



HOUSE BILL 1220: Hope 4 Haley and Friends

2013-2014 General Assembly

Committee:	House Finance	Date:	June 19, 2014
Introduced by:	Reps. McElraft, Avila, Carney, Fulghum	Prepared by:	Barbara Riley
Analysis of:	First Edition		Staff Attorney

SUMMARY: *House Bill 1220 would create a registry of patients, caregivers and neurologists for the compassionate use of hemp extract for intractable epileptic disorders. Participation in the registry would exempt neurologists, caregivers and patients from State criminal liability for the possession, use, and administration of hemp extract for the limited purpose of treatment for those suffering from intractable epilepsy.*

This bill has been referred to the Finance Committee because it authorizes the Department of Health and Human Services to charge a fee of up to \$50 for the issuance of the compassionate use registration card and a renewal fee of up to \$25.

CURRENT LAW: The North Carolina Controlled Substances Act establishes criminal penalties for the use and possession of cannabis as a Schedule VI drug.¹ Possession or use of cannabis is punishable as a Class 3 misdemeanor or higher. Possession of cannabis in the form of a hemp extract used solely to treat intractable epilepsy also would be punishable as a Class 3 misdemeanor or higher.

Cannabis is a Schedule 1 controlled substance under the federal Controlled Substances Act.²

BILL ANALYSIS:

Section 1 would create a limited exception to the North Carolina Controlled Substances Act for the possession and use of hemp extract. Hemp extract is defined as various forms of cannabis plant extracts with the following composition:

- Less than 0.3% tetrahydrocannabinol by weight;
- At least 10% cannabidiol by weight;
- Containing no other psychoactive substance.

The exception applies only if the individual possessing or using the hemp extract satisfies all of the following criteria:

- Possesses/uses hemp extract only to treat intractable epilepsy
- Possesses in close proximity to the hemp extract a certificate of analysis indicating the ingredients of the extract
- Has a current hemp extract registration card

An individual may administer hemp extract only to a patient in the individual's care and only if the individual is the patient's caregiver (defined as the parent, legal guardian, or custodian of the patient) and is registered to administer hemp extract with the State Department of Health and Human Resources.

¹ G.S. 90-94

² 21 USC §812



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Section 2 of the bill would create a new Article 5G in Chapter 90 of the General Statutes: "Compassionate Use Registration Act".

G.S. 90-101 contains definitions for the article. "*Intractable epilepsy*" is defined as a seizure disorder, as determined by a neurologist, that does not respond to three or more treatment options. "*Neurologist*" is defined as a licensed, board certified neurologist who is affiliated with the neurology department at UNC Chapel Hill, Duke University, or Wake Forest University.

G.S. 90-113-102(a) directs the Department of Health and Human Services to, in conjunction with the Department of Public Safety, develop a compassionate use registration card.

Subsection (b) directs the Department to shall issue a compassionate use registration card to any individual who:

1. Is at least 18 years old and a NC resident
2. Provides statement signed by neurologist that does all of the following:
 - a. Verifies that patient in caregiver's care (a) has been examined and is under the care of the neurologist; (b) suffers from intractable epilepsy; and (c) may benefit from hemp extract treatment.
 - b. Contains a recommendation for hemp extract treatment
 - c. Is consistent with records received from the neurologist regarding the patient contained in the database.
3. Pays a fee of not more than \$50.
4. Submits application with following information:
 - a. Caregiver's name & address
 - b. Patient's name & address
 - c. Valid photo identification of caregiver
 - d. Any additional information requested by Department

Subsection (c) provides for annual renewal of the registration card upon certification from the caregiver and neurologist that the information provided remains current or provision of updates as necessary. The renewal fee shall not exceed \$25.

G.S. 90-113.103 directs the Department create and maintain a secure database of neurologists, caregivers and patients participating in the compassionate use registry. Registry information must be accessible to law enforcement agencies, and must be designed to prevent active registration of a patient by more than one neurologist. In addition, the Department would be required to provide certain registry information to local health departments based upon the county of residence of the registrant.

G.S. 90-113.104 authorizes a neurologist to approve the dispensing of hemp extract, acquired in another jurisdiction, to a registered caregiver on a case by case basis. The neurologist would not be subject to arrest, prosecution, or disciplinary action for approving or recommending the use of hemp extract. A neurologist must maintain current records regarding the patient, including the patient's response to the hemp extract and must transmit these records to the Department upon request. All medical records sent to the Department are confidential.

G.S. 90-113-105 directs the Department to adopt rules to implement the provisions of the Article.

Section 3 of the draft encourages UNC-CH, Duke University, and Wake Forest University to conduct research on hemp extract development, production and use for the treatment of seizure disorders, and to participate in any ongoing or future clinical trials.

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EFFECTIVE DATE: Section 1 of the act would become effective on October 1, 2014. The remaining portions of the act would become effective on June 30, 2014, and the Department is required to establish the registry program and to adopt rules for its implementation no later than October 1, 2014.