

# 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 year in prison (except for possession of Flunitrazepam, more commonly known as “roofies,” 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

[https://codelibrary.amlegal.com/codes/pinehurst/latest/pinehurst\\_nc/0-0-0-1695](https://codelibrary.amlegal.com/codes/pinehurst/latest/pinehurst_nc/0-0-0-1695)

### **§ 130.05 ALCOHOLIC BEVERAGES.**

Notwithstanding the provisions of § [94.15](#) of the Village of Pinehurst, North Carolina Municipal Code (Alcoholic Beverages Prohibited on Premises):

(A) *Consumption of malt beverages and unfortified wine on the public streets and on property owned, occupied, or controlled by the village.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on any public street in the village or on any other property owned, occupied, or controlled by the village.

(B) *Possession of open containers of malt beverages or unfortified wine on the public streets and on property owned, occupied, or controlled by the village.* It shall be unlawful for any person who is not an occupant of a motor vehicle on any public street and on property owned, occupied, or controlled by the village to possess an open container of malt beverage or unfortified wine.

(C) *Possession of malt beverages or unfortified wine on public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.*

(1) It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.

(2) For purposes of this section, a special event shall include a street fair, concert, or other event for which a street, alley, or parking lot has been formally closed by an official action of the village or some other agency with proper authority.

(D) *Possession and consumption of malt beverages or unfortified wine at special events.*

(1) Notwithstanding the provisions of § [130.05](#)(A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines, and their consumption shall be lawful on any property owned, occupied, or controlled by the village when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

(2) Notwithstanding the provisions of § [130.05](#)(A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines and their consumption shall be lawful on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

(Ord. 12-09, passed 02-28-2012)