

# Federal, State and Local Regulations

The unlawful manufacture, distribution, disposition, possession and/or use of a controlled substance or alcohol is regulated by a number of federal, state and local laws. These laws impose sanctions in misdemeanor and felony convictions. A summary of alcohol and drug laws in the United States and in the state of North Carolina is available below.

## Federal Drug Laws

The law prohibiting unauthorized possession of any controlled substance is found in [21 USC § 844](https://www.govinfo.gov/app/details/USCODE-2011-title21/USCODE-2011-title21-chap13-subchapl-partD-sec844) (<https://www.govinfo.gov/app/details/USCODE-2011-title21/USCODE-2011-title21-chap13-subchapl-partD-sec844>). Simple possession of any controlled substance (meaning having a small amount for personal consumption without intending to distribute or sell) is a misdemeanor under federal law carrying a fine of at least \$1,000 and no more than one

which is always a felony and carries a greater penalty). Repeat possession offenders may be charged with a felony, which carries a longer prison sentence and greater fine. Possession with intent to distribute carries additional penalties. In addition to prison time and fines, persons convicted of possession may also be fined for the reasonable costs of the investigation and prosecution of the offense.

The penalties for drug trafficking are found in [21 USC § 841](https://www.govinfo.gov/app/details/USCODE-2011-title21/USCODE-2011-title21-chap13-subchapl-partD-sec841/summary) (<https://www.govinfo.gov/app/details/USCODE-2011-title21/USCODE-2011-title21-chap13-subchapl-partD-sec841/summary>).

## North Carolina Drug and Alcohol Laws

North Carolina law, like federal law, prohibits possession of any controlled substance, possession with intent to distribute and trafficking of any controlled substance. North Carolina has structured sentencing, with judges permitted to impose a sentence within a prescribed range depending on the class of the offense, the number of prior convictions for the individual defendant and whether there were aggravating or mitigating factors in the circumstances of the offense. There are additional penalties whenever a drug transaction or drug law violation involves a minor. [N.C. Gen. Stat. § 90-95.4; §90-95.5; §90-95.6; § 90-95.7](https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_90.html) ([https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\\_90.html](https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_90.html)).

## **Village of Pinehurst Local Ordinance on Drugs and Alcohol**

(A) *Consumption of malt beverages and unfortified wine on the public streets and on*