

# GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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## HOUSE BILL 1220

Short Title: Hope 4 Haley and Friends. (Public)

Sponsors: Representatives McElraft, Avila, Carney, and Fulghum (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Health and Human Services, if favorable, Judiciary Subcommittee B.

May 28, 2014

### A BILL TO BE ENTITLED

AN ACT TO CREATE A COMPASSIONATE USE REGISTRY FOR THE USE AND ADMINISTRATION OF HEMP OIL EXTRACT FOR PEOPLE SUFFERING FROM INTRACTABLE SEIZURE DISORDERS AND TO PROVIDE THAT COMPASSIONATE USE REGISTRANTS ARE NOT SUBJECT TO CRIMINAL PENALTIES FOR THE POSSESSION AND USE OF HEMP OIL EXTRACT WHEN POSSESSED AND USED TO TREAT INTRACTABLE SEIZURE DISORDERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

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

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

- (1) Is composed of less than 0.3% tetrahydrocannabinol by weight;
- (2) Is composed of at least 10% cannabidiol by weight; and
- (3) Contains no other psychoactive substance.

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

- (1) Possesses or uses the hemp extract only to treat intractable epilepsy, as defined in G.S. 90-113.101.
- (2) Possesses, in close proximity to the hemp extract, a certificate of analysis that indicates the hemp extract's ingredients, including its percentages of tetrahydrocannabinol and cannabidiol by weight.
- (3) Has a current hemp extract registration card issued by the Department of Health and Human Services under Article 5G of Chapter 90 of the General Statutes.

(c) Notwithstanding any other provision of this Chapter, an individual who possesses hemp extract lawfully under this section may administer hemp extract to another person under the individual's care and is not subject to the penalties described in this Chapter for administering the hemp extract to the person if both of the following conditions are satisfied:

- (1) The individual is the person's caregiver, as defined in G.S. 90-113.101.
- (2) The individual is registered with the Department of Health and Human Services to administer hemp extract under G.S. 90-113.102.





- 1        b.     The patient's name and address.
- 2        c.     A copy of the caregiver's valid government-issued photo  
3                 identification.
- 4        d.     Any additional information the Department finds necessary to  
5                 implement this Article.

6        (c)    The Department shall renew a compassionate use registration card upon certification  
7                 from the caregiver and the neurologist that all information initially provided to the Department  
8                 under subsection (b) of this section is current or has been updated to reflect any changes. The  
9                 Department shall charge a fee for renewal of a compassionate use registration card, not to  
10                 exceed twenty-five dollars (\$25.00), established under G.S. 90-113.105.

11      "**§ 90-113.103. Compassionate use database; Departmental duties.**

12      (a)    The Department shall create a secure, electronic, and online compassionate use  
13                 registry for the registration of neurologists, caregivers, and patients as provided by this Article.  
14                 The registry must be accessible to law enforcement agencies in order to verify registration of  
15                 caregivers. The registry must prevent an active registration of a patient by multiple  
16                 neurologists. At a minimum, the database shall consist of:

- 17                 (1)    The name of each registered caregiver.
- 18                 (2)    The name of each registered patient.
- 19                 (3)    The name and address of the neurologist submitting a statement for the  
20                 recommendation of hemp extract for a patient.

21      (b)    The Department shall contact the county department of health where the patient  
22                 resides and provide the following information:

- 23                 (1)    The name and address of the registrant.
- 24                 (2)    Identifying information contained on the compassionate use registration  
25                 card.

26      "**§ 90-113.104. Immunity for neurologists; medical records.**

27      (a)    On a case-by-case basis, neurologists may approve of dispensation to a registrant as  
28                 approved by this Article hemp oil acquired from another jurisdiction.

29      (b)    A neurologist shall not be subject to arrest or prosecution, penalized or disciplined  
30                 in any manner, or denied any right or privilege for approving or recommending the use of hemp  
31                 oil or providing a written statement or health records to the Department for the use of hemp oil  
32                 pursuant to this Article.

33      (c)    A neurologist who signs a statement as described in G.S. 90-113.102(a)(3) shall:  
34                 (1)    Keep a record of the evaluation and observation of a patient under the  
35                 neurologist's care, including the patient's response to hemp extract treatment.- 36                 (2)    Transmit the record described in subdivision (1) of this subsection to the  
37                 Department upon request.

38      (d)    All medical records received or maintained by the Department pursuant to this  
39                 Article are confidential and may not be disclosed to the public. Nothing in this Article is  
40                 intended to alter the provisions of G.S. 8-53 or G.S. 8-53.1.

41      "**§ 90-113.105. Rule making.**

42      The Department shall adopt rules in accordance with Article 2A of Chapter 150B of the  
43                 General Statutes to implement the provisions of this Article."

44      **SECTION 3.** The General Assembly encourages the University of North Carolina  
45                 at Chapel Hill, Duke University, and Wake Forest University to conduct research on hemp oil  
46                 development, production, and use for the treatment of seizure disorders and to participate in  
47                 any ongoing or future clinical studies or trials.

48      **SECTION 4.** Section 1 of this act becomes effective October 1, 2014. The  
49                 remainder of this act becomes effective June 30, 2014. No later than October 1, 2014, the  
50                 Department shall establish and adopt rules to implement the provisions of this act.