative proceeding. A refusal to submit to an alcohol screening test shall be admissible in any court or administrative proceeding.

(k) Notwithstanding the provisions in this section, it shall not be unlawful for a person less than 21 years old to consume unfortified wine or fortified wine during participation in an exempted activity under G.S. 18B-103(4), (8), or (11). (1933, c. 216, s. 8; 1959, c. 745, s. 1; 1967, c. 222, s. 3; 1969, c. 998; 1971, c. 872, s. 1; 1973, c. 27; 1977, 2nd Sess., c. 1138, s. 2; 1979, c. 683, s. 2; 1981, c. 412, s. 2; c. 747, ss. 40, 41; 1983, c. 435, ss. 32, 35; c. 740, ss. 1, 2; Ex. Sess., c. 5; 1985, c. 141, ss. 2-3; 1993, c. 539, s. 311; 1994, Ex. Sess., c. 24, s. 14(c); 1999-406, s. 7; 2001-461, ss. 2, 3; 2001-487, s. 42(b); 2005-350, s. 6(a); 2006-253, s. 26; 2007-537, s. 1; 2015-264, s. 7.)

§ 18B-302.1. Penalties for certain offenses related to underage persons.

(a) A violation of G.S. 18B-302(a) or (a1) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least two hundred fifty dollars (\$250.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15A-1343(b1)(6).

(b) A violation of G.S. 18B-302(c)(2) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least one thousand dollars (\$1,000) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15A-1343(b1)(6).

(c) In addition to the punishments imposed under this section, the court may impose the provisions of G.S. 18B-202 and of G.S. 18B-503, 18B-504, and 18B-505. (1999-433, s. 1; 2007-537, s. 2.)

§ 18B-302.2. Medical treatment; limited immunity.

(a) Limited Immunity for Samaritan. - Notwithstanding any other provision of law, a person under the age of 21 shall not be prosecuted for a violation of G.S. 18B-302 for the possession or consumption of alcoholic beverages if all of the following requirements and conditions are met:

(1) The person sought medical assistance for an individual experiencing an alcohol-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel.

(1a) The person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance.

(2) The person provided his or her own name to the 911 system or to a law enforcement officer upon arrival.

(3) Repealed by Session Laws 2015-94, s. 2, effective August 1, 2015, and applicable to offenses committed on or after that date.

(4) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(5) The evidence for prosecution of a violation of G.S. 18B-302 for the possession or consumption of alcoholic beverages was obtained as a result of the person seeking medical assistance for the alcohol-related overdose.

(b) Limited Immunity for Overdose Victim. - The immunity described in subsection (a) of this section shall extend to the person who needed medical assistance if the requirements in subdivisions (1), (1a), (4), and (5) of subsection (a) are satisfied.

(c) Probation or Release. - A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution under subsection (a) or (b) of this section. The arrest of a person for an offense for which subsection (a) or (b) of this section may provide the person with immunity will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.

(d) Civil Liability for Arrest or Charges. - In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the arrest or filing of charges. (2013-23, s. 3; 2015-94, s. 2.)

§ 18B-303. Amounts of alcoholic beverages that may be purchased.

(a) Purchases Allowed. - Without a permit, a person may purchase at one time:

(1) Not more than 80 liters of malt beverages, except draft malt beverages in kegs for off-premises consumption. For purchase of a keg or kegs of malt beverages for off-premises consumption, the permit required by G.S. 18B-403.1(a) must first be obtained;

(2) Any amount of draft malt beverages by a permittee in kegs for on-premise consumption;

(3) Not more than 50 liters of unfortified wine;

(4) Not more than eight liters of either fortified wine or spirituous liquor, or eight liters of the two combined.

(b) Unlawful Purchase. - Except as provided in subsection (c) and in Article 11, it shall be unlawful for any person to purchase, or for any person to sell, an amount of alcoholic beverages greater than that stated in subsection (a).

(c) Greater Amounts. - Amounts of alcoholic beverages greater than those listed in subdivisions (a)(3) and (a)(4) may be purchased with a purchase-transportation permit under G.S. 18B-403. (1905, c. 498, ss. 6-8; Rev., ss. 3526, 3534; C.S., s. 3371; 1937, c. 49, ss. 12, 16, 22; c. 411; 1955, c. 999; 1967, c. 222, ss. 1, 8; c. 1256, s. 3; 1969, c. 1018; 1971, c. 872, s. 1; 1973, c. 1226; 1977, c. 176, s. 1; 1977, 2nd Sess., c. 1138, ss. 8-12, 18; 1979, c. 384, s. 3; c. 609, s. 2; c. 718; c. 893, s. 10; 1981, c. 412, s. 2; 1989, c. 553, s. 1; 1993, c. 508, s. 2; 2001-262, s. 5; 2006-253, s. 3.2.)

