HOUSE BILL 258
Committee Substitute Favorable 3/14/23

Short Title: Novel Opioid Control Act of 2023. (Public)

Sponsors:

Referred to:

March 6, 2023

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE STATE CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-89(1) reads as rewritten:

"(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:

…

rrr. Brorphine.

sss. AP-237.

ttt. 2-methyl AP-237.

uuu. (ortho, meta, or para)-methyl AP-237.

vvv. AP-238.

www. (ortho, meta, or para)-hydroxy 2-methyl AP-237.

xxx. 2-Naphthyl U-47700.

yyy. 1-Naphthyl U-47700.

zzz. 4-(Trifluoromethyl) U-47700.

aaaa. Methoxy U-47700.

bbbb. Furanyl UF-17.

cccc. Cyclopropyl U-47700.

dddd. Phenyl U-47700.

eeee. Ethyl U-47700.

ffff. (2,3- or 3,4)-difluoro-N,N-didesmethyl U-47700.

gggg. (2,3- or 3,4)-difluoro U-49900.

hhhh. (2,3- or 3,4)-difluoro-N-desmethyl U-47700.

iiii. 4-fluoro U-47931E.

jjjj. (2,3- or 3,4)-difluoro U-51754.

kkkk. (2,3- or 3,4)-difluoro Isopropyl U-47700.

llll. (2,3- or 3,4)-difluoro Propyl U-47700.

mmmm. (2,3- or 3,4)-difluoro U-50488.

nnnn. (2,3- or 3,4)-difluoro U-48800.

oooo. (2,3- or 3,4 or 2,4)-difluoro U-47700.

pppp. UF-17.

qqqq. U-47109.

rrrr. U-48520.
ssss. N,N-didesmethyl U-47700.
tttt. U-62066.
uuuu. Propyl U-47700.
vvvv. (2,3- or 3,4)-Ethylenedioxy U-51754.
wwww. 4-phenyl U-51754.
xxxx. N-desmethyl U-47700.
yyyy. (2,3- or 3,4)-Ethylenedioxy U-47700.
zzzz. N-methyl U-47931E.
aaaaa. (2,3- or 3,4)-Methylenedioxy U-47700.
bbbbb. U-69593.
ccccc. U-50488.
ddddd. U-48753E.
eeeee. U-47931E.
fffff. Butonitazene.
ggggg. Etodesnitazene (also known as Etonitazepyne).
hhhhh. Flunitazene.
iiiii. Metodesnitazene.
jjjjj. N-Pyrrolidino Etonitazene.
kkkkk. Protonitazene."

SECTION 1.(b) G.S. 90-89(1a) reads as rewritten:

"(1a) Fentanyl derivatives. – Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any compound 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:

…

f. N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide ~~(also known as 2-fluorofentanyl).~~(also known as ortho-fluorofentanyl).

g. N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide ~~(also known as 3-fluorofentanyl).~~(also known as meta-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).~~(also known as 4-fluoroisobutyryl fentanyl).

j. N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide ~~(also known as 4-fluorobutyryl fentanyl, 4-FBF).~~(also known as 4-fluorobutyryl fentanyl)."

SECTION 1.(c) G.S. 90-89 is amended by adding a new subdivision to read:

"(1b) Nitazene derivatives. – The N-substituted benzimidazole structural class, including any of the following derivatives, their salts, isomers, or salts of isomers unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or for research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation or unless specifically excepted or listed in this or another schedule, structurally derived from benzimidazole by substitution at the 1-position nitrogen with an ethylamine group, and by substitution at the 2-position carbon with a benzyl group, whether or not the compound is further modified in any of the following ways:

a. By monoalkyl or dialkyl substitution on the 1'-nitrogen of the 1-position ethylamine group, or by inclusion of the nitrogen in a cyclic structure;

b. By substitution on the 2'-methylene carbon of the benzyl group by alkyl or carboxamide groups;

c. By replacement of the 2'-methylene carbon group with an ethylbenzyl, thiophenol, or methoxybenzene group, which may be further substituted with alkyl, hydroxyl, alkoxy, acetoxy, halide, a fused heterocyclic ring which may be further substituted, or sulfide groups;

d. By substitution at the 2'-position, 3'-position, or 4'-position of the benzyl group, or both, with alkyl, hydroxyl, alkoxy, acetoxy, halide, or sulfide groups;

e. By replacement of a phenyl hydrogen atom at either the 5-position or 6-position of the benzimidazole core with a nitro, or primary amine group."

SECTION 1.(d) G.S. 90-89(3)mm. reads as rewritten:

"mm. ~~5-methoxy-N-methyl-N-propyltryptamine~~ 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT)."

SECTION 1.(e) G.S. 90-89(5)j. reads as rewritten:

"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, alkylenedioxy, 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, cycloalkyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure. For the purpose of this paragraph, the term "isomer" includes the optical, positional, or geometric isomer."

SECTION 1.(f) G.S. 90-89(7) reads as rewritten:

"(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.~~ r. 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:

…

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

…

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 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:

…

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.

…."

SECTION 1.(g) G.S. 90-90(2)h1. reads as rewritten:

"h1. Fentanyl immediate precursor chemical, ~~4-anilino-N-phenethyl-4-piperidine (ANPP).~~4-anilino-N-phenethylpiperdine (ANPP)."

SECTION 1.(h) G.S. 90-91(k)11. reads as rewritten:

"11. ~~Dehydrochlormethyltestosterone,~~Dehydrochloromethyltestosterone,"

SECTION 1.(i) G.S. 90-91(k)16. reads as rewritten:

"16. ~~Mesterolene,~~Mesterolone,"

SECTION 2. This act is effective on July 1, 2023, and applies to offenses committed on or after that date.