

N.C.P.I.—Crim-261.52

PSEUDOEPHEDRINE SALES—[EMPLOYEE OF RETAILER] [OTHER PERSON]
FELONY, MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. §§ 90-113.56, 90-113.53, 90-113.52A, 90-113.52 (c).

261.52 PSEUDOEPHEDRINE SALES—[EMPLOYEE OF RETAILER] [OTHER
PERSON] FELONY, MISDEMEANOR.

NOTE WELL: For a first offense, the retailer would be guilty of a misdemeanor. For a second or subsequent offense, the retailer would be guilty of a felony.

NOTE WELL: See G.S. 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with unlawfully selling a pseudoephedrine product.

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

First, that the defendant was an [employee of a retailer] [other person]¹;

Second, that the defendant willfully and knowingly

- a) [[delivered] [attempted to deliver] to any one person more than 3.6 grams of any pseudoephedrine products in a single calendar day]
- b) [[delivered] [attempted to deliver] to any one person more than 9 grams of pseudoephedrine products within any 30-day period]
- c) [sold a pseudoephedrine product at retail without a prescription to a person under the age of 18 years] [[failed to obtain a [valid] [unexpired] [government issued] photo identification of purchaser]]

¹ G.S. 90-113.53 allows for the prosecution of any person who engages in the proscribed conduct.

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[[failed to obtain in [print] [orally] a current valid personal residential address of purchaser]] [[failed to enter the [name] [address] of a purchaser correctly into a record of disposition of pseudoephedrine products]] [failed to correctly identify the pseudoephedrine product purchased in the record of disposition] [failed to get the purchaser to sign a form attesting to the validity of the pseudoephedrine products that were sold]

d) [did not electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI) before completing the sale of a pseudoephedrine product];

(And Third, that on (*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to] the crime of (describe pseudoephedrine sales crime under G.S. 90-113.56), that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States].)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was an employee of a retailer who willfully and knowingly [[delivered] [attempted to deliver] to any one person more than 3.6 grams of any pseudoephedrine products in a single calendar day], [[delivered] [attempted to deliver] to any one person more than 9 grams of pseudoephedrine products within any 30-day period], [sold a pseudoephedrine product at retail without a prescription to a person under the age of 18 years] [[failed to obtain a [valid] [unexpired] [government issued] photo identification of purchaser]] [[failed to obtain in [print] [orally] a current valid personal residential address of purchaser]] [[failed to enter

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the [name] [address] of a purchaser correctly into a record of disposition of pseudoephedrine products]] [failed to correctly identify the pseudoephedrine product purchased in the record of disposition] [failed to get the purchaser to sign a form attesting to the validity of the pseudoephedrine products that were sold], [did not electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDDI) before completing the sale of a pseudoephedrine product], (and that on (*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to] the crime of (describe pseudoephedrine sales crime under G.S. 90-113.56), that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States]), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