§ 18B-304. Sale and possession for sale.

(a) Offense. - It shall be unlawful for any person to sell any alcoholic beverage, or possess any alcoholic beverage for sale, without first obtaining the applicable ABC permit and revenue licenses.

(b) Prima Facie Evidence. - Possession of the following amounts of alcoholic beverages, without a permit authorizing that possession, shall be prima facie evidence that the possessor is possessing those alcoholic beverages for sale:

(1) More than 80 liters of malt beverages, other than draft malt beverages in kegs;

(2) More than eight liters of spirituous liquor; or

(3) Any amount of nontaxpaid alcoholic beverages. (1913, c. 44, s. 2; 1915, c. 97, s. 8; 1923, c. 1, ss. 2, 6, 10; C.S., ss. 3379, 3411(b), (f), (j); 1937, c. 49, ss. 13, 15; 1945, c. 635; 1949, c. 1251, s. 2; 1951, c. 850; 1955, c. 560; 1957, c. 984; c. 1235, s. 1; 1963, c. 932; 1967, c. 222, ss. 4, 6; 1969, c. 789; 1971, c. 872, s. 1; 1975, c. 654, s. 4; 1977, c. 176, ss. 1-3; 1981, c. 412, s. 2; c. 747, s. 42; 1989, c. 553, s. 2; 1993, c. 508, s. 3.)

§ 18B-305. Other prohibited sales.

(a) Sale to Intoxicated Person. - It shall be unlawful for a permittee or his employee or for an ABC store employee to knowingly sell or give alcoholic beverages to any person who is intoxicated.

(b) Discretion for Seller. - Any person authorized to sell alcoholic beverages under this Chapter may, in his discretion, refuse to sell to anyone. It shall be unlawful for any person to knowingly buy alcoholic beverages for someone who has been refused the right to purchase under this subsection.

(c) Notwithstanding subsection (b) of this section, no permittee may refuse to sell alcoholic beverages to a person solely based on that person's race, religion, color, national origin, sex, or disability. (1937, c. 49, ss. 11, 15; c. 411; 1971, c. 872, s. 1; 1977, 2nd Sess., c. 1138, s. 5; 1981, c. 412, s. 2; 1999-462, s. 5.)

§ 18B-306. Making wines and malt beverages for private use.

(a) Authority. - An individual may make, possess, and transport wines and malt beverages for the individual's own use, the use of the individual's family and guests, or the use at organized affairs, exhibitions, or competitions. For purposes of this section, the term "organized affairs, exhibitions, or competitions" includes homemaker's contests, tastings, and judgments.

(b) Selling Prohibited. - Wines and malt beverages made pursuant to this section may not be sold or offered for sale.

(c) Kits. - Wine kits and malt beverage kits may be sold in this State.

(d) Permit. - No ABC permit is required to make wines or malt beverages pursuant to this section. (1971, c. 872, s. 1; 1973, c. 1218; 1981, c. 412, s. 2; c. 747, s. 43; 1985, c. 114, s. 6; 2017-87, s. 10.)

§ 18B-307. Manufacturing offenses.

(a) Offenses. - It shall be unlawful for any person, except as authorized by this Chapter, to:

(1) Sell or possess equipment or ingredients intended for use in the manufacture of any alcoholic beverage, except equipment and ingredients provided under a Brew on Premises permit or a Winemaking on Premises permit; or

(2) Knowingly allow real or personal property owned or possessed by him to be used by another person for the manufacture of any alcoholic beverage, except pursuant to a Brew on Premises permit or a Winemaking on Premises permit.

(b) Unlawful Manufacturing. - Except as provided in G.S. 18B-306, it shall be unlawful for any person to manufacture any alcoholic beverage, except at an establishment with a Brew on Premises permit or a Winemaking on Premises permit, without first obtaining the applicable ABC permit and revenue licenses.

