

Article 5G.

Epilepsy Alternative Treatment Act.

**§ 90-113.100. (Repealed effective July 1, 2021) Short title.**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 extract as an alternative treatment for intractable epilepsy.
- (c) The General Assembly finds that there are children in this State suffering from intractable epilepsy for which currently available treatment options have been ineffective. Hemp extract shows promise in treating children with intractable epilepsy. (2014-53, s. 2; 2015-154, s. 2.)

**§ 90-113.101. (Repealed effective July 1, 2021) Definitions.**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 parent, legal guardian, or custodian of a patient and is registered with the Department of Health and Human Services under G.S. 90-113.102 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.
  - b. The patient suffers from intractable epilepsy.
  - c. The patient may benefit from treatment with hemp extract.
- (2) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.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 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.
- (9) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015. (2014-53, s. 2; 2015-154, s. 3; 2015-264, ss. 14(a), 48.5.)

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 (Repealed effective July 1, 2021) Intractable Epilepsy Alternative Treatment database; departmental duties.**

- (a) The Department shall create a secure and electronic Intractable Epilepsy Alternative Treatment database registry for the registration of neurologists, caregivers, and patients as provided by this Article. All caregivers shall be required to register with the Department. Law enforcement agencies are authorized to contact the Department to confirm a caregiver's

registration. The database shall consist of the following information to be provided by the caregivers at the time of registration:

- (1) The name and address of the caregiver.
  - (2) The name and address of the caregiver's patient.
  - (3) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
  - (4) The name, address, and hospital affiliation of the neurologist recommending hemp extract as an alternative treatment for intractable epilepsy for the patient.
- (b) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
- (c) If at any time following registration, the name, address, or hospital affiliation of the patient's neurologist changes, the caregiver shall notify the Department and provide the Department with the patient's new neurologist's name, address, and hospital affiliation. (2014-53, s. 2; 2015-154, s. 4.)

**§§ 90-113.103, 90-113.104:** Repealed by Session Laws 2015-154, ss. 5, 6, effective July 16, 2015.

**§ 90-113.105. (Repealed effective July 1, 2021) Immunity for neurologists; confidentiality.**

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

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

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

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

(d) The identities of the caregivers, patients, and neurologists reported to the Department pursuant to this Article are confidential and are not matters of public record. However, this information may be provided to law enforcement agencies pursuant to G.S. 9-113.102. (2014-53, s. 2; 2015-154, s. 7; 2018-36, s. 2.)

**§ 90-113.106. (Repealed effective July 1, 2021) Rule making.**

The Department shall adopt rules in accordance with Article 2A of Chapter 150B of the General Statutes to implement the provisions of this Article. (2014-53, s. 2.)