

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 742
Committee Substitute Favorable 6/7/11

Short Title: Weight of Marijuana/Controlled Substances.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE WEIGHT OF MARIJUANA AND CONTROLLED
3 SUBSTANCES AND TO INCLUDE ANYTHING MANUFACTURED FROM A
4 MARIJUANA PLANT FOR THE PURPOSES OF TAX COLLECTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-87(16) reads as rewritten:

7 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether
8 growing or not; the seeds thereof; the resin extracted from any part of such
9 plant; and every compound, manufacture, salt, derivative, mixture, or
10 preparation of such plant, its seeds or resin, but shall not include the mature
11 stalks of such plant, the roots, fiber produced from such stalks, oil, or cake
12 made from the seeds of such plant, any other compound, manufacture, salt,
13 derivative, mixture, or preparation of such mature stalks (except the resin
14 extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant
15 which is incapable of germination."

16 **SECTION 2.** G.S. 90-95 is amended by adding a new subsection to read:

17 "(a1) Weight. – A quantity of marijuana or other controlled substance is measured by the
18 weight of the substance whether pure or impure or dilute, or by dosage units when the
19 substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance
20 is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or
21 fillers. If a quantity of marijuana had a moisture content due to being subjected to the natural
22 environment, a court may consider this fact in determining an appropriate sentence within the
23 range of sentences authorized by statute."

24 **SECTION 3.** G.S. 90-95(h) is amended by adding a new subdivision to read:

25 "(7) For purposes of this subsection, the weight of a controlled substance
26 includes the weight of any capsule or other consumable container in which
27 the controlled substance is found."

28 **SECTION 4.** G.S. 105-113.106(6) reads as rewritten:

29 "(6) Marijuana. – All parts of the plant of the genus Cannabis, whether growing
30 or not; the seeds of this plant; the resin extracted from any part of this plant;
31 and every compound, manufacture, salt, derivative, mixture, or preparation
32 of this plant, its seeds, or its resin."

33 **SECTION 5.** This act becomes effective December 1, 2011, and applies to any
34 criminal offense committed in violation of Article 5 or Article 5B of Chapter 90 of the General
35 Statutes and any tax imposed under Article 2D of Chapter 105 of the General Statutes on or
36 after that date.