(c) Second Offense of Manufacturing. - A second offense of unlawful manufacturing of alcoholic beverage shall be a Class I felony. (1905, c. 498, s. 2; Rev., s. 3533; 1923, c. 1, ss. 4, 6, 26; C.S., ss. 3407, 3411(d), (f), (z); 1937, c. 49, s. 13; 1945, c. 635; 1951, c. 850; 1955, c. 560; 1957, c. 984; c. 1235, s. 1; 1969, c. 789; 1971, c. 872, s. 1; 1979, c. 699, s. 1; 1981, c. 412, s. 2; c. 747, s. 44; 1997-467, s. 1; 2006-222, s. 2.2; 2006-227, s. 2.)

§ 18B-308. Sale and consumption at bingo games.

It shall be unlawful to sell or consume, or for the owner or other person in charge of the premises to allow the sale or consumption of, any alcoholic beverage in any room while a raffle or bingo game is being conducted in that room under Part 2 of Article 37 of Chapter 14 of the General Statutes. (1905, c. 498, ss. 6-8; Rev., ss. 3526, 3534; C.S., s. 3371; 1937, c. 49, ss. 12, 16, 22; c. 411; 1955, c. 999; 1967, c. 222, ss. 1, 8; c. 1256, s. 3; 1969, c. 1018; 1971, c. 872, s. 1; 1973, c. 1226; 1977, c. 176, s. 1; 1977, 2nd Sess., c. 1138, ss. 8-12, 18; 1979, c. 384, s. 3; c. 609, s. 2; c. 718; c. 893, s. 10; 1981, c. 412, s. 2; 1983, c. 896, s. 4.)

§ 18B-309. Alcoholic beverage sales in Urban Redevelopment Areas.

(a) A food business as defined in G.S. 18B-1000(3), a retail business as defined in G.S. 18B-1000(7), or an eating establishment as defined in G.S. 18B-1000(2) that holds an ABC permit under this Chapter and is located in a part of a city that has been designated as an Urban Redevelopment Area under Article 22 of Chapter 160A of the General Statutes shall not have alcoholic beverage sales in excess of fifty percent (50%) of the business's total annual sales. The city council, or its designee, shall file a certified copy of the official action and original documents, including a map or similar information, designating the area as an Urban Redevelopment Area. The Commission shall make this information available to any permittee who makes a request for this information to the Commission.

(b) Upon request of a city, the Commission shall investigate the total annual alcohol sales and total sales of a business as defined in this section. The Commission shall report the results of such an investigation to the city council, and the report shall contain only the percentage of annual alcohol sales in proportion to the business's total

annual sales. A city may request an investigation of a particular business by the Commission only once in each calendar year. These audits may be conducted by the Commission only upon the request of the city council.

(c) Businesses covered by this section shall maintain full and accurate monthly records of their finances, separately indicating each of the following:

(1) Amounts expended by the business for the purchase of alcoholic beverages and the quantity of alcoholic beverages purchased;

(2) Amounts collected from the sale of alcoholic beverages sold; and

(3) Amounts collected from the sale of food, nonalcoholic beverages, and all other items sold by the business.

Records of purchases of alcoholic beverages and sales of alcoholic beverages shall be filed separate and apart from all other records maintained on the premises, and all records related to alcoholic beverages, including original invoices, shall be maintained on the premises for three years and shall be open for inspection and audit pursuant to G.S. 18B-502. (1999-322, s. 1; 2001-515, s. 3(a).)

§§ 18B-310 through 18B-399. Reserved for future codification purposes

FEDERAL

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

SCHOOL SANCTIONS **

(APPLIED TO ALL CATEGORIES OF SUBSTANCES)

The following are prohibited under the Code of Conduct applicable to students:

- Use, possession or distribution of narcotic or other controlled substances, except as expressly permitted by law, or being under the influence of such substances.
- Use, possession or distribution of alcoholic beverages, except as expressly permitted by law and Chamberlain University regulation; or public intoxication.

The sanctions listed below may be imposed upon any covered person found to have violated the Code of Conduct. The listing of the sanctions should not be construed to imply that covered persons are entitled to progressive discipline. The sanctions may be used in any order and/or combination that Chamberlain University deems appropriate for the conduct in question.

