

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 722

Short Title: Regulate Sales of Glass Vials. (Public)

Sponsors: Representatives Hilton, Frye (Primary Sponsors); and Faison.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary I.

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT GLASS VIALS THAT ARE A CERTAIN LENGTH AND DIAMETER THAT MAY BE USED AS DRUG PARAPHERNALIA SHALL BE SOLD FROM BEHIND THE COUNTER AND TO REQUIRE THAT A PURCHASER PROVIDE CERTAIN IDENTIFYING INFORMATION WHEN PURCHASING THESE PRODUCTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 5F.

"Control of Certain Products That May Be Used as Drug Paraphernalia.

**"§ 90-113.80. Restriction on sales of certain products that may be used as drug paraphernalia.**

(a) The following definitions apply in this section:

(1) Glass vial. – Tubes of glass, including those that often hold novelty items, that are two to six inches long and one-eighth inch to three-fourths inch in diameter that may be used as drug stems.

(2) Retailer. – An individual or entity that is the general owner of an establishment where glass vials are available for sale.

(b) No glass vial shall be offered for retail sale by self-service. These products shall be stored and sold behind the counter when sold in any establishment. The retailer shall require every purchaser of a glass vial to furnish photo identification, to enter his or her name and address in a record of sale, and to sign the record of sale attesting to the validity of the information.

(c) The retailer shall maintain the record of sale of the glass vial to the consumer for a period of two years from the date of each transaction. The record shall be readily available within 48 hours of the time of the transaction for inspection by an authorized official of a federal, State, or local law enforcement agency. The retailer may destroy the information after two years from the date of the transactions.

(d) A retailer shall require that employees of the establishment involved in the sale of glass vials be trained in the requirements of this section, and the retailer shall have a duty to supervise employees in complying with the provisions of this section.

(e) This section does not apply to the sale of plastic vials.

**"§ 90-113.81. Penalties.**

If a retailer willfully and knowingly violates the provisions of G.S. 90-113.80, the retailer shall be guilty of a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second offense. A retailer convicted of a third or subsequent offense occurring on the same



1 premises or in another establishment owned or operated by the retailer shall be guilty of a Class  
2 1 misdemeanor.

3 **"§ 90-113.82. Immunity.**

4 A retailer or an employee of the retailer who, reasonably and in good faith, reports to any  
5 law enforcement agency any alleged criminal activity related to the sale or purchase of glass  
6 vials, or who refuses to sell a glass vial to a person reasonably believed to be purchasing one of  
7 those products to be used as drug paraphernalia, is immune from civil liability for that conduct  
8 except in cases of willful misconduct. No retailer shall retaliate in any manner against any  
9 employee of the establishment for a report made in good faith to any law enforcement agency  
10 concerning alleged criminal activity related to the sale or purchase of glass vials."

11 **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
12 offenses committed on or after that date.