

N.C.P.I.-Crim. 260.96D
FAILURE TO TRAIN AGENTS AND EMPLOYEES ON REQUIREMENTS OF
SALES OF [GLASS TUBES] [SPLITTERS]. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2010
N.C. Gen. Stat. § 90-113.82(e)

260.96D FAILURE TO TRAIN AGENTS AND EMPLOYEES ON REQUIREMENTS
OF SALES OF [GLASS TUBES] [SPLITTERS]. MISDEMEANOR.

The defendant has been charged with failure to train agents and employees on requirements of sales of [glass tubes]¹ [splitters]².

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

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

And Second, that the defendant failed to train agents and employees on the requirement to:

a) [not offer [glass tubes] [splitters] for retail sale by self-service]

b) [store and sell [glass tubes] [splitters] from behind a counter where the general public cannot access them without the assistance of the retailer's [agent] [employee]]

c) [require any member of the public to whom it transfers a [glass tube] [splitter], with or without consideration, to present identification that includes a photograph that is an accurate depiction of the person and also includes the person's name and current address, enter the person's name and current address on a record that the retailer shall maintain, and have the person verify, by signature, that the [glass tube] [splitter] will not be used as drug paraphernalia in violation of the criminal laws of the State of North Carolina]

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d) [maintain the record with the name, address and signature of any person to whom it transfers a [glass tube] [splitter] for a period of two years from the date of each transaction]

e) [have the record with the name, address and signature of any person to whom it transfers a [glass tube] [splitter] readily available within 48 hours of the time of the transaction for inspection by an authorized official of a federal, state, or local law enforcement agency].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a retailer of [glass tubes] [splitters] and that the defendant failed to train its agents and employees on the requirement to:

a) [not offer [glass tubes] [splitters] for retail sale by self-service]

b) [store and sell [glass tubes] [splitters] from behind a counter where the general public cannot access them without the assistance of the retailer's [agent] [employee]]

c) [require any member of the public to whom it transfers a [glass tube] [splitter], with or without consideration, to present identification that includes a photograph that is an accurate depiction of the person and also includes the person's name and current address, enter the person's name and current address on a record that the retailer shall maintain, and have the person verify, by signature, that the [glass tube] [splitter] will not be used as drug paraphernalia in violation of the criminal laws of the State of North Carolina]

d) [maintain the record with the name, address and signature of

any person to whom it transfers a [glass tube] [splitter] for a period of two years from the date of each transaction]

e) [have the record with the name, address and signature of any person to whom it transfers a [glass tube] [splitter] readily available within 48 hours of the time of the transaction for inspection by an authorized official of a federal, state, or local law enforcement agency],

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. "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.