- a) Warning - A verbal or written notice that the respondent is in violation of or has violated Chamberlain University regulations.
- b) Probation - A written reprimand with stated conditions in effect for a designated period of time, including the probability of more severe disciplinary sanctions if the respondent is found to be violating any Chamberlain University regulation(s) during the probationary period.
- c) Fines - Fines may be imposed, as determined or approved by Chamberlain University.
- d) Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- e) Housing Suspension - Separation of the respondent from his or her Chamberlain University controlled housing for a definite period of time. Conditions for readmission to housing may be specified.
- f) Housing Expulsion - Permanent separation of the respondent from Chamberlain University controlled housing.

- g) Chamberlain University Suspension - Separation of the respondent from Chamberlain University for a definite period of time, after which the respondent is eligible to return. Conditions for readmission may be specified.
- h) Chamberlain University Expulsion - Permanent separation of the respondent from all Chamberlain University locations and DeVry Education Group institutions.

FACULTY AND STAFF

Colleagues of the institution are prohibited from:

- While performing school business under the influence of a controlled substance
- possession, use, sale of a controlled substance
- furnishing a controlled substance to a minor.

Sanctions for this violation could lead up to termination of employment.

**These sanctions are in addition to any criminal sanctions that may be imposed. Student colleagues are subject to both colleague and student sanctions.

LOCAL TREATMENT RESOURCES

The following is a sampling of local area information and treatment resources. A more comprehensive listing of available counseling and treatment programs can be obtained in the Student Central.

Alcoholics Anonymous

(704) 332-4387
(877) 233-6853

Mecklenburg County Alcohol and Drug Treatment

(704) 336-3067

Carolinas Medical Center Horizons Outpatient Services

((704) 446-0391

RHA Behavioral Health Services – Charlotte ACCESS

(704) 522-5424

Narcotics Anonymous

(704) 366-8980

Legacy Freedom Treatment Centers

(704) 930-2456

STUDENT RIGHTS UNDER FERPA

(The Family Educational Rights and Privacy Act)

Chamberlain University respects the rights and privacy of its students and acknowledge the responsibility to maintain confidentiality of personally identifiable information.

FERPA is a federal law that affords students the following rights with respect to their education records. These rights include:

1. THE RIGHT TO INSPECT AND REVIEW THE STUDENT’S EDUCATION RECORDS

Students have the right to review their education records within 45 days of the day the institution receives their request. Students should submit to the registrar, dean, or head of the academic department a written request that identifies the record(s) they wish to inspect. The institution official will make arrangements for access and notify the student of the time and place where the records may

be inspected. If the official to whom the request is submitted does not maintain the records, that official will advise the student of the correct official to whom the request should be addressed.

2. THE RIGHT TO SEEK AN AMENDMENT OF INACCURATE OR MISLEADING INFORMATION

Students may ask the institution to amend a record that they believe is inaccurate or misleading. They should write to the official responsible for the record, clearly identify the part of the record they believe should be changed and specify why it is inaccurate or misleading. If the institution decides not to amend the record as requested by the student, the student will be notified of the decision and advised of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing. Following the hearing, if the institution still decides not to amend the record, the student has a right to place a clarifying statement in the record.

3. THE RIGHT TO LIMIT DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

Students have the right to consent to disclosure of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official who has a legitimate educational interest. A school official is a person employed by the institution in an administrative, supervisory, academic, research, or support staff position (including campus security, incident commanders and health staff) or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include an Adtalem Global Education colleague, a volunteer, or contractor outside of the institution who performs an institutional service or function for which the institution would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of PII from education records, such as an attorney, auditor, intern or collection agent or a student volunteering to assist another school official in performing their tasks. School officials have a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the institution.

Another exception that permits disclosure without consent is disclosure of directory information. Directory information is not considered to be harmful or an invasion of privacy if disclosed. See the Directory Information section for additional information.

4. THE RIGHT TO FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION IF THE INSTITUTION FAILS TO COMPLY WITH FERPA REQUIREMENTS

Complaints should be directed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Phone: 1-800-USA-LEARN (1-800-872-5327)

DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) designates certain student information as “Directory Information” and gives the institution the right to disclose such information without having to ask students’ permission. The items listed below as “Directory Information” may be released for any purpose at the discretion of the institution. Under the provisions of FERPA, students have the right to withhold the disclosure of any or all of the categories of information listed below. **The following information will be released unless students specifically request that their information be withheld:**

- **Directory Information:** Name, address, telephone number, email address, date and place of birth, dates of attendance, previous institution(s) attended, major field of study (program), enrollment status, degrees and awards, past and present participation in officially recognized activities.

