

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 858

Short Title: Permit Cannabis Medical Research Studies. (Public)

Sponsors: Representatives Martin, Faircloth, and Belk (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT PERMITTING CANNABIS MEDICAL RESEARCH STUDIES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 90-94.1 reads as rewritten:

5 "**§ 90-94.1. Exemption for use or possession of hemp extract-cannabis.**

6 (a) ~~As used in this section, "hemp extract" means an extract from a cannabis plant, or a~~
7 ~~mixture or preparation containing cannabis plant material, that has all of the following~~
8 ~~characteristics:~~

- 9 (1) ~~Is composed of less than nine tenths of one percent (0.9%)~~
10 ~~tetrahydrocannabinol by weight.~~
11 (2) ~~Is composed of at least five percent (5%) cannabidiol by weight.~~
12 (3) ~~Contains no other psychoactive substance.~~

13 (a1) As used in this section, "cannabis" has the same meaning as "marijuana" in
14 G.S. 90-87.

15 (b) Notwithstanding any other provision of this Chapter, an individual may possess or
16 use ~~hemp extract-cannabis~~ and is not subject to the penalties described in this Chapter, if the
17 individual satisfies all of the following criteria:

- 18 (1) Possesses or uses ~~the hemp extract only cannabis~~ to treat ~~intractable epilepsy,~~
19 ~~as defined in G.S. 90-113.101~~ one or more medical conditions if the quantity
20 of usable cannabis possessed does not exceed an adequate supply, as
21 determined by the patient's physician.
22 (2) Possesses, in close proximity to the ~~hemp extract,~~ a certificate of analysis that
23 indicates the hemp extract's ingredients, including its percentages of
24 tetrahydrocannabinol and cannabidiol by weight. ~~cannabis~~ a written
25 certification, as defined in G.S. 90-113.101.
26 (3) Is a caregiver, as defined in G.S. 90-113.101.

27 (c) Notwithstanding any other provision of this Chapter, an individual who possesses
28 ~~hemp extract-cannabis~~ lawfully under this section may administer ~~hemp extract-cannabis~~ to
29 another person under the individual's care and is not subject to the penalties described in this
30 Chapter for administering the ~~hemp extract-cannabis~~ to the person if the individual is the person's
31 caregiver, as defined in G.S. 90-113.101.

32 (d) Any individual who possesses or uses ~~hemp extract-cannabis,~~ as defined under this
33 section, shall dispose of ~~all residual oil from the extract~~ any unused portions at a secure collection
34 box managed by a law enforcement agency. No criminal penalty shall attach for any violation of
35 this subsection."



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

2 "Article 5G.

3 "~~Epilepsy-Cannabis~~ Alternative Treatment Act.

4 "**§ 90-113.100. (Repealed effective July 1, 2021) Short title.**

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

7 (b) The purpose of this act is to permit the use of ~~hemp-extract-cannabis~~ as an alternative
8 treatment for ~~intractable-epilepsy-medical conditions~~.

9 (c) The General Assembly ~~finds that there are children~~ makes the following findings:

10 (1) There are individuals in this State suffering from intractable-epilepsy-medical
11 conditions for which currently available treatment options have been
12 ineffective. Hemp-extract-ineffective.

13 (2) The available treatment options for many medical conditions have side effects
14 with greater risks than cannabis or the treatment options can be improved
15 when combined with cannabis.

16 (3) Cannabis shows promise in treating children—~~with—~~intractable
17 epilepsy-individuals for a variety of medical conditions.

18 "**§ 90-113.101. (Repealed effective July 1, 2021) Definitions.**

19 The following definitions apply in this Article:

20 (1) Cannabis. – Has the same meaning as "marijuana" in G.S. 90-87 and refers to
21 quantities of 1.5 ounces or less.

22 (1a) Caregiver. – An individual that is at least 18 years of age and a resident of
23 North Carolina who is a parent, legal guardian, or custodian of a patient and
24 is registered with the Department of Health and Human and Services under
25 G.S. 90-113.102 who possesses a written statement dated and signed by a
26 ~~neurologist-physician~~ that states all of the following:

27 a. The patient has been examined and is under the care of the
28 ~~neurologist-physician~~.

29 b. The patient suffers from ~~intractable-epilepsy-a~~ medical condition.

30 c. The patient may benefit from treatment with ~~hemp-extract-cannabis~~.

31 (2) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.

32 (3) Database. – The ~~Intractable-Epilepsy-Cannabis~~ Alternative Treatment
33 database, established by the Department of Health and Human Services
34 pursuant to this Article.

35 (4) Department. – The Department of Health and Human Services.

36 (5) ~~Hemp-Extract.—An extract from a cannabis plant, as defined in G.S.~~
37 ~~90-94.1(a).~~

38 (6) Intractable Epilepsy. – A seizure disorder that, as determined by a neurologist,
39 does not respond to three or more treatment options overseen by the
40 neurologist.

