
#In the Greater Appalachia Assembly

September, 2021

#Blunt Act

This is an act to Strike And or Reform laws Prohibiting Cannabis in Greater Appalachia

Whereas, there are many Greater Appalachian laws in effect that keep cannabis illegal.

THEREFORE, BE IT ENACTED by the General Assembly of the Commonwealth of Greater Appalachia that:

****Section 1. Title****

(A) This bill shall be referred to as the "The Blunt Act"

****Section 2. Amending Laws Relating to Cannabis****

(a) Strike "G.S. 90-113.22A"

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_90/gs_90-113.22a.pdf

(b) Strike "G.S. 105-113.107A"

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_105/gs_105-113.107a.pdf

(c) Strike Section (a) and Section (a1) of "G.S. 105-113.107"

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_105/gs_105-113.107.pdf

(d) Strike "G.S. 90-113.21" and Replace it with Section 3 of this bill

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_90/gs_90-113.21.pdf

(e) Replace Section a of “G.S. 90-113.22”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_90/gs_90-113.22.pdf

With the following: “*It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance other than marijuana ~~which it would be unlawful to possess~~, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance other than marijuana ~~which it would be unlawful to possess.~~*”

(f) Replace Section a of “G.S. 106-568.57”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_106/gs_106-568.57.pdf

With the following: “*Any person that manufactures, ~~distributes, dispenses, delivers~~, purchases, aids, abets, ~~attempts~~, or conspires to manufacture, ~~distribute, dispense, deliver~~, purchase, or possesses with the intent to manufacture, ~~distribute, dispense, deliver~~, or purchase marijuana on property **Which is supposed to be used solely** for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, shall be deemed guilty of a Class I ~~felony~~ **Misdemeanor**. This penalty may be imposed in addition to any other penalties provided by law.”*

(g) Replace Section a.2 of “G.S. 106-568.56”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_106/gs_106-568.56.pdf

With the following: “*Manufactures, ~~distributes, dispenses, delivers~~, purchases, aids, abets, attempts, or conspires to manufacture, ~~distribute, dispense, deliver~~, purchase, or possesses with the intent to manufacture, ~~distribute, dispense, deliver~~, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp. This penalty may be imposed in addition to any other penalties provided by law.”*

(h) Strike “G.S. 105-113.106” and Replace it with Section 4 of this bill.

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_105/gs_105-113.106.pdf

(i) Strike “G.S. 90-94”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_90/gs_90-94.pdf

(j) Strike Section 16 of “G.S. 90-87”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_90/gs_90-87.pdf

(k) Replace Section c.3 of “G.S. 14-404”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_14/gs_14-404.pdf

With the Following: “*One who is an unlawful user of or addicted to ~~marijuana~~ or any depressant, stimulant, or narcotic drug. (as defined in 21 U.S.C. § 802)*”

(l) Replace Section 4 of “G.S. 106-134”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_106/gs_106-134.pdf

With the Following: “*If it is for use by **humans** and contains any quantity of the narcotic or hypnotic substance alphaeucaine, barbituric acid, betaeucaine, bromal, ~~cannabis~~, carbromal, chloral, coca, cocaine, codeine, heroin, ~~marijuana~~, morphine, opium, paraldehyde, ~~peyote~~, or sulphonmethane; or any chemical derivative of such substances, which derivative has been by the Board after investigation, found to be, and by regulations under this Article, designated as, habit forming; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning – May be habit forming."*

(m) Strike Section b.1 of “G.S. 105-113.108”

https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_105/gs_105-113.108.pdf

****Section 3. G.S. 90-113.21(A)****

(a) As used in this Article, "drug paraphernalia" means all equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Controlled Substances Act, including planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body. "Drug paraphernalia" includes, but is not limited to, the following:

(1) Kits for planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits for manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices for increasing the potency of any species of plant which is a controlled substance;

~~(4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of controlled substances;~~

(5) Scales and balances for weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose for mixing with controlled substances;

~~(7) Separation gins and sifters for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;~~

(8) Blenders, bowls, containers, spoons, and mixing devices for compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers for packaging small quantities of controlled substances;

(10) Containers and other objects for storing or concealing controlled substances;

(11) Hypodermic syringes, needles, and other objects for parenterally injecting controlled substances into the body;

