

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 185

Short Title: Legalize Medical Marijuana. (Public)

Sponsors: Representatives Alexander, Carney, Harrison, and R. Moore (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

February 27, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING THE NORTH CAROLINA MEDICAL CANNABIS ACT.  
3 The General Assembly of North Carolina enacts:

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

6 "Article 43.

7 "North Carolina Medical Cannabis Act.

8 **"§ 90-730. Short title.**

9 This Article shall be known and may be cited as the "North Carolina Medical Cannabis Act."

10 **"§ 90-730.1. Legislative findings and purpose.**

11 The General Assembly makes the following findings:

- 12 (1) Modern medical research has discovered beneficial uses for cannabis in treating  
13 or alleviating pain, nausea, and other symptoms associated with certain  
14 debilitating medical conditions, as found by the National Academy of Sciences'  
15 Institute of Medicine in March 1999.
- 16 (2) According to the United States Sentencing Commission and the Federal Bureau  
17 of Investigation, 99 out of every 100 cannabis arrests in the United States are  
18 made under state law, rather than under federal law. Consequently, changing  
19 State law will have the practical effect of protecting from arrest the vast  
20 majority of seriously ill people who have a medical need to use cannabis.
- 21 (3) The United States Department of Health and Human Services, through the  
22 Compassionate Investigational New Drug (IND) program, provides cannabis by  
23 prescription to a number of individuals for their use as medicine. The cannabis  
24 is grown at the federal cannabis research garden at the University of Mississippi  
25 and is processed and distributed by the Research Triangle Institute in Research  
26 Triangle Park, North Carolina. The patients receive the cannabis monthly in  
27 canisters of approximately 300 prerolled cigarettes. The dosage for patients in  
28 the IND program ranges from seven to nine grams per day. Since the inception  
29 of the program in 1978, individual patients in the IND program have received  
30 and consumed approximately 6.5 pounds of cannabis per year, thereby  
31 establishing a safe and effective dosage for a chronic daily use patient to  
32 possess and consume. The IND program was closed to new applicants in 1991.
- 33 (4) In 1992, the United States Drug Enforcement Administration (DEA) published  
34 research in a report entitled "Cannabis Yields" stating that canopy cover, rather  
35 than the number of plants, is the most accurate indicator of a garden's yield.



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1 According to the DEA report, 250 square feet of mature garden canopy will  
2 typically yield six pounds of processed cannabis per year, a common amount  
3 for patients who use cannabis daily, and less than the amount prescribed and  
4 delivered to the IND patients by the federal government.

5 (5) Although federal law currently prohibits any use of cannabis outside of the IND  
6 program, the laws of Alaska, Arizona, Arkansas, California, Colorado,  
7 Connecticut, District of Columbia, Delaware, Florida, Hawaii, Illinois, Maine,  
8 Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New  
9 Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio,  
10 Oregon, Pennsylvania, Rhode Island, Vermont, and Washington permit the  
11 medical use and cultivation of cannabis. North Carolina joins in this effort for  
12 the health and welfare of its citizens.

13 (6) States are not required to enforce federal law or prosecute people for engaging  
14 in activities prohibited by federal law. Therefore, compliance with this Article  
15 does not put the State of North Carolina in violation of federal law.

16 (7) Compassion dictates that State law should make a distinction between the  
17 medical and nonmedical use of cannabis. Hence, the purpose of this Article is  
18 to protect patients with debilitating medical conditions, and their physicians and  
19 caregivers, from arrest and prosecution, criminal and other penalties, and  
20 property forfeiture by allowing the beneficial use of medical cannabis in a  
21 regulated system for alleviating symptoms caused by debilitating medical  
22 conditions and their medical treatments.

23 (8) This Article is intended to make only those changes to existing North Carolina  
24 laws that are necessary to protect patients and their doctors from criminal and  
25 civil penalties and is not intended to change current civil and criminal laws  
26 governing the use of cannabis for nonmedical purposes.

27 (9) Based on data gathered from other states where medical cannabis has been  
28 regulated, this Article will result in approximately two hundred fifty million  
29 dollars (\$250,000,000) per year in revenues for the State within four years of  
30 implementation.

31 (10) The General Assembly enacts this Article pursuant to its police power to enact  
32 legislation for the protection of the health of its citizens, as reserved to the State  
33 in the Tenth Amendment of the United States Constitution.

34 **"§ 90-730.2. Definitions.**

35 The following definitions apply in this Article:

36 (1) "Adequate supply" has the following meanings:

37 a. An amount of usable cannabis derived solely from an intrastate source  
38 that is possessed by a qualified patient, or collectively possessed by a  
39 qualified patient and the qualified patient's designated caregiver, in an  
40 amount that does not exceed what is reasonably necessary to assure the  
41 uninterrupted availability of cannabis for a period of three months, in  
42 any form recommended by the qualified patient's physician for the  
43 purpose of alleviating the symptoms or effects of the qualified patient's  
44 debilitating medical condition.

45 b. For a qualified patient for whom a delivery method of inhalation of  
46 cannabis vapor or smoking is recommended by the qualified patient's  
47 physician, "adequate supply" means not more than 24 ounces of  
48 cannabis in a form usable for that purpose. The term also includes a  
49 garden cultivated by the qualified patient or the qualified patient's  
50 designated caregiver of not more than 250 feet of total garden canopy of  
51 mature female cannabis plants, measured by the combined vegetative

