

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 168
Judiciary Committee Substitute Adopted 3/20/19

Short Title: Expand Allowed Medical Uses/Cannabis Extract.

(Public)

Sponsors:

Referred to:

February 28, 2019

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

5 The General Assembly of North Carolina enacts:

6 SECTION 1. This act shall be known as "Bethany's Law" and may be cited by that
7 name.

8 SECTION 2. G.S. 90-94.1 reads as rewritten:

9 "§ 90-94.1. Exemption for use or possession of ~~hemp~~-cannabis extract.

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

13 (1) Is composed of more than three-tenths of one percent (0.3%)
14 tetrahydrocannabinol by weight and less than nine-tenths of one percent
15 (0.9%) tetrahydrocannabinol by weight.

16 (2) Is composed of at least five percent (5%) ~~eannabidiol~~-cannabinoids other than
17 tetrahydrocannabinol by weight.

18 (3) Contains no other psychoactive substance.

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

22 (1) Possesses or uses the ~~hemp-cannabis~~ extract only to treat intractable epilepsy,
23 ~~as defined in G.S. 90-113.101~~-autism, multiple sclerosis, Crohn's disease, or
24 Mitochondrial disease.

25 (2) Possesses, in close proximity to the ~~hemp-cannabis~~ extract, a certificate of
26 analysis that indicates the ~~hemp-cannabis~~ extract's ingredients, including its
27 percentages of tetrahydrocannabinol and ~~eannabidiol~~-other cannabinoids by
28 weight.

29 (3) Is a caregiver, as defined in G.S. 90-113.101.

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



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

SECTION 3. Article 5G of Chapter 90 of the General Statutes reads as rewritten:

"Article 5G.

~~Epilepsy-Alternative Treatment Act.~~

"§ 90-113.100. Short title.

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

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

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

"§ 90-113.101. Definitions.

The following definitions apply in this Article:

(1) Caregiver. – An individual that is at least 18 years of age and a resident of North Carolina who is a ~~patient's parent, legal guardian, or custodian of a patient and custodian, or nurse employed by a home health agency licensed under Part 3 of Article 6 of Chapter 131E of the General Statutes, who is registered with the Department of Health and Human and Services under G.S. 90-113.102–G.S. 90-113.102,~~ and who possesses a written statement dated and signed by a neurologist that states all of the following:

- a. The patient has been examined and is under the care of the ~~neurologist-neurologist or has been examined and is under the care of a physician who has consulted with the neurologist about the patient's condition.~~
- b. The patient suffers from intractable ~~epilepsy-epilepsy, autism, multiple sclerosis, Crohn's disease, or Mitochondrial disease.~~
- c. The patient may benefit from treatment with ~~hemp-cannabis~~ extract.
- d. ~~The patient's condition has not responded to three or more treatment options overseen by the neurologist or by a physician with whom the neurologist has consulted about the patient's condition.~~

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

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

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

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

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

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

(8) Patient. – A person who has been diagnosed ~~by a neurologist~~ with intractable ~~epilepsy-epilepsy, autism, multiple sclerosis, Crohn's disease, or Mitochondrial disease~~ by a neurologist or by a physician with whom the neurologist has consulted about the patient's condition.

1 (8a) Physician. – An individual who is licensed under Article 1 of Chapter 90 of
2 the General Statutes who is board certified and is affiliated with one or more
3 hospitals licensed in this State.

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

5 **"§ 90-113.102. ~~Intractable Epilepsy Alternative Treatment database; departmental duties.~~**

6 (a) The Department shall create a secure and electronic ~~Intractable Epilepsy Alternative~~
7 ~~Treatment database registry for the registration of neurologists, caregivers, and patients as~~
8 ~~provided by this Article. All caregivers shall be required to register with the Department. Law~~
9 ~~enforcement agencies are authorized to contact the Department to confirm a caregiver's~~
10 ~~registration. The database shall consist of the following information to be provided by the~~
11 ~~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 recommending
16 ~~hemp-cannabis~~ extract as an alternative treatment ~~for intractable epilepsy~~ for
17 ~~the patient-patient, and the name, address, and hospital affiliation of any~~
18 ~~physician with whom the neurologist consults about the patient's condition in~~
19 ~~making the recommendation.~~

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

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

25 **SECTION 4.** This act becomes effective December 1, 2019. The requirements of
26 G.S. 90-113.101(1)d., as enacted by Section 3 of this act, shall apply to caregivers who register
27 with the Department of Health and Human Services under G.S. 90-113.102 on or after that date.