(12) Objects for ingesting, inhaling, or otherwise introducing ~~marijuana, cocaine, hashish, or hashish oil into the~~ **a controlled substance into the** body, such as:

a. ~~Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;~~

b. ~~Water pipes;~~

c. ~~Carburetion tubes and devices;~~

d. ~~Smoking and carburetion masks;~~

e. ~~Objects, commonly called roach clips, for holding burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;~~

f. Miniature cocaine spoons and cocaine vials;

g. ~~Chamber pipes;~~

h. ~~Carburetor pipes;~~

i. ~~Electric pipes;~~

j. ~~Air-driven pipes;~~

k. ~~Chillums;~~

l. ~~Bongs;~~

m. ~~Ice pipes or chillers.~~

(b) The following, along with all other relevant evidence, may be considered in determining whether an object is drug paraphernalia:

(1) Statements by the owner or anyone in control of the object concerning its use;

(2) ~~Prior convictions of the owner or other person in control of the object for violations of controlled substances law;~~

(3) The proximity of the object to a violation of the Controlled Substances Act;

(4) The proximity of the object to a controlled substance;

(5) The existence of any residue of a controlled substance on the object;

(6) The proximity of the object to other drug paraphernalia;

(7) Instructions provided with the object concerning its use;

(8) Descriptive materials accompanying the object explaining or depicting its use;

(9) Advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a seller of tobacco products or agricultural supplies;

(12) Possible legitimate uses of the object in the community;

(13) Expert testimony concerning its use;

(14) The intent of the owner or other person in control of the object to deliver it to persons whom he knows or reasonably should know intend to use the object to facilitate violations of the Controlled Substances Act. (1981, c. 500, s. 1.)

****Section 4. G.S. 105-113.106(A) Definitions****

(a) The following definitions apply in this Article:

(1) Controlled Substance. – Defined in G.S. 90-87.

(2) Repealed by Session Laws 1995, c. 340, s. 1.

(3) Dealer. – Any of the following:

a. A person who actually or constructively possesses more than ~~42.5 grams of marijuana~~, seven or more grams of any other controlled substance that is sold by weight, or 10 or more dosage units of any other controlled substance that is not sold by weight.

b. A person who in violation of Chapter 18B of the General Statutes possesses illicit spirituous liquor for sale.

c. A person who in violation of Chapter 18B of the General Statutes possesses mash.

d. A person who in violation of Chapter 18B of the General Statutes possesses an illicit mixed beverage for sale.

(4) Repealed by Session Laws 1995, c. 340, s. 1.

(4a) Illicit mixed beverage. – A mixed beverage, as defined in G.S. 18B-101, composed in whole or in part from spirituous liquor on which the charge imposed by G.S. 18B-804(b)(8) has not been paid, but not including a premixed cocktail served from a closed package containing only one Serving.

(4b) Illicit spirituous liquor. – Spirituous liquor, as defined in G.S. 105-113.68, not authorized by the North Carolina Alcoholic Beverage Control Commission. Some examples of illicit spirituous liquor are the products known as "bootleg liquor", "moonshine", "non-tax-paid liquor", and "white Liquor".

(4c) Local law enforcement agency. – A municipal police department, a county police department, or a sheriff's office.

(4d) Low-street-value drug. – Any of the following controlled substances:

a. An anabolic steroid as defined in G.S. 90-91(k).

b. A depressant described in G.S. 90-89(4), 90-90(4), 90-91(b), or 90-92(a).

c. A hallucinogenic substance described in G.S. 90-89(3) or G.S. 90-90(5).

d. A stimulant described in G.S. 90-89(5), 90-90(3), 90-91(j), 90-92(a)(3), or 90-93(a)(3).

e. A controlled substance described in G.S. 90-91(c), (d), or (e), 90-92(a)(3), or (a)(5), or 90-93(a)1.

(5) Repealed by Session Laws 1995, c. 340, s. 1.

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

(6a) Mash. – The fermentable starchy mixture from which spirituous liquor can be distilled.

(7) Person. – Defined in G.S. 105-228.90.

(8) Secretary. – Defined in G.S. 105-228.90.

(8a) State law enforcement agency. – Any State agency, force, department, or unit responsible for enforcing criminal laws.

(9) Unauthorized substance. – A controlled substance, an illicit mixed beverage, illicit spirituous liquor, or mash. (1989, c. 772, s. 1; 1993, c. 354, s. 10; 1995, c. 340, s. 1; 1997-292, s. 1; 1999-337, s. 19; 2000-119, ss. 3, 4.)

****Section 5. Enactment****

(A) This act shall go into effect immediately after it is signed into law.

(B) If any portion of this act is struck down, the rest of the act shall still be in effect.

This piece of legislation was authored by /u/KushGator (D)