- 1 growth area, excluding any garden space devoted to cannabis plants that  
2 are not mature and female but which are cultivated for the purpose of  
3 maintaining the largest and most productive canopy of mature female  
4 cannabis plants allowed by this Article.
- 5 c. For a qualified patient for whom a delivery method other than inhalation  
6 of cannabis vapor or smoking has been recommended by the patient's  
7 physician, "adequate supply" means a garden of cannabis cultivated by  
8 the qualified patient or the qualified patient's designated caregiver of a  
9 size reasonably necessary to assure the uninterrupted availability of  
10 cannabis for a period of three months, in a form recommended by the  
11 qualified patient's physician, for the purpose of alleviating the  
12 symptoms or effects of the qualified patient's debilitating medical  
13 condition.
- 14 (2) "Bona fide physician-patient relationship" means a physician and a patient have  
15 a treatment or counseling relationship in which the physician has completed a  
16 full assessment of the patient's medical history and current medical condition,  
17 including an appropriate physical examination; and the physician is available or  
18 offers to provide follow-up care and treatment to the patient, including patient  
19 examinations, to determine the efficacy of the use of medical cannabis as a  
20 treatment for the patient's medical condition.
- 21 (3) "Cannabis" means marijuana as defined in G.S. 90-87(16).
- 22 (4) "Cannabis-infused product" means a product infused with cannabis that is  
23 intended for use or consumption other than by inhalation, smoking, or  
24 otherwise. The term includes edible products, ointments, and tinctures.
- 25 (5) "Canopy" means the foliage of growing plants.
- 26 (6) "Canopy cover" means the area shaded by the foliage of growing plants.
- 27 (7) "Debilitating medical condition" means any of the following:
- 28 a. Cancer, gliomas, glaucoma, positive status for human  
29 immunodeficiency virus (HIV), acquired immune deficiency syndrome  
30 (AIDS), hepatitis C, porphyria, amyotrophic lateral sclerosis (Lou  
31 Gehrig's disease or ALS), Alzheimer's disease, nail-patella syndrome,  
32 fibromyalgia, severe migraines, multiple sclerosis, celiac disease,  
33 Crohn's disease, diabetes mellitus, dystonia, gastrointestinal disorders,  
34 hypertension, incontinence, injury or disease to the spinal cord, spinal  
35 column, or vertebra, methicillin-resistant Staphylococcus aureus  
36 (MRSA), myelomalacia, osteoporosis, pruritus, rheumatoid arthritis,  
37 sleep apnea, Tourette's syndrome, or the treatment of such conditions.
- 38 b. A chronic or debilitating disease or medical condition or its treatment  
39 that produces one or more of the following: cachexia or wasting  
40 syndrome; severe pain; severe nausea; anorexia; seizures, including  
41 those characteristic of epilepsy; or severe and persistent muscle spasms,  
42 including those characteristic of multiple sclerosis (MS), amyotrophic  
43 lateral sclerosis (Lou Gehrig's disease or ALS), or Crohn's disease.
- 44 c. Any other serious medical or mental condition or its treatment approved  
45 by a physician or other practitioner authorized to prescribe or  
46 recommend a controlled substance classified in the schedules set forth  
47 in either the Controlled Substances Act (Article 5 of Chapter 90 of the  
48 General Statutes) or the federal Comprehensive Drug Abuse Prevention  
49 and Control Act of 1970, P.L. 91-513, 84 Stat. 1236 (Oct. 27, 1970).
- 50 (8) "Designated caregiver" means a person who is at least 21 years of age and who  
51 has agreed to assist with a qualified patient's medical use of cannabis.

- 1           (9)    "Licensed medical cannabis center" means a person licensed pursuant to  
2           G.S. 90-730.6 to operate a business that sells cannabis and cannabis-infused  
3           products to registry identification cardholders and other licensed medical  
4           cannabis centers.
- 5           (10) "Licensed producer of cannabis-infused products" means a person licensed  
6           pursuant to G.S. 90-730.6 to operate a business producing cannabis-infused  
7           products.
- 8           (11) "Licensed producer of medical cannabis" means a person licensed pursuant to  
9           G.S. 90-730.6 to cultivate cannabis for sale to a licensed medical cannabis  
10          center.
- 11          (12) "Medical use of cannabis" means the acquisition, possession, cultivation,  
12          manufacture, use, internal possession, delivery, transfer, or transportation of  
13          cannabis or paraphernalia relating to the administration of cannabis to treat or  
14          alleviate a qualified patient's medical condition or symptoms associated with  
15          the medical condition or its treatment.
- 16          (13) "Physician" means a person licensed under Article 1 of Chapter 90 of the  
17          General Statutes who is in good standing to practice medicine in this State.
- 18          (14) "Producer" includes a producer of medical cannabis and a producer of  
19          cannabis-infused products.
- 20          (15) "Qualified patient" means a person who has been diagnosed by a physician as  
21          having a debilitating medical condition.
- 22          (16) "Registry identification card" means a document issued by the North Carolina  
23          Department of Health and Human Services pursuant to G.S. 90-730.5 that  
24          identifies a person as a qualified patient or designated caregiver.
- 25          (17) "Registry identification cardholder" means a qualified patient or a designated  
26          caregiver who holds a valid registry identification card issued by the North  
27          Carolina Department of Health and Human Services pursuant to G.S. 90-730.5.
- 28          (18) "Regulated medical cannabis supply system" or "system" means the system  
29          established by the North Carolina Department of Agriculture and Consumer  
30          Services pursuant to G.S. 90-730.6 to provide a safe method for producing and  
31          distributing cannabis to registry identification cardholders and persons licensed  
32          to produce and distribute cannabis and cannabis-infused products to registry  
33          identification cardholders.
- 34          (19) "Usable cannabis" means the dried buds and mature female flowers of the plant  
35          of the genus Cannabis, and any mixture or preparation thereof, that are  
36          appropriate for medical use as provided in this Article.
- 37          (20) "Written certification" means a statement in a patient's medical records or a  
38          statement signed by a physician with whom the patient has a bona fide  
39          physician-patient relationship indicating that, in the physician's professional  
40          opinion, the patient has a debilitating medical condition and the potential health  
41          benefits of the medical use of cannabis would likely outweigh the health risks  
42          for the patient.

43    **"§ 90-730.3. Protections for the medical use of cannabis.**

44          (a)    A qualified patient shall not be subject to arrest, prosecution, or penalty in any manner,  
45          or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action  
46          by a business or occupational or professional licensing board or bureau, for the possession or  
47          purchase of cannabis for medical use by the qualified patient if the quantity of usable cannabis  
48          possessed or purchased does not exceed an adequate supply, as determined by the qualified  
49          patient's physician.

50          (b)    A designated caregiver shall not be subject to arrest, prosecution, or penalty in any  
51          manner, or denied any right or privilege, including imposition of a civil penalty or disciplinary

1 action by a business or occupational or professional licensing board or bureau, for the possession  
2 or purchase of cannabis for medical use by the qualified patient if the quantity of cannabis  
3 possessed or purchased does not exceed an adequate supply for the qualified patient, as  
4 determined by the qualified patient's physician.

5 (c) If usable cannabis is infused or added as an ingredient to food, salve, tincture, or any  
6 other preparation to be consumed or used by a qualified patient, the weight of the other ingredients  
7 that are not usable cannabis shall not be included for the purpose of determining whether a  
8 qualified patient is in possession of an amount of cannabis that exceeds the qualified patient's  
9 adequate supply.

10 (d) Subsection (a) of this section does not apply to a qualified patient under 18 years of  
11 age, unless all of the following criteria are met:

12 (1) The qualified patient's physician has explained the potential risks and benefits  
13 of the medical use of cannabis to the qualified patient and to a parent, guardian,  
14 or person having legal custody of the qualified patient.

15 (2) A parent, guardian, or person having legal custody of the qualified patient  
16 consents in writing to (i) allow the qualified patient's medical use of cannabis,  
17 (ii) serve as the qualified patient's designated caregiver, and (iii) control the  
18 dosage and frequency of the medical use of cannabis by the qualified patient.

19 (e) A qualified patient or a designated caregiver shall be granted the full legal protections  
20 provided in this section as long as the qualified patient or designated caregiver is in possession of  
21 a registry identification card. If the qualified patient or designated caregiver is not in possession of  
22 a registry identification card, the individual shall be given an opportunity to produce the registry  
23 identification card before the initiation of any arrest, criminal charges, or other penalties.

