

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1133

Introduced by

Representatives Larson, Porter, Delmore

Senators Anderson, Berry, Nelson

1 A BILL for an Act to create and enact three new sections to chapter 19-03.1 of the North Dakota
2 Century Code, relating to controlled substance analogs; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Three new sections to chapter 19-03.1 of the North Dakota Century Code are
5 created and enacted as follows:

6 **Controlled substance analog use - Penalty.**

- 7 1. A controlled substance analog is a substance with a chemical structure substantially
8 similar to the chemical structure of a schedule I or II controlled substance or a
9 substance that is used to affect the individual's central nervous system; to create or
10 induce a condition of intoxication, hallucination, or elation; or to distort, disturb or
11 change the individual's eyesight, thinking process, balance or coordination in
12 substantially similar manner as a schedule I or II controlled substance. An alcoholic
13 beverage is not a controlled substance analog.
- 14 2. The use of controlled substance analog includes the ingestion, inhalation, absorption,
15 or any other method of taking the controlled substance analog into the body. An
16 individual who intentionally uses a controlled substance analog is guilty of a class C
17 felony, unless the individual obtains the analog directly from a practitioner or pursuant
18 to a valid prescription or order of a practitioner.
- 19 3. The venue for the violation exists in either the jurisdiction in which the substance was
20 used or in which the substance was detected.

21 **Controlled substance analog possession - Penalty.**

22 A person that possesses a substance knowing that the substance is to be used as a
23 controlled substance analog is guilty of a class C felony.

24 **Controlled substance analog manufacture or sale - Penalty.**

- 1 A person that manufactures, delivers, or possesses with intent to manufacture or deliver a
- 2 substance knowing that the substance is to be used as a controlled substance analog is guilty
- 3 of a class B felony.