

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

3

HOUSE BILL 1220
Committee Substitute Favorable 6/19/14
Third Edition Engrossed 6/19/14

Short Title: Hope 4 Haley and Friends.

(Public)

Sponsors:

Referred to:

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 three-tenths of one percent (0.3%) tetrahydrocannabinol by weight.
- (2) Is composed of at least ten percent (10%) cannabidiol by weight.
- (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.



1 (2) The individual is registered with the Department of Health and Human
2 Services to administer hemp extract under G.S. 90-113.102.

3 **SECTION 2.** Chapter 90 of the General Statutes is amended by adding a new
4 Article to read:

5 "Article 5G.

6 "Compassionate Use Registration Act.

7 **"§ 90-113.100. Short title.**

8 This act may be cited as the "North Carolina Compassionate Use Registration Act."

9 **"§ 90-113.101. Definitions.**

10 (a) Caregiver. – An individual who is a parent, legal guardian, or custodian of a person
11 diagnosed with intractable epilepsy.

12 (b) Compassionate Use Registration Card. – A hemp extract registration card issued by
13 the Department of Health and Human Services under this Article.

14 (c) Database. – The compassionate use database, established by the Department of
15 Health and Human Services pursuant to this Article, to register caregivers and patients who
16 suffer from intractable epilepsy.

17 (d) Department. – The Department of Health and Human Services.

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

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

21 (g) Neurologist. – An individual who is licensed under Article 1 of Chapter 90 of the
22 General Statutes, who is board certified in neurology, and is affiliated with the neurology
23 department at one or more of the following universities:

24 (1) The University of North Carolina at Chapel Hill.

25 (2) Duke University.

26 (3) Wake Forest University.

27 (h) Patient. – A person who has been diagnosed by a neurologist with intractable
28 epilepsy.

29 (i) Registrant. – An individual to whom the Department issues a hemp extract
30 registration card under this Article.

31 **"§ 90-113.102. Compassionate use registration card; application; fees.**

32 (a) The Department shall, in coordination with recommendations from the Department
33 of Public Safety, establish the form and content of compassionate use registration cards to be
34 issued to individuals who satisfy the requirements set forth in this section.

35 (b) The Department shall issue a compassionate use registration card, valid for a period
36 of one year from issuance, to an individual who satisfies all of the following criteria:

37 (1) Is at least 18 years of age.

38 (2) Is a resident of North Carolina.

39 (3) Provides the Department with a statement signed by a neurologist that
40 satisfies all of the following:

41 a. Demonstrates that a patient in the caregiver's care satisfies all of the
42 following criteria:

43 1. Has been examined and is under the care of the neurologist.

44 2. Suffers from intractable epilepsy.

45 3. May benefit from treatment with hemp extract.

46 b. Contains a recommendation for the use of hemp extract for treatment
47 of intractable epilepsy.

48 c. Is consistent with records received from the neurologist, concerning
49 the patient, contained in the database described in G.S. 90-113.103.

50 (4) Pays the Department a fee, not to exceed fifty dollars (\$50.00), established
51 by the Department under G.S. 90-113.105.

- 1 (5) Submits an application to the Department that contains all of the following:
2 a. The caregiver's name and address.
3 b. The patient's name and address.
4 c. A copy of the caregiver's valid government-issued photo
5 identification.
6 d. Any additional information the Department finds necessary to
7 implement this Article.

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

13 **"§ 90-113.103. Compassionate use database; Departmental duties.**

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

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

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

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

28 **"§ 90-113.104. Immunity for neurologists; medical records.**

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

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

35 (c) A neurologist who signs a statement as described in G.S. 90-113.102(a)(3) shall:

- 36 (1) Keep a record of the evaluation and observation of a patient under the
37 neurologist's care, including the patient's response to hemp extract treatment.
38 (2) Transmit the record described in subdivision (1) of this subsection to the
39 Department upon request.

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

43 **"§ 90-113.105. Rule making.**

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

46 **SECTION 3.** The University of North Carolina at Chapel Hill may, and Duke
47 University and Wake Forest University are encouraged to, conduct research on hemp extract
48 development, production, and use for the treatment of seizure disorders and to participate in
49 any ongoing or future clinical studies or trials.

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