24 (f) A qualified patient or a designated caregiver is presumed to be engaged in the medical  
25 use of cannabis if the qualified patient or designated caregiver is in possession of a registry  
26 identification card and an amount of cannabis that does not exceed the qualified patient's adequate  
27 supply. This presumption may be rebutted only by evidence that the qualified patient or designated  
28 caregiver engaged in conduct related to cannabis for a purpose other than alleviating the qualified  
29 patient's debilitating medical condition or symptoms associated with the debilitating medical  
30 condition.

31 (g) A designated caregiver may receive reimbursement for costs associated with assisting a  
32 qualified patient in the medical use of cannabis. Reimbursement for these costs does not constitute  
33 the sale of a controlled substance under Article 5 of Chapter 90 of the General Statutes.

34 (h) A school, employer, or landlord shall not refuse to enroll, employ, lease, or otherwise  
35 penalize a qualified patient or a designated caregiver solely because of (i) the individual's status as  
36 a qualified patient or a designated caregiver or (ii) the presence of cannabis metabolites in the  
37 individual's bodily fluids.

38 (i) For the purposes of medical care, including organ transplants, a qualified patient's  
39 authorized use of cannabis in accordance with this Article shall be treated in the same manner as  
40 the authorized use of any other medication used at the direction of a physician and shall not  
41 constitute the use of an illegal substance.

42 (j) A licensed producer of medical cannabis shall not be subject to arrest, prosecution, or  
43 penalty in any manner, or denied any right or privilege, or subject to disciplinary action by a  
44 business or occupational or professional licensing board or bureau for producing, possessing,  
45 distributing, or dispensing cannabis in a manner consistent with this Article.

46 (k) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or  
47 denied any right or privilege, or subject to increased monitoring or disciplinary action by the  
48 North Carolina Medical Board or any other business or occupational or professional licensing  
49 board or bureau for either of the following:

50 (1) Advising a patient about the risks and benefits of the medical use of cannabis or  
51 that the patient may benefit from the medical use of cannabis if, in the

1 physician's medical judgment, the potential benefits of the medical use of  
2 cannabis would likely outweigh the health risks for that particular patient.

3 (2) Providing a patient with valid documentation, based upon the physician's  
4 assessment of the patient's medical history and current medical condition, that  
5 the potential benefits of the medical use of cannabis would likely outweigh the  
6 health risks for that particular patient.

7 (l) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or  
8 denied any right or privilege, or subject to disciplinary action by a business or occupational or  
9 professional licensing board or bureau for discussing with a patient the benefits or health risks of  
10 the medical use of cannabis or the interaction of cannabis with other substances.

11 (m) State and local law enforcement officers shall not harm, neglect, injure, or destroy an  
12 individual's interest in or right to property that is possessed, owned, or used in connection with the  
13 medical use of cannabis, or acts incidental to the medical use of cannabis, while the property is in  
14 the possession of State or local law enforcement officials as a result of a seizure of the property in  
15 connection with the claimed medical use of cannabis. A person does not forfeit any right or  
16 interest in property seized in connection with the medical use of cannabis under any provision of  
17 State law providing for the forfeiture of property, unless the forfeiture is part of a sentence  
18 imposed upon the person as a result of a conviction of a criminal violation of this Article or entry  
19 of a plea of guilty to such violation. Cannabis, paraphernalia, or other property seized from a  
20 qualified patient, designated caregiver, or licensed producer of medical cannabis in connection  
21 with the claimed medical use or production for medical use of cannabis shall be returned  
22 immediately upon the determination by a court, prosecutor, or law enforcement officer that the  
23 qualified patient, designated caregiver, or licensed producer of medical cannabis is entitled to the  
24 protections of this Article. In making this determination, the court, a prosecutor, or a law  
25 enforcement officer shall consider as evidence the failure of law enforcement officers to actively  
26 investigate the case, a decision not to prosecute, the dismissal of charges, or acquittal.

27 (n) A person shall not be denied custody of, or visitation or parenting time with, a minor  
28 for conduct allowed under this Article.

29 (o) There is no presumption of neglect or child endangerment for conduct allowed under  
30 this Article.

31 (p) No person shall be subject to arrest or prosecution for constructive possession,  
32 conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the  
33 presence or vicinity of the medical use of cannabis as permitted under this Article or for assisting a  
34 qualified patient with using or administering cannabis.

35 (q) Possession of or application for a registry identification card shall not alone constitute  
36 probable cause to search the person or the property of the person possessing or applying for a  
37 registry identification card or otherwise subject the person or the person's property to inspection  
38 by any government agency.

39 (r) If an individual being investigated by a law enforcement officer employed by a  
40 State-funded or locally funded law enforcement agency credibly asserts during the course of the  
41 investigation that the individual is a qualified patient or designated caregiver, neither the law  
42 enforcement officer nor the law enforcement agency shall provide any information, except as  
43 required by federal law or the United States Constitution, from any cannabis-related investigation  
44 of the individual to any law enforcement authority that does not recognize the protections of this  
45 Article. Any prosecution of the individual for a violation of this Article shall be conducted  
46 pursuant to the laws of this State.

47 (s) Cannabis produced and possessed under this Article is exempt from the Unauthorized  
48 Substances Tax set forth in Article 2D of Chapter 105 of the General Statutes, and no tax under  
49 that Article may be levied against any qualified patient, designated caregiver, licensed medical  
50 cannabis center, licensed producer of medical cannabis, or licensed producer of cannabis-infused  
51 products operating in accordance with this Article.

1       (t) Nothing in this Article shall be construed to extend the protections of this Article to  
2 any person, including a qualified patient, designated caregiver, or producer, to allow that person to  
3 acquire, possess, manufacture, produce, use, sell, distribute, dispense, or transport cannabis in a  
4 manner that is not consistent with this Article.

5 **"§ 90-730.4. Prohibitions, restrictions, and limitations on medical use of cannabis.**

6       (a) This Article does not permit any person to do any of the following:

7           (1) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft,  
8 or motorboat while impaired by cannabis. However, a qualified patient shall not  
9 be considered impaired solely due to the presence of cannabis metabolites in  
10 the individual's system.

11           (2) Undertake any task under the influence of cannabis, when doing so would  
12 constitute negligence or professional malpractice.

13           (3) Smoke cannabis in a school bus or other form of public transportation, on any  
14 school grounds, in any correctional facility, or in any public place in this State.

15       (b) A person who commits an act prohibited by subsection (a) of this section is subject to  
16 all penalties provided by law.

17       (c) Nothing in this Article shall be construed to require any of the following:

18           (1) A government-sponsored medical assistance program or private health insurer  
19 to reimburse a person for costs associated with the medical use of cannabis.

20           (2) An employer to accommodate the medical use of cannabis in any workplace.