41 (7) ~~Neurologist.—An individual who is licensed under Article 1 of Chapter 90 of~~
42 ~~the General Statutes, who is board-certified in neurology, and is affiliated with~~
43 ~~the neurology department at one or more hospitals licensed in this State.~~

44 (8) Patient. – A person who has been diagnosed by a ~~neurologist with intractable~~
45 ~~epilepsy-physician~~ with one or more medical conditions.

46 (9) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.

47 (10) Physician. – A person licensed under Article 1 of Chapter 90 of the General
48 Statutes who is in good standing to practice medicine in this State.

49 (11) Written certification. – A statement in a patient's medical records or a
50 statement signed by a physician with whom the patient has a bona fide
51 physician patient relationship indicating that, in the physician's professional

1 opinion, the patient has a medical condition and the potential health benefits
2 of the medical use of cannabis would likely outweigh the health risks for the
3 patient.

4 **"§ 90-113.102. (Repealed effective July 1, 2021) Intractable Epilepsy Cannabis Alternative**
5 **Treatment database; departmental duties.**

6 (a) The Department shall create a secure and electronic ~~Intractable Epilepsy Cannabis~~
7 ~~Alternative Treatment~~ database registry for the registration of ~~neurologists, physicians,~~
8 caregivers, and patients as provided by this Article. All caregivers shall be required to register
9 with the Department. Law enforcement agencies are authorized to contact the Department to
10 confirm a caregiver's registration. The database shall consist of the following information to be
11 provided by the caregivers at the time of registration:

- 12 (1) The name and address of the caregiver.
- 13 (2) The name and address of the caregiver's patient.
- 14 (3) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
- 15 (4) The name, address, and hospital affiliation of the ~~neurologist-physician~~
16 recommending ~~hemp extract cannabis~~ as an alternative treatment for
17 ~~intractable epilepsy for the patient.~~ a patient's medical condition.

18 (b) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.

19 (c) If at any time following registration, the name, address, or hospital affiliation of the
20 patient's ~~neurologist-physician~~ changes, the caregiver shall notify the Department and provide
21 the Department with the name, address, and hospital affiliation of the patient's new
22 ~~neurologist's name, address, and hospital affiliation.~~ physician.

23 ...

24 **"§ 90-113.105. (Repealed effective July 1, 2021) Immunity for ~~neurologists; physicians;~~**
25 **confidentiality.**

26 (a) On a case-by-case basis, ~~neurologists-physicians~~ may approve of dispensation to a
27 registered caregiver, as approved by this Article, ~~hemp extract cannabis~~ acquired from another
28 jurisdiction.

29 (a1) ~~Neurologists-Physicians~~ who approve of dispensation of ~~hemp extract cannabis~~ to a
30 registered caregiver, as approved by this Article, shall inform the registered caregiver of the
31 requirement that disposal must be done at a secure collection box pursuant to G.S. 90-94.1.

32 (b) A ~~neurologist-physician~~ shall not be subject to arrest or prosecution, penalized or
33 disciplined in any manner, or denied any right or privilege for approving or recommending the
34 use of ~~hemp extract cannabis~~ or providing a written ~~statement certification~~ for the use of ~~hemp~~
35 ~~extract cannabis~~ pursuant to this Article.

36 (c) Repealed by Session Laws 2015-154, s. 7, effective July 16, 2015.

37 (d) The identities of the caregivers, patients, and ~~neurologists-physicians~~ reported to the
38 Department pursuant to this Article are confidential and are not matters of public record.
39 However, this information may be provided to law enforcement agencies pursuant to
40 G.S. 9-113.102.

41 **"§ 90-113.105.5. North Carolina Cannabis Research Program.**

42 (a) It is the intent of the General Assembly that any physician who issues a written
43 certification to a patient be permitted to participate in objective scientific research with persons
44 registered under G.S. 90-113.102 regarding the administration of cannabis as part of medical
45 treatment.

46 (b) The scientific research conducted under this Article may involve the development of
47 quality control, purity, and labeling standards for cannabis; sound advice and recommendations
48 on the best practices for the safe and efficient medical use of cannabis; and analysis of genetic
49 and healing properties of the many varied strains of cannabis to determine which strains may be
50 best suited for a particular medical condition or treatment.

1 (c) A physician or person registered to conduct research under G.S. 90-113.102 shall not
2 be subject to arrest or prosecution, or penalized in any manner, or denied any right or privilege
3 for recommending the medical use of cannabis or providing written certification for the medical
4 use of cannabis pursuant to this section.

5 "

6 **SECTION 3.** The provisions of this act are severable. If any provision of this act is
7 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions
8 of this act which can be given effect without the invalid provision.

9 **SECTION 4.** This act becomes effective July 1, 2021, and applies to offenses
10 committed on or after that date.