

INCREASE PUNISHMENT FOR FENTANYL OFFENSES

SECTION 14.(a) G.S. 90-95 reads as rewritten:

"§ 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~~ subsection, and (iii) any violation of G.S. 90-95(a)(1) involving fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances shall be punished as provided in subdivision (1b) 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.
 - (1b) Any violation of G.S. 90-95(a)(1) involving fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances shall be punished as a **Class F 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, ~~cocaine, fentanyl, or carfentanil~~ 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. If the controlled substance is fentanyl or carfentanil, or any salt, compound, derivative, or preparation thereof, or any

mixture containing any of these substances, the violation is punishable as a Class H felony.

...

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

...

- (4) ~~Any~~ Except as provided in subdivision (4c) of this subsection any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium, opiate, or opioid, or any salt, compound, derivative, or preparation of opium, opiate, or opioid (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, opiate, opioid, 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 as follows:
 1. A fine of five hundred thousand dollars (\$500,000) if the controlled substance is heroin, fentanyl, or carfentanil, heroin, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances~~ that substance.
 2. A fine of not less than fifty thousand dollars (\$50,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.
 - 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 as follows:
 1. A fine of seven hundred fifty thousand dollars (\$750,000) if the controlled substance is heroin, fentanyl, or carfentanil, heroin, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances~~ that substance.
 2. A fine of not less than one hundred thousand dollars (\$100,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.
 - 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 as follows:
 1. A fine of one million dollars (\$1,000,000) if the controlled substance is heroin, fentanyl, or carfentanil, heroin, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of ~~these substances~~ that substance.
 2. A fine of not less than five hundred thousand dollars (\$500,000) for any controlled substance described in this subdivision and not otherwise subject to sub-sub-subdivision 1. of this sub-subdivision.

...

(4c) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of fentanyl or carfentanil, or any salt, compound, derivative, or preparation of such substance, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in fentanyl or carfentanil" 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 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 five hundred thousand dollars (\$500,000).
- b. Is 14 grams or more, but less than 28 grams, 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 seven hundred fifty thousand dollars (\$750,000).
- 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 one million dollars (\$1,000,000).

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SECTION 14.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.