21       (d) Fraudulent representation to a law enforcement official of any fact or circumstance  
22 relating to the medical use of cannabis to avoid arrest or prosecution is a Class 2 misdemeanor  
23 punishable by a fine of five hundred dollars (\$500.00) in addition to any other applicable penalties  
24 for making a false statement about the medical use of cannabis.

25       (e) A licensed producer of medical cannabis that sells, distributes, dispenses, or transfers  
26 cannabis to an individual other than a registry identification cardholder or to a person other than a  
27 person licensed pursuant to G.S. 90-730.6, or obtains or transports cannabis outside of North  
28 Carolina in violation of federal law, is subject to arrest, prosecution, and civil or criminal penalties  
29 pursuant to State law.

30       (f) Nothing in this Article shall be construed as a waiver of sovereign immunity by the  
31 State.

32 **"§ 90-730.5. Registry identification cards for qualified patients and designated caregivers.**

33       (a) As used in this section, "Department" means the North Carolina Department of Health  
34 and Human Services.

35       (b) The Department shall issue a registry identification card to any qualified patient or  
36 designated caregiver who meets the requirements of this section.

37       (c) The Department shall not issue or renew a registry identification card to a qualified  
38 patient under 18 years of age unless each of the following criteria is met:

39           (1) The qualified patient's physician has explained the potential risks and benefits  
40 of the medical use of cannabis to the qualified patient and to a parent, guardian,  
41 or person having legal custody of the qualified patient.

42           (2) A parent, guardian, or person having legal custody of the qualified patient  
43 consents in writing to (i) allow the qualified patient's medical use of cannabis,  
44 (ii) serve as one of the qualified patient's designated caregivers, and (iii) control  
45 the acquisition of the cannabis, the dosage, and the frequency of the medical  
46 use of cannabis by the qualified patient.

47       (d) The Department shall verify the information contained in a registry identification card  
48 application or renewal application submitted pursuant to this section and shall approve or deny an  
49 application or renewal application within 45 days after receipt. The Department may deny a  
50 registry identification card application or renewal application only if the applicant fails to provide  
51 the information required pursuant to this section or if the Department determines that the

1 application or renewal application contains false information. If the Department fails to approve or  
2 deny a registration application or renewal application submitted pursuant to this section within 45  
3 days after receipt, the application or renewal application shall be deemed approved, and a copy of  
4 the application or renewal application together with proof of receipt by the Department at least 45  
5 days prior to the date this information is presented in lieu of a registry identification card shall be  
6 deemed a valid registry identification card.

7 (e) The Department may issue a registry identification card to a maximum of two  
8 designated caregivers named in a qualified patient's approved application.

9 (f) The Department shall issue a registry identification card to an applicant within five  
10 days after approving an application or renewal. The application or renewal expires two years after  
11 the date of issuance.

12 (g) Each registry identification card shall contain at least all of the following information:

13 (1) The date of issuance.

14 (2) The date of expiration.

15 (3) A random registry identification number.

16 (4) A photograph of the registry identification cardholder.

17 (h) Persons issued registry identification cards shall be subject to the following:

18 (1) A qualified patient who has been issued a registry identification card shall  
19 notify the Department of any change in the qualified patient's name, address, or  
20 designated caregiver and submit a ten-dollar (\$10.00) fee to the Department  
21 within 15 days after the change occurs. A qualified patient who fails to notify  
22 the Department of any of these changes within the specified time frame  
23 commits an infraction and is subject to a fine not to exceed more than one  
24 hundred fifty dollars (\$150.00).

25 (2) A designated caregiver shall notify the Department of any change in name or  
26 address and submit a ten-dollar (\$10.00) fee to the Department within 15 days  
27 after the change occurs. A designated caregiver who fails to notify the  
28 Department of any of these changes within the specified time frame commits an  
29 infraction and is subject to a fine not to exceed one hundred fifty dollars  
30 (\$150.00).

31 (3) When a qualified patient or designated caregiver notifies the Department of any  
32 change, as required by this subsection, the Department shall issue the qualified  
33 patient and each designated caregiver a new registry identification card within  
34 10 days after receiving the updated information and the ten-dollar (\$10.00) fee.

35 (4) When a qualified patient who possesses a registry identification card notifies  
36 the Department of a change in designated caregiver, the Department shall notify  
37 the designated caregiver of record of the change within 15 days after receiving  
38 notification of the change. The protections afforded under this Article to the  
39 designated caregiver of record shall expire 30 days after the designated  
40 caregiver of record is notified by the Department of the change in designated  
41 caregiver.

42 (5) If a qualified patient or a designated caregiver loses a registry identification  
43 card, the cardholder shall notify the Department within 15 days after losing the  
44 card. The notification shall include a ten-dollar (\$10.00) replacement fee for a  
45 new card. Within five days after receiving notification of a lost registry  
46 identification card, the Department shall issue the cardholder a new registry  
47 identification card with a new random identification number.

48 (i) If the Department determines that a qualified patient or designated caregiver has  
49 willfully violated any provision of this Article, the Department may suspend or revoke the  
50 qualified patient's or designated caregiver's registry identification card.

1       (j) Applications and supporting information submitted by qualified patients, including  
2 information regarding their designated caregivers and physicians, are confidential and protected  
3 under the federal Health Insurance Portability and Accountability Act of 1996.

4       (k) The Department shall maintain a confidential list of the persons to whom the  
5 Department has issued registry identification cards. Individual names and other identifying  
6 information on the list shall be confidential, exempt from the provisions of Chapter 132 of the  
7 General Statutes, and not subject to disclosure, except to authorized employees of the Department  
8 as necessary to perform official duties of the Department.

9       (l) The Department shall verify to law enforcement personnel whether a registry  
10 identification card is valid solely by confirming the validity of the random registry identification  
11 number and the name of the person to whom the Department has assigned the random registry  
12 identification number.

13       (m) Any person, including an employee or official of the Department or another State  
14 agency or local government, who breaches the confidentiality of information obtained pursuant to  
15 this section is guilty of a Class 1 misdemeanor; however, any fine imposed for a violation under  
16 this subsection shall not exceed one thousand dollars (\$1,000).

17       (n) Nothing in this section shall be construed to prevent Department employees from  
18 notifying law enforcement officers about falsified or fraudulent information submitted to the  
19 Department by any individual in support of an application for a registry identification card.

20       (o) Article 4 of Chapter 150B of the General Statutes governs judicial review of an  
21 administrative decision made under this section.

22 **"§ 90-730.6. Regulated medical cannabis supply system.**

23       (a) As used in this section, "Department" means the North Carolina Department of  
24 Agriculture and Consumer Services.

