

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40495-MH-45B

Short Title: Regulate Cannabinoid Products. (Public)

Sponsors: Representative Sasser.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER
3 SERVICES TO ESTABLISH A VOLUNTARY LICENSING PROGRAM FOR
4 CANNABINOID-RELATED COMPOUNDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 106-121 reads as rewritten:

7 "§ 106-121. Definitions and general consideration.

8 For the purpose of this Article:

9 (1) The term "advertisement" means all representations disseminated in any
10 manner or by any means, other than by labeling, for the purposes of inducing,
11 or which are likely to induce, directly or indirectly, the purchase of food,
12 drugs, devices or cosmetics.

13 (1a) The term "cannabinoid-related compounds" means any phytocannabinoid
14 found in hemp, including, but not limited to, tetrahydrocannabinol (THC),
15 tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid
16 (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC),
17 cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV),
18 cannabidivarin (CBDV), cannabichromevarin (CBCV), cannabigerovarin
19 (CBGV), cannabigerol monomethyl ether (CBGM), cannabielsoin (CBE), or
20 cannabicitran (CBT). Cannabinoids do not include synthetic cannabinoids.

21 (1a)(1b) The term "color" includes black, white, and intermediate grays.

22 (1b)(1c) The term "color additive" means a material which:
23"

24 SECTION 2. G.S. 106-139 is amended by adding three new subsections to read:

25 "(f) The Board shall adopt rules to establish a voluntary certification program for good
26 manufacturing practices in manufacturing, packaging, or labeling operations for
27 cannabinoid-related compounds derived from hemp, as defined in G.S. 106-568.51(7). The
28 Board shall include the following labeling requirements in its voluntary certification rules:

29 (1) The label of products containing cannabinoid-related compounds must
30 indicate both the total marketed cannabinoid content per product unit and, for
31 products intended for human consumption, the marketed cannabinoid content
32 per serving size recommended on the product label.

33 (2) All products containing cannabinoid-related compounds shall include on the
34 label a machine-readable code that, when scanned by a cell phone or other
35 electronic device, provides access via the internet to a certificate of analysis



1 issued by an independent accredited laboratory certified under ISO Standard
2 17025 that meets all of the following requirements:

- 3 a. The certification is lot-specific.
4 b. The certification provides a profile of total cannabinoid potency
5 content contained in the product.
6 c. The certification includes analysis of residual solvents, heavy metals,
7 pesticides, mycotoxins, and microbials contained in the product.

8 (g) The manufacture, sale, delivery, holding, or offering for sale of any
9 cannabinoid-related compounds that are falsely certified as compliant with the certification rules
10 adopted by the Board under subsection (f) of this section shall be prohibited under this Article
11 and shall also be subject to G.S. 106-123 and G.S. 106-125.

12 (h) Application for certification of good manufacturing practices shall be made to the
13 Commissioner on forms provided by the Department. The application shall set forth the name
14 and address of the applicant, the applicant's principal place of business, and such other
15 information as the Commissioner may require. The Board shall develop a schedule of license
16 fees. Fees collected pursuant to this subsection shall be used by the Department to cover all
17 reasonable costs of administering the voluntary licensing program, including all staffing costs."

18 **SECTION 3.** G.S. 106-568.51(6) and (7) read as rewritten:

19 "(6) ~~Hemp products. – All products made from industrial hemp, including, but not~~
20 ~~limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard,~~
21 ~~plastics, seed, seed meal and seed oil for consumption, and verified propagules~~
22 ~~for cultivation if the seeds originate from industrial hemp varieties.~~hemp that
23 are prepared in a form available for commercial sale, excluding any product
24 that is smokeable.

25 (7) ~~Industrial hemp. All parts and varieties of the Hemp. – The plant Cannabis~~
26 ~~sativa (L.), cultivated or possessed by a grower licensed by the Commission,~~
27 ~~whether growing or not, that contain along with any part of that plant,~~
28 ~~including the seeds thereof and all derivatives, extracts, cannabinoids,~~
29 ~~isomers, acids, salts, and salts of isomers, whether growing or not, with a~~
30 ~~delta-9 tetrahydrocannabinol concentration of not more than three-tenths of~~
31 ~~one percent (0.3%) on a dry weight basis."~~

32 **SECTION 4.** Chapter 106 of the General Statutes is amended by adding a new
33 section to read:

34 **"§ 106-568.58. Hemp not an adulterant.**

35 Notwithstanding any other provision of law, including federal laws and rules to the contrary,
36 but subject to any rules and regulations developed by the Board of Agriculture, products that
37 contain hemp or any part of the hemp plant or hemp derivative, including the seeds and all
38 naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, isomers,
39 acids, salts, salts of isomers, or cannabidiol derivatives, are not considered to be adulterated or
40 misbranded based solely on the inclusion of hemp or any hemp derivative. Subject to any rules
41 and regulations developed by the Board of Agriculture, the production, marketing, sale, or
42 distribution of products that contain hemp or any derivatives of hemp, including hemp-derived
43 cannabidiol, may not be restricted or prohibited based solely on the inclusion of hemp or any
44 hemp derivative."

45 **SECTION 5.(a)** G.S. 90-87(16) reads as rewritten:

46 "(16) (See editor's note for expiration of last sentence) "Marijuana" means all parts
47 of the plant of the genus Cannabis, whether growing or not; the seeds thereof;
48 the resin extracted from any part of such plant; and every compound,
49 manufacture, salt, derivative, mixture, or preparation of such plant, its seeds
50 or resin, but shall not include the mature stalks of such plant, fiber produced
51 from such stalks, oil, or cake made from the seeds of such plant, any other

1 compound, manufacture, salt, derivative, mixture, or preparation of such
2 mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the
3 sterilized seed of such plant which is incapable of germination. The term does
4 not include ~~industrial hemp or hemp products as defined in G.S. 106-568.51,~~
5 ~~when the industrial hemp is produced and used in compliance with rules~~
6 ~~issued by the North Carolina Industrial Hemp Commission. G.S. 106-568.51."~~

7 **SECTION 5.(b)** G.S. 90-94(2) reads as rewritten:

8 "(2) ~~Tetrahydrocannabinols.~~ Tetrahydrocannabinols, except _____ for
9 tetrahydrocannabinols found in hemp or hemp products, as those terms are
10 defined by G.S. 106-568.51."

11 **SECTION 6.** The Board of Agriculture shall adopt temporary rules to implement
12 this act no later than January 1, 2022. The temporary rules shall remain in effect until permanent
13 rules that replace the temporary rules become effective. The Board of Agriculture shall adopt
14 permanent rules no later than January 1, 2023.

15 **SECTION 7.** Section 2 of this act becomes effective January 1, 2022. Sections 3 and
16 5 of this act become effective October 1, 2021, and apply to offenses committed on or after that
17 date. The remainder of this act is effective when it becomes law.