

WILLFULLY AND KNOWINGLY OFFERING A [GLASS TUBE] [SPLITTER] FOR RETAIL SALE BY SELF-SERVICE. G.S. 90-113.82(A). MISDEMEANOR.

The defendant has been charged with willfully and knowingly offering a [glass tube]<sup>1</sup> [splitter]<sup>2</sup> for retail sale by self-service.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant is a [retailer] [retailer's [agent] [employee]]. Retailer means an individual or entity that is the general owner of an establishment where glass tubes or splitters are available for sale.]

Second, that the defendant willfully and knowingly offered for retail sale by self-service a [glass tube] [splitter], (*define [glass tube] [splitter]*).

And Third, that the defendant failed to maintain the [glass tube] [splitter] behind a counter where the general public could not access the [glass tube] [splitter] without the assistance of the [retailer] [retailer's [agent] [employee]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged

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1. "Glass tube" means an object which meets all of the following requirements:

- (1) A hollow glass cylinder, either open or closed at either end.
- (2) No less than two or more than seven inches in length.
- (3) No less than one-eighth inch or more than three-fourths inch in diameter.
- (4) May be used to facilitate, or intended or designed to facilitate, violations of the Controlled Substances Act, including, but not limited to, 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.
- (5) Sold individually, or in connection with another object such as a novelty holder, flower vase, or pen. The foregoing descriptions are intended to be illustrative and not exclusive.

2. "Splitter" means a ring-shaped device that does both of the following:

- (1) Allows the insertion of a wrapped tobacco product, such as a cigar, so that it can be pulled through the device.
- (2) Cuts or slices the wrapping of the tobacco product along the product's length as it is drawn through the device.

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date, the defendant was a [retailer] [retailer's [agent] [employee]], that the defendant willfully and knowingly offered a [glass tube] [splitter] for retail sale by self-service, and that the defendant failed to maintain the [glass tube] [splitter] behind a counter where the general public could not access the [glass tube] [splitter] without the assistance of the retailer's [agent] [employee], 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.