25       (b) Not later than 120 days after the effective date of this act, the Department shall  
26 establish a medical cannabis supply system that (i) provides a safe, regulated supply of quality  
27 medical cannabis for use by qualified patients who hold valid registry identification cards and (ii)  
28 generates sufficient revenue for the Department to maintain and operate the system. The  
29 Department shall not use any appropriations from the General Fund to establish or operate the  
30 system. The system shall be funded by the fees authorized in this section.

31       (c) Medical Cannabis Center License. –

32       (1) No person shall establish or operate a medical cannabis center without first  
33 applying for a license to the Department and submitting the required  
34 information on application forms provided by the Department. The application  
35 form shall require at least all of the following:

36       a. The applicant's name and any name the applicant will use in the  
37 operation of a medical cannabis center.

38       b. The address of any property the applicant will use to possess, deliver,  
39 transport, dispense, or distribute cannabis.

40       c. The name, address, and date of birth of each principal officer and board  
41 member of the medical cannabis center.

42       d. The name, address, and date of birth of each employee of the medical  
43 cannabis center.

44       e. For first-year licensees, a nonrefundable license fee in the amount of  
45 five thousand dollars (\$5,000).

46       f. For licensees seeking license renewal, a nonrefundable renewal fee in an  
47 amount not less than five thousand dollars (\$5,000), as specified in rules  
48 adopted pursuant to subsection (s) of this section.

49       g. Proof of North Carolina residency for each principal officer, board  
50 member, and employee of the medical cannabis center.

- 1           h. Any other information the Department considers necessary to ensure  
2           compliance with the terms of this Article.
- 3           (2) Unless suspended or revoked, a medical cannabis center license is valid for a  
4           period not to exceed 12 months from the date of issuance.
- 5           (3) A licensee shall apply for renewal, as necessary, at least 30 days prior to the  
6           expiration of a current license.
- 7           (4) No later than 30 days after issuing or renewing a license under this subsection,  
8           the Department shall issue a medical cannabis center registry identification card  
9           to each director and employee listed on the application or renewal form upon  
10           receipt of a ten-dollar (\$10.00) fee per cardholder.
- 11           (5) A licensee shall notify the Department of any change in the information  
12           submitted on the license application or renewal form within 30 days after the  
13           change.
- 14           (6) A medical cannabis center licensee may do all of the following:
- 15           a. Sell cannabis, cannabis-infused products, cannabis plants, cannabis  
16           seeds, cultivation equipment, and related supplies and educational  
17           materials only to registry identification cardholders.
- 18           b. Contract with a producer to sell live plants on the premises of the  
19           medical cannabis center to registry identification cardholders.
- 20           c. Assist registry identification cardholders with other products and  
21           services, including equipment, supplies, and educational materials.
- 22           (7) A medical cannabis center licensee shall not cultivate cannabis unless  
23           separately licensed as a producer of medical cannabis under subsection (c) of  
24           this section.
- 25           (8) A medical cannabis center licensee and its directors, agents, and employees are  
26           exempt from the criminal laws of this State for possession, production,  
27           delivery, or transportation of cannabis, or aiding and abetting another in the  
28           possession, production, delivery, or transportation of cannabis, or any other  
29           criminal offense in which possession, production, delivery, or transportation of  
30           cannabis is an element if the medical cannabis center and the directors, agents,  
31           and employees of the medical cannabis center are in substantial compliance  
32           with this section and the applicable rules adopted by the Department for  
33           regulating medical cannabis centers.
- 34           (9) The records of a licensed medical cannabis center are subject to the same  
35           restrictions imposed on pharmacy records pursuant to G.S. 90-85.36.  
36           G.S. 90-85.36 shall apply to each medical cannabis center as if it were a  
37           pharmacy regulated under Article 4A of Chapter 90 of the General Statutes.
- 38           (d) Producer of Medical Cannabis License. –
- 39           (1) No person shall cultivate cannabis for sale to a licensed medical cannabis center  
40           without first applying for a license to the Department and submitting the  
41           required information on application forms provided by the Department. The  
42           application form shall require at least all of the following:
- 43           a. The name of the person responsible for the medical cannabis production  
44           site and the name of each individual employed by that person.
- 45           b. The address of each property, location, or premises used or proposed for  
46           use by the producer to produce cannabis.
- 47           c. The name, address, and date of birth of each principal officer and board  
48           member of the producer.
- 49           d. The name, address, and date of birth of each employee of the producer.
- 50           e. For first-year licensees, a nonrefundable license fee in the amount of  
51           five thousand dollars (\$5,000).

- 1           f.       For licensees seeking license renewal, a nonrefundable renewal fee in an  
2                   amount not less than five thousand dollars (\$5,000), as specified in the  
3                   rules adopted pursuant to subsection (s) of this section.  
4           g.       Proof of North Carolina residency for each producer of medical  
5                   cannabis and each employee of the producer.  
6           h.       Proof that the producer of medical cannabis and each of the producer's  
7                   employees has attained the age of 21 years.  
8           i.       Any other information the Department considers necessary to ensure  
9                   compliance with this Article.  
10       (2)       Unless suspended or revoked, a producer of medical cannabis license is valid  
11                   for a period not to exceed 12 months from the date of issuance.  
12       (3)       A licensee shall notify the Department of any change in the information  
13                   submitted on the application form within 30 days after the change.  
14       (4)       A licensee shall apply for renewal, as necessary, at least 30 days prior to the  
15                   expiration of a current license.  
16       (5)       Not later than 30 days after issuing or renewing a producer of medical cannabis  
17                   license, the Department shall issue a producer of medical cannabis registry  
18                   identification card to the producer and to each of the producer's employees  
19                   upon payment of a fee of ten dollars (\$10.00) per cardholder.  
20       (6)       The Department shall issue a medical cannabis production site card to each  
21                   licensed producer of medical cannabis for each property, location, or premises  
22                   approved for cannabis production under this section. The card shall be posted  
23                   conspicuously at the medical cannabis production site.  
24       (e)       Producer of Cannabis-Infused Products License. –  
25       (1)       No person shall establish or operate a business to produce cannabis-infused  
26                   products without first applying for a license to the Department and submitting  
27                   the required information on application forms provided by the Department. The  
28                   application form shall require at least all of the following:  
29           a.       The name of the person or entity responsible for the cannabis production  
30                   site and any employee of that person or entity.  
31           b.       The address of each property, location, or premises used or proposed for  
32                   use by the producer of cannabis-infused products to produce cannabis  
33                   and cannabis-infused products.  
34           c.       The name, address, and date of birth of each principal officer and board  
35                   member of the producer of cannabis-infused products.  
36           d.       The name, address, and date of birth of each employee of the producer  
37                   of cannabis-infused products.  
38           e.       For first-year licensees, a nonrefundable license fee in the amount of  
39                   five thousand dollars (\$5,000).  
40           f.       For licensees seeking license renewal, a nonrefundable fee in an amount  
41                   not less than five thousand dollars (\$5,000), as specified in rules  
42                   adopted pursuant to subsection (s) of this section.  
43           g.       Proof of North Carolina residency for the producer of cannabis-infused  
44                   products and each of the producer's employees.  
45           h.       Proof that the producer of cannabis-infused products and each of the  
46                   producer's employees has attained the age of 21 years.  
47           i.       Any other information the Department considers necessary to ensure  
48                   compliance with the terms of this Article.  
49       (2)       Unless suspended or revoked, a license to produce cannabis-infused products is  
50                   valid for a period not to exceed 12 months from the date of issuance.

