

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

FILED SENATE  
Feb 27, 2019  
S.B. 168  
PRINCIPAL CLERK

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SENATE BILL DRS35043-MG-23

Short Title: Expand Allowable Medical Uses of CBD Oil. (Public)

Sponsors: Senators McKissick and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE EXEMPTION FOR USE OR POSSESSION OF CANNABIDIOL  
3 AND EXPANDING THE PERMISSIBLE USE OF CANNABIDIOL AS AN  
4 ALTERNATIVE TREATMENT TO CHRONIC CONDITIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-94.1(b) reads as rewritten:

7 "(b) Notwithstanding any other provision of this Chapter, an individual may possess or  
8 use hemp extract, and is not subject to the penalties described in this Chapter, if the individual  
9 satisfies all of the following criteria:

- 10 (1) Possesses or uses the hemp extract only to treat intractable epilepsy, ~~as defined~~  
11 ~~in G.S. 90-113.101.~~ autism, multiple sclerosis, Crohn's disease, or  
12 Mitochondrial disease.  
13 (2) Possesses, in close proximity to the hemp extract, a certificate of analysis that  
14 indicates the hemp extract's ingredients, including its percentages of  
15 tetrahydrocannabinol and cannabidiol by weight.  
16 (3) Is a caregiver, as defined in G.S. 90-113.101."

17 **SECTION 2.** Article 5G of Chapter 90 of the General Statutes reads as rewritten:

18 "Article 5G.

19 "~~Epilepsy~~-Alternative Treatment Act.

20 "**§ 90-113.100. Short title.**

21 (a) This act may be cited as the "North Carolina ~~Epilepsy~~-Alternative Treatment Act."

22 (b) The purpose of this act is to permit the use of hemp extract as an alternative treatment  
23 for intractable ~~epilepsy~~-epilepsy, autism, multiple sclerosis, Crohn's disease, and Mitochondrial  
24 disease.

25 (c) The General Assembly finds that there are ~~children~~-individuals in this State suffering  
26 from intractable ~~epilepsy~~-epilepsy, autism, multiple sclerosis, Crohn's disease, and Mitochondrial  
27 disease for which currently available treatment options have been ineffective. Hemp extract  
28 shows promise in treating ~~children with intractable epilepsy~~-these chronic conditions.

29 "**§ 90-113.101. Definitions.**

30 The following definitions apply in this Article:

- 31 (1) Caregiver. – An individual that is at least 18 years of age and a resident of  
32 North Carolina who is a parent, legal guardian, ~~or custodian~~-custodian, nurse  
33 employed by a home health agency licensed under Part 3 of Article 6 of  
34 Chapter 131E of the General Statutes, or other caregiver of a patient and is  
35 registered with the Department of Health and Human and Services under



- 1 G.S. 90-113.102 who possesses a written statement dated and signed by a  
 2 neurologist that states all of the following:
- 3 a. The patient has been examined and is under the care of the  
 4 ~~neurologist~~ neurologist or has been examined and is under the care of  
 5 a physician who has consulted with the neurologist about the patient's  
 6 condition.
  - 7 b. The patient suffers from intractable ~~epilepsy~~ epilepsy, autism, multiple  
 8 sclerosis, Crohn's disease, or Mitochondrial disease.
  - 9 c. The patient may benefit from treatment with hemp extract.
  - 10 d. The patient's condition has not responded to three or more treatment  
 11 options overseen by the neurologist or by a physician with whom the  
 12 neurologist has consulted about the patient's condition.
- 13 (2) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.
  - 14 (3) Database. – The ~~Intractable Epilepsy~~ Alternative Treatment database,  
 15 established by the Department of Health and Human Services pursuant to this  
 16 Article.
  - 17 (4) Department. – The Department of Health and Human Services.
  - 18 (5) Hemp Extract. – An extract from a cannabis plant, as defined in  
 19 G.S. 90-94.1(a).
  - 20 ~~(6) Intractable Epilepsy. – A seizure disorder that, as determined by a neurologist,~~  
 21 ~~does not respond to three or more treatment options overseen by the~~  
 22 ~~neurologist.~~
  - 23 (7) Neurologist. – An individual who is licensed under Article 1 of Chapter 90 of  
 24 the General Statutes, who is board certified in neurology, and is affiliated with  
 25 the neurology department at one or more hospitals licensed in this State.
  - 26 (8) Patient. – A person who has been diagnosed ~~by a neurologist~~ with intractable  
 27 ~~epilepsy~~ epilepsy, autism, multiple sclerosis, Crohn's disease, or  
 28 Mitochondrial disease by a neurologist or by a physician with whom the  
 29 neurologist has consulted about the patient's condition.
  - 30 (8a) Physician. – An individual who is licensed under Article 1 of Chapter 90 of  
 31 the General Statutes who is board certified and is affiliated with one or more  
 32 hospitals licensed in this State.
  - 33 (9) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.
- 34 **"§ 90-113.102. ~~Intractable Epilepsy Alternative Treatment database; departmental duties.~~**
- 35 (a) The Department shall create a secure and electronic ~~Intractable Epilepsy~~ Alternative  
 36 Treatment database registry for the registration of neurologists, caregivers, and patients as  
 37 provided by this Article. All caregivers shall be required to register with the Department. Law  
 38 enforcement agencies are authorized to contact the Department to confirm a caregiver's  
 39 registration. The database shall consist of the following information to be provided by the  
 40 caregivers at the time of registration:
    - 41 (1) The name and address of the caregiver.
    - 42 (2) The name and address of the caregiver's patient.
    - 43 (3) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
    - 44 (4) The name, address, and hospital affiliation of the neurologist recommending  
 45 hemp extract as an alternative treatment ~~for intractable epilepsy~~ for the  
 46 ~~patient~~ patient, and the name, address, and hospital affiliation of any physician  
 47 with whom the neurologist consults about the patient's condition in making  
 48 the recommendation.
  - 49 (b) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
  - 50 (c) If at any time following registration, the name, address, or hospital affiliation of the  
 51 patient's neurologist or physician changes, the caregiver shall notify the Department and provide

1 the Department with the patient's new neurologist's or physician's name, address, and hospital  
2 affiliation."

3           **SECTION 3.** This act becomes effective December 1, 2019.