

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 168
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Short Title: Expand Allowed Medical Uses/Cannabis Extract.

(Public)

Sponsors:

Referred to:

February 28, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE EXEMPTION FOR USE OR POSSESSION OF CANNABIS EXTRACT AND EXPANDING THE PERMISSIBLE USE OF CANNABIS EXTRACT AS AN ALTERNATIVE TREATMENT OF CHRONIC CONDITIONS AND REPEALING THE SUNSET OF THE EPILEPSY ALTERNATIVE TREATMENT ACT.

The General Assembly