- 1           (3)    A licensee shall notify the Department of any change in the information  
2           submitted on the application form within 30 days after the change.
- 3           (4)    A licensee shall apply for renewal, as necessary, at least 30 days prior to the  
4           expiration of a current license.
- 5           (5)    Not later than 30 days after issuing or renewing a license to produce  
6           cannabis-infused products, the Department shall issue a registry identification  
7           card to the licensed producer of cannabis-infused products and to each of the  
8           producer's employees upon payment of a fee of ten dollars (\$10.00) per  
9           cardholder.
- 10          (6)    The Department shall issue a medical cannabis production site card to each  
11          producer of cannabis-infused products for each property, location, or premises  
12          approved for production of cannabis-infused products under this section. The  
13          card shall be conspicuously posted at the location of the medical cannabis  
14          production site.
- 15          (f)    Permissible Sales Transactions. – All cannabis sold through the regulated medical  
16          cannabis supply system established under this section shall be subject to the following limitations  
17          and requirements:
- 18               (1)    Only persons licensed as a medical cannabis center under subsection (b) of this  
19               section are authorized to sell cannabis or cannabis-infused products to qualified  
20               patients or designated caregivers through the system.
- 21               (2)    Only persons licensed as a producer of medical cannabis under subsection (c)  
22               of this section or a producer of cannabis-infused products under subsection (d)  
23               of this section are authorized to produce cannabis for sale to licensed medical  
24               cannabis centers through the system.
- 25               (3)    A licensed medical cannabis center shall not sell cannabis, cannabis-infused  
26               products, cannabis plants, cannabis seeds, cultivation equipment, and related  
27               supplies and educational materials to any person other than a qualified patient  
28               or designated caregiver.
- 29               (4)    A licensed producer of medical cannabis shall not sell cannabis, cannabis  
30               plants, or cannabis seeds to any person other than a licensed medical cannabis  
31               center or a licensed producer of cannabis-infused products. However, a licensed  
32               producer of medical cannabis may transfer for no consideration cannabis,  
33               cannabis plants, or cannabis seeds to any qualified patient or designated  
34               caregiver.
- 35               (5)    A producer of cannabis-infused products shall not sell cannabis-infused  
36               products for resale to any person other than a licensed medical cannabis center.
- 37               (6)    A medical cannabis center, producer of medical cannabis, or producer of  
38               cannabis-infused products shall not sell to any registry identification cardholder  
39               cannabis or cannabis plants in an amount that exceeds an adequate supply.
- 40          (g)    Exemption From Criminal Laws. – A medical cannabis center, producer of medical  
41          cannabis, or producer of cannabis-infused products with a valid license for that function is exempt  
42          from the criminal laws of this State for possession, production, delivery, or transportation of  
43          cannabis, or aiding and abetting another in the possession, production, delivery, or transportation  
44          of cannabis, or any other criminal offense in which possession, production, delivery, or  
45          transportation of cannabis is an element if the medical cannabis center, producer of medical  
46          cannabis, or producer of cannabis-infused products is in substantial compliance with this section  
47          and any rules adopted under this section.
- 48          (h)    Loss of Exemption From Criminal Laws. – A person who is not a qualified patient or  
49          licensed caregiver but who is otherwise authorized to possess, produce, deliver, or transport  
50          cannabis for medical use pursuant to this Article ceases to be exempt as provided in subsection (g)  
51          of this section upon committing any of the following acts:

- 1           (1) Driving while impaired by cannabis, provided that the person shall not be  
2           considered to be impaired solely for having cannabis metabolites in his or her  
3           system.
- 4           (2) Delivering cannabis to any individual who the person knows is not a registry  
5           identification cardholder or qualified patient.
- 6           (3) Manufacturing or distributing cannabis at an address not registered with the  
7           Department.
- 8           (4) Failing to report transfer of cannabis authorized under this section to the  
9           Department.
- 10        (i) Monthly Fees and Reporting. –
- 11           (1) Each medical cannabis center, producer of medical cannabis, and producer of  
12           cannabis-infused products licensed under this section shall submit quarterly  
13           reports to the Department on all financial transactions, including, but not  
14           limited to, sales and purchases of cannabis and cannabis-infused products, and  
15           transfers of cannabis and cannabis-infused products for no consideration.
- 16           (2) Each medical cannabis center licensed and operating under this section shall  
17           pay to the Department monthly fees equal to ten percent (10%) of the medical  
18           cannabis center's gross revenue derived from the sale of cannabis and  
19           cannabis-infused products.
- 20           (3) Each producer of medical cannabis or cannabis-infused products producer  
21           licensed and operating under this section shall pay to the Department monthly  
22           fees equal to ten percent (10%) of the producer's gross revenue derived from the  
23           sale of cannabis and cannabis-infused products.
- 24           (4) Each person who (i) holds a medical cannabis center license and either a  
25           producer of medical cannabis license or cannabis-infused products producer  
26           license, or both, and (ii) operates both a retail medical cannabis center and one  
27           or more production sites shall pay to the Department monthly fees equal to  
28           fifteen percent (15%) of that person's gross revenue derived from retail sales of  
29           cannabis and cannabis-infused products produced by that person.
- 30           (5) Nothing in this subsection shall be construed to exempt persons licensed under  
31           this section from the reporting or remittance of sales tax for any transaction  
32           upon which a sales tax may be levied.
- 33        (j) The Department shall use system revenues from license fees and monthly gross  
34        revenue fees to fund, in the following order of priority:
- 35           (1) Costs associated with establishing and operating the regulated medical cannabis  
36           supply system established under this section.
- 37           (2) The registry system established under G.S. 90-730.5.
- 38           (3) The medical cannabis research program established under G.S. 90-730.9.
- 39           (4) Other Department programs.
- 40        (k) Disqualifications for Licensure. – The Department shall not issue a license authorized  
41        by this section to any of the following persons:
- 42           (1) A person who has not paid the appropriate license or license renewal fee.
- 43           (2) An individual who is less than 21 years of age.
- 44           (3) A person who has served a sentence for any of the following felonies in the five  
45           years immediately preceding the date of license application: any Class A  
46           through E felony; any felony that includes assault as an essential element of the  
47           offense; any felony under Article 14 (Burglary and Housebreakings) of Chapter  
48           14 of the General Statutes; any felony under Article 16 (Larceny), Article 16A  
49           (Organized Retail Theft), Article 17 (Robbery), Article 18 (Embezzlement),  
50           Article 19 (False Pretenses and Cheats), Article 19A (Obtaining Property or  
51           Services by False or Fraudulent Use of Credit Device or Other Means), Article

1 19B (Financial Transaction Card Crime Act), or Article 19C (Identity Theft) of  
2 Chapter 14 of the General Statutes. In order to ensure compliance with this  
3 subdivision, the Department shall conduct a criminal history record check of  
4 any person whose name is submitted on an application as the director or an  
5 employee of the medical cannabis center or as a producer or employee of a  
6 producer.

