

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1132
Committee Substitute Favorable 4/29/97
Senate Judiciary Committee Substitute Adopted 8/11/97

Short Title: Date Rape Drugs.

(Public)

Sponsors:

Referred to: Appropriations.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ADD CERTAIN DRUGS TO SCHEDULE IV OF THE LIST OF
2 CONTROLLED SUBSTANCES, TO MAKE IT A CRIMINAL OFFENSE TO
3 CONTAMINATE FOOD OR DRINK WITH ANY CONTROLLED SUBSTANCE
4 THAT WOULD RENDER A PERSON MENTALLY INCAPACITATED OR
5 PHYSICALLY HELPLESS, OR TO MANUFACTURE OR POSSESS SUCH A
6 CONTROLLED SUBSTANCE UNLESS IT IS FOR MEDICAL PURPOSES.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 90-92(a) reads as rewritten:

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

- 15 1. Alprazolam.
- 16 2. Barbital.
- 17 3. Bromazepam.
- 18 4. Camazepam.

- 1 5. Chloral betaine.
- 2 6. Chloral hydrate.
- 3 7. Chlordiazepoxide.
- 4 8. Clobazam.
- 5 9. Clonazepam.
- 6 10. Clorazepate.
- 7 11. Clotiazepam.
- 8 12. Cloxazolam.
- 9 13. Delorazepam.
- 10 14. Diazepam.
- 11 15. Estazolam.
- 12 16. Ethchlorvynol.
- 13 17. Ethinamate.
- 14 18. Ethyl loflazepate.
- 15 19. Fludiazepam.
- 16 20. Flunitrazepam.
- 17 21. Flurazepam.
- 18 22a. Gamma Hydroxybutyric Acid.
- 19 22. Halazepam.
- 20 23. Haloxazolam.
- 21 24. Ketazolam.
- 22 25. Loprazolam.
- 23 26. Lorazepam.
- 24 27. Lormetazepam.
- 25 28. Mebutamate.
- 26 29. Medazepam.
- 27 30. Meprobamate.
- 28 31. Methohexital.
- 29 32. Methylphenobarbital (mephobarbital).
- 30 33. Midazolam.
- 31 34. Nimetazepam.
- 32 35. Nitrazepam.
- 33 36. Nordiazepam.
- 34 37. Oxazepam.
- 35 38. Oxazolam.
- 36 39. Paraldehyde.
- 37 40. Petrichloral.
- 38 41. Phenobarbital.
- 39 42. Pinazepam.
- 40 43. Prazepam.
- 41 44. Quazepam.
- 42 45. Temazepam.
- 43 46. Tetrazepam.

1 47. Triazolam.

2 48. Zolpidem."

3 Section 2. Article 52 of Chapter 14 of the General Statutes is amended by
4 adding a new section to read:

5 "**§ 14-401.15. Contaminate food or drink to render one mentally incapacitated or**
6 **physically helpless.**

7 (a) It is unlawful knowingly to contaminate any food, drink, or other edible or
8 potable substance with a controlled substance as defined in G.S. 90-87(5) that would
9 render a person mentally incapacitated or physically helpless with the intent of causing
10 another person to be mentally incapacitated or physically helpless.

11 (b) It is unlawful knowingly to manufacture, sell, deliver, or possess with the
12 intent to manufacture, sell, deliver, or possess a controlled substance as defined in G.S.
13 90-87(5) for the purpose of violating this section.

14 (c) A violation of this section is a Class H felony. However, if a person violates
15 this section with the intent of committing an offense under G.S. 14-27.3 or G.S. 14-27.5,
16 the violation is a Class G felony.

17 (d) This act does not apply if the controlled substance added to the food, drink, or
18 other edible or potable substance is done at the direction of a licensed physician as part of
19 a medical procedure or treatment with the patient's consent."

20 Section 3. This act becomes effective December 1, 1997, and applies to
21 offenses committed on or after that date.