

260.86 FELONIOUS USE OF CONTROLLED SUBSTANCES REPORTING
SYSTEM—[COMMERCIAL ADVANTAGE] [PERSONAL GAIN] [MALICIOUSLY
HARM]. FELONY.

The defendant has been charged with feloniously using the controlled substances reporting system for [commercial advantage] [personal gain] (or to) [maliciously harm another person].

For you to find the defendant guilty of willfully and maliciously [obtaining] [disclosing] [disseminating] prescription information for an unauthorized purpose with an intent to [use information for commercial advantage] [use information for personal gain] (or to) [maliciously harm another person], the State must prove three things beyond a reasonable doubt.

First, that the defendant was authorized to access data in the controlled substances reporting system.¹

Second, that the defendant willfully and maliciously [obtained] [disclosed] [disseminated] prescription information for an unauthorized purpose.² (*Describe activity*) would be an unauthorized purpose.

And Third, that the defendant intended to use such information [for commercial advantage] [for a personal gain] (or to) [to maliciously harm another person].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was authorized to access the data in the controlled substances reporting system, and that the defendant willfully and maliciously [obtained] [disclosed] [disseminated] prescription information for an unauthorized purpose with the intent to use such information [for

commercial advantage] [for personal gain] [to maliciously harm another person], it would be your duty to return a verdict of guilty. If you do not so find, or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 90-113.74(c) for a list of persons authorized to access the controlled substances reporting system and the scope of their authorization.

2 Access of data in the controlled substances reporting system is authorized for those purposes enumerated in N.C. Gen. Stat. § 90-113.74(c).