7 (4) A person who at any time has been convicted of a felony violation for  
8 manufacturing, selling, delivering, or possessing with intent to manufacture,  
9 sell, deliver, or possess a Schedule I or II controlled substance in violation of  
10 G.S. 90-95(b)(1). In order to ensure compliance with this subdivision, the  
11 Department shall conduct a criminal history record check of any person whose  
12 name is submitted on an application as the director or an employee of the  
13 medical cannabis center or as a producer or employee of a producer.

14 (5) Except as otherwise provided in this subdivision, a person who has not been a  
15 resident of North Carolina for at least two years prior to the date of the license  
16 application. A person who submits an application for licensure pursuant to this  
17 section within 180 days after the effective date of this Article is not subject to  
18 this residency requirement if the person was a resident of North Carolina for at  
19 least 180 days prior to the effective date of this Article.

20 (l) Inspection. – The Department may inspect the premises of any person seeking or  
21 holding licensure as a medical cannabis center or a licensed producer of medical cannabis solely to  
22 determine compliance with this Article.

23 (m) License Suspension or Revocation. – The Department may suspend or revoke a license  
24 issued pursuant to this section if the Department determines that the licensee is not in substantial  
25 compliance with this section or the rules adopted by the North Carolina Medical Care Commission  
26 under subsection (r) of this section. The Department shall notify a licensee at least 14 days in  
27 advance of a proposed suspension or revocation, including the reasons for the suspension or  
28 revocation and any possible remedial options available to the licensee. The Department shall not  
29 suspend or revoke a license without conducting an investigation and providing the licensee an  
30 opportunity for a public hearing, at which the licensee shall be afforded an opportunity to be  
31 heard. The Department has the power to administer oaths and issue subpoenas to require the  
32 presence of persons and the production of papers, books, and records necessary to conduct a  
33 suspension or revocation hearing.

34 (n) The Department shall maintain a confidential list of the persons to whom the  
35 Department has issued a license pursuant to subsection (b), (c), or (d) of this section. Individual  
36 names and other identifying information on the list shall be confidential, exempt from the  
37 provisions of Chapter 132 of the General Statutes, and not subject to disclosure, except to  
38 authorized employees of the Department as necessary to perform official duties of the Department.

39 (o) The Department shall verify to law enforcement personnel whether a license is valid  
40 solely by confirming the validity of the license number and the name of the person to whom the  
41 Department has issued the license number.

42 (p) Any person, including an employee or official of the Department or another State  
43 agency or local government, who breaches the confidentiality of information obtained pursuant to  
44 subsection (c), (d), or (e) of this section is guilty of a Class 1 misdemeanor; however, any fine  
45 imposed for a violation under this subsection shall not exceed one thousand dollars (\$1,000).

46 (q) Nothing in this section shall be construed to prevent Department employees from  
47 notifying law enforcement officers about falsified or fraudulent information submitted to the  
48 Department by any person in support of an application for a license authorized by subsection (c),  
49 (d), or (e) of this section.

50 (r) A person licensed under subsection (c), (d), or (e) of this section shall be granted the  
51 full legal protections provided in this section as long as the person is in possession of a valid

1 license. If the person is not in possession of a valid license, the person shall be given a reasonable  
2 period of time to produce the license before the initiation of any arrest, criminal charges, or other  
3 penalties.

4 (s) Rules. – Not later than 120 days after the effective date of this act, the North Carolina  
5 Medical Care Commission shall adopt rules to implement the provisions of this section. The rules  
6 shall do all of the following:

7 (1) Establish requirements for the issuance of registry identification cards to  
8 qualified patients and designated caregivers, which shall include at least all of  
9 the following:

10 a. Written certification, as defined in G.S. 90-730.1.

11 b. An application or renewal fee.

12 c. The name, address, and date of birth of the qualified patient, except that  
13 if a qualified patient is homeless, no address is required.

14 d. The name, address, and telephone number of the qualified patient's  
15 physician.

16 e. The name, address, and date of birth of each of the qualified patient's  
17 designated caregivers, if any.

18 (2) Establish qualifications and requirements for licensure of medical cannabis  
19 centers, producers of medical cannabis, and producers of cannabis-infused  
20 products.

21 (3) Establish civil penalties for minor violations of the provisions of this section.

22 (t) Article 4 of Chapter 150B of the General Statutes governs judicial review of an  
23 administrative decision made under this section.

24 **§ 90-730.7. Affirmative defenses.**

25 (a) Except as otherwise provided in this section and G.S. 90-730.4, either of the  
26 affirmative defenses set out in subdivisions (1) and (2) of this subsection may be used by a person  
27 charged with a criminal offense of possession, delivery, or production of cannabis, or any other  
28 criminal offense in which possession, delivery, or production of cannabis is an element. The  
29 affirmative defenses are as follows:

30 (1) The person satisfies all of the following criteria:

31 a. Has been diagnosed with a chronic or debilitating medical condition and  
32 has been advised by the person's attending physician that the medical  
33 use of cannabis may mitigate the symptoms or effects of that chronic or  
34 debilitating medical condition.

35 b. Is engaged in the medical use of cannabis.

36 c. Possesses, delivers, or produces cannabis only in the amount described  
37 in this Article as an adequate supply, or in an amount exceeding an  
38 adequate supply if the person proves by a preponderance of the evidence  
39 that the greater amount is medically necessary to mitigate the symptoms  
40 or effects of the person's chronic or debilitating medical condition, as  
41 determined by the person's attending physician.

42 (2) The person satisfies all of the following criteria:

43 a. Is assisting a person described in sub-subdivision (1)a. of this subsection  
44 in the medical use of cannabis.

45 b. Possesses, delivers, or produces cannabis only in the amount described  
46 herein as an adequate supply or in excess of that amount if the person  
47 proves by a preponderance of the evidence that the greater amount is  
48 medically necessary as determined by the assisted person's attending  
49 physician to mitigate the symptoms or effects of the assisted person's  
50 chronic or debilitating medical condition.

1 (b) A person does not need to be a registry identification cardholder in order to assert an  
2 affirmative defense described in this section.

3 (c) A qualified patient or designated caregiver who has not received a registry  
4 identification card may present evidence supporting the need for the medical use of cannabis. Such  
5 evidence may constitute a defense to a charge of cannabis possession or cultivation and is  
6 admissible in the courts of the State of North Carolina if such evidence otherwise properly  
7 qualifies as admissible under the rules of evidence.

