

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 290

Short Title: Make Certain Drug Offenses Infractions. (Public)

Sponsors: Representatives Alexander, Morey, Cunningham, and Carney (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO RECLASSIFY MISDEMEANOR POSSESSION OF MARIJUANA OR
3 HASHISH AND POSSESSION OF MARIJUANA DRUG PARAPHERNALIA AS
4 INFRACTIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-95(d)(4) reads as rewritten:

7 "(4) ~~A~~Except as otherwise provided in this subdivision, a controlled substance
8 classified in Schedule VI shall be guilty of a ~~Class 3 misdemeanor~~, but any
9 sentence of imprisonment imposed must be suspended and the judge may not
10 require at the time of sentencing that the defendant serve a period of
11 imprisonment as a special condition of probation. If the quantity of the
12 controlled substance exceeds one half of an ounce (avoirdupois) of marijuana
13 or one twentieth of an ounce (avoirdupois) of the extracted resin of marijuana,
14 commonly known as hashish, the violation shall be punishable as a ~~Class I~~
15 ~~misdemeanor~~ an infraction. If the quantity of the controlled substance exceeds
16 one and one-half ounces (avoirdupois) of marijuana, or three-twentieths of an
17 ounce (avoirdupois) of the extracted resin of marijuana, commonly known as
18 hashish, or if the controlled substance consists of any quantity of synthetic
19 tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of
20 marijuana, the violation shall be punishable as a Class I felony."

21 **SECTION 2.** G.S. 90-113.22A(b) reads as rewritten:

22 "(b) A violation of this section is a ~~Class 3 misdemeanor~~ an infraction. A violation of this
23 section shall be a lesser included offense of G.S. 90-113.22."

24 **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses
25 committed on or after that date.



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