- **Career Services:** Students approaching graduation and working with career services staff on career planning, job interviewing and resume preparation authorize release of the following records for a period of fifteen months after graduation: the resume, identifying data, academic work completed, immigration status (if applicable), and authorize career services to verify information graduates provide regarding their employment. At no time is compensation information released or published.

To Withhold Information

To have directory or career services information withheld, students must submit a written request to the Registrar. Once filed, this request becomes a permanent part of the student's record and no information may be released until the student instructs the institution otherwise.

VOTER REGISTRATION

As a participant in Title IV Federal Student Financial Aid programs, Chamberlain University would like to remind students who are U.S. citizens of the importance of registering to vote.

If you are interested in participating in local, state, or national elections, please visit the Election Assistance Commission website at www.eac.gov/voter_resources/register_to_vote.aspx to learn how you can register to vote.

UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIALS

Chamberlain University strives to provide access to varied materials, services and equipment for students, faculty and staff and does not knowingly condone policies or practices that constitute an infringement of Federal copyright law. Transmitting or downloading any material that you do not have the right to make available and that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party is prohibited.

Installing or distributing pirated or unlicensed software is also forbidden. Violation of these requirements may subject students, faculty and staff to civil and criminal liabilities. Students, faculty or staff who violate federal copyright law do so at their own risk. Copyright status is applied to a work as soon as it is created. Users should assume that all writings and images are copyrighted.

Title 17 of the United States Code (17 USC §501 et seq.) outlines remedies for copyright infringement that may include some or all of the following: obtaining an injunction to stop the infringing activity; impounding and disposing of the infringing articles; an award to the copyright owner of actual damages and the profits of the infringer, or in the alternative, an award of statutory damages which may be increased if the infringement is found to be willful; an award of two times the amount of the license fee a copyright owner could have gotten; an award of the full costs incurred in bringing an infringement action, and the award of attorney's fees; and for criminal copyright infringement, fines and imprisonment.

Chamberlain University maintains a campus network to support and enhance the academic and administrative needs of our students, faculty and staff. Chamberlain University is required by Federal Law – H.R. 4137 to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Chamberlain University takes steps to detect and punish users who illegally distribute copyrighted materials.

Chamberlain University reserves the right to suspend or terminate network access to any campus user that violates this policy and Network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.

Alternatives to Illegal Downloading

Illegal downloads hurt artists and deter the incentive to create. U.S. laws protect the rights of individuals regarding their own works. Below are lists of sites that offer free or inexpensive products that you can use without violating copyright law.

FREE AND LEGAL

Clipart:

<http://www.coolarchive.com/>

<http://www.clipart.com/>

Fonts:

<http://www.blambot.com/>

<http://www.fonts.com/>

Photos:

<http://www.freefoto.com/index.jsp>

<https://www.photospin.com/Default.asp?>

Music:

<http://download.cnet.com/windows/>

<http://www.epitonic.com/>

<http://betterpropaganda.com/>

CHAMBERLAIN UNIVERSITY-CHARLOTTE ANNUAL CAMPUS CRIME STATISTICS
Reported in accordance with Uniform Crime Reporting procedures and the
Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act

Total Crimes Reported for:	<u>On Campus</u>			<u>Public Property</u>		
	2015	2016	2017	2015	2016	2017
<u>Criminal Offenses (includes attempts)</u>						
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Sexual Assault-Rape	0	0	0	0	0	0
Sexual Assault-Fondling	0	0	0	0	0	0
Sexual Assault-Incest	0	0	0	0	0	0
Sexual Assault-Statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	1	0
Arson	0	0	0	0	0	0
<u>HATE CRIMES</u>						
	2015	2016	2017	2015	2016	2017
If there are any hate crimes to report, please enter count here and narrative description below.	0	0	0	0	0	0
<u>VAWA Offenses</u>						
	2015	2016	2017	2015	2016	2017
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<u>Arrests</u>						
	2015	2016	2017	2015	2016	2017
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<u>Referral for Disciplinary Actions</u>						
	2015	2016	2017	2015	2016	2017
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<u>Hate Crimes</u>						
Prejudice Categories:						
Race, Religion						
Sexual Orientation						
Gender, Gender Identity						

Disability			
Ethnicity			
National Origin			
On campus or public property:	2015	2016	2017
<u>Total Unfounded Crimes</u>	0	0	0