8 (d) Except as otherwise provided in this section and in addition to the affirmative defenses  
9 described in subsection (a) of this section, a person engaged or assisting in the medical use of  
10 cannabis who is charged with a crime pertaining to the medical use of cannabis is not precluded  
11 from doing either of the following:

12 (1) Asserting a full defense of medical necessity.

13 (2) Presenting evidence supporting the medical necessity of using cannabis for  
14 treatment of a specific disease or medical condition if (i) the amount of  
15 cannabis at issue is not greater than the amount described in this Article as an  
16 adequate supply and (ii) the person has taken steps to substantially comply with  
17 the provisions of this Article.

18 (e) A person may assert the need for the medical use of cannabis in a motion to dismiss,  
19 and the court shall dismiss charges following an evidentiary hearing where the defendant shows  
20 that the elements listed in subsection (a) of this section existed at any time prior or subsequent to  
21 the charges being filed.

22 (f) Any interest in or right to property that was possessed, owned, or used in connection  
23 with a person's use of cannabis for medical purposes shall not be forfeited, nor shall the person be  
24 subject to disciplinary action by a business or occupational or professional licensing board or  
25 bureau if the person or the person's designated caregiver demonstrates the person's medical  
26 purpose for using cannabis pursuant to this section.

27 **"§ 90-730.8. Immunity for physicians.**

28 A physician shall not be subject to arrest or prosecution, penalized in any manner, or denied  
29 any right or privilege for recommending the medical use of cannabis or providing written  
30 certification for the medical use of cannabis pursuant to this Article.

31 **"§ 90-730.9. North Carolina Cannabis Research Program.**

32 (a) It is the intent of the General Assembly that The University of North Carolina  
33 undertake objective scientific research regarding the efficacy and safety of administering cannabis  
34 as part of medical treatment. If the Board of Governors of The University of North Carolina, by  
35 appropriate resolution, accepts this responsibility, The University of North Carolina shall create a  
36 program to be known as the North Carolina Cannabis Research Program.

37 (b) The purpose of the program is to develop and conduct studies designed to ascertain the  
38 general safety and efficacy of using cannabis for medical treatment. If the studies conclude that  
39 cannabis is safe and effective for medical treatment, the program shall develop medical guidelines  
40 for the appropriate administration and use of cannabis to assist physicians and patients in  
41 evaluating the risks and benefits of using cannabis for medical treatment and to provide a  
42 scientific basis for future policies.

43 (c) The research conducted under this section may involve the development of quality  
44 control, purity, and labeling standards for medical cannabis dispensed through the system; sound  
45 advice and recommendations on the best practices for the safe and efficient cultivation of  
46 cannabis; and analysis of genetic and healing properties of the many varied strains of cannabis to  
47 determine which strains may be best suited for a particular condition or treatment.

48 **"§ 90-730.10. Severability.**

49 The provisions of this Article are severable. If any provision of this Article is held invalid by a  
50 court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which  
51 can be given effect without the invalid provision."

1           **SECTION 2.** During the period between the effective date of this act and 30 days  
2 after the effective date of rules adopted under G.S. 90-730.6(s), the following provisions apply:

- 3           (1) The Department of Agriculture and Consumer Services shall issue a temporary  
4 certificate for participation in the regulated medical supply system established  
5 under G.S. 90-730.6 to any individual who would be eligible to participate in  
6 the system as a qualified patient but for the adoption of rules to fully implement  
7 the system, upon presentation of a written certification for the medical use of  
8 cannabis from the individual's treating physician. The certificate shall specify  
9 the amount of cannabis the certificate holder may possess for the medical use of  
10 cannabis. The Department of Agriculture and Consumer Services shall maintain  
11 a list of all temporary certificates issued pursuant to this section.
- 12           (2) An individual in possession of a temporary certificate issued pursuant to  
13 subdivision (1) of this section and that individual's designated caregiver are not  
14 subject to arrest, prosecution, civil or criminal penalty, or denial of any right or  
15 privilege for possessing cannabis if the amount of usable cannabis possessed  
16 collectively is not more than the amount specified on the temporary certificate  
17 issued by the Department of Agriculture and Consumer Services.
- 18           (3) A physician shall not be subject to arrest or prosecution, penalized in any  
19 manner, or denied any right or privilege for recommending the medical use of  
20 cannabis or providing written certification for the medical use of cannabis  
21 pursuant to this Article.

22           **SECTION 3.** G.S. 106-121(6) reads as rewritten:

- 23           "(6) The term "drug" means  
24           a. Articles recognized in the official United States Pharmacopoeia, official  
25 Homeopathic Pharmacopoeia of the United States, or official National  
26 Formulary, or any supplement to any of them; and  
27           b. Articles intended for use in the diagnosis, cure, mitigation, treatment or  
28 prevention of disease in man or other ~~animals~~animals, except for  
29 cannabis-infused products, as defined in G.S. 90-730.1, that are  
30 manufactured or sold by a licensed medical cannabis center or a  
31 licensed producer of cannabis-infused products; and  
32           c. Articles (other than food) intended to affect the structure or any function  
33 of the body of man or other animals; and  
34           d. Articles intended for use as a component of any article specified in  
35 paragraphs a, b or c; but does not include devices or their components,  
36 parts, or accessories."

37           **SECTION 4.** G.S. 106-121(8) reads as rewritten:

- 38           "(8) The term "food" means  
39           a. Articles used for food or drink for man or other animals, except for  
40 cannabis-infused products, as defined in G.S. 90-730.1, that are  
41 manufactured or sold by a licensed medical cannabis center or a  
42 licensed producer of cannabis-infused products,  
43           b. Chewing gum, and  
44           c. Articles used for components of any such article."

45           **SECTION 5.** G.S. 105-164.4(a) is amended by adding a new subdivision to read:

- 46           "(17) The rate of five percent (5%) applies to the sales price of cannabis,  
47 cannabis-infused products as defined in G.S. 90-730.1, cannabis plants,  
48 cannabis seeds, cannabis cultivation equipment, and related cannabis supplies.  
49 A person who sells cannabis, cannabis-infused products as defined in  
50 G.S. 90-730.1, cannabis plants, cannabis seeds, cannabis cultivation equipment,  
51 and related cannabis supplies is considered a retailer under this Article. For the

1                            purpose of this subdivision, cannabis has the same meaning as marijuana under  
2                            G.S. 90-87(16)."  
3                            **SECTION 6.** This act becomes effective only upon approval by the voters of a  
4 constitutional amendment to legalize the medical use and cultivation of cannabis for individuals  
5 with debilitating medical conditions verified by a physician licensed to practice medicine in North  
6 Carolina. If the constitutional amendment is approved by the voters, this act becomes effective  
7 December 1, 2018, and applies to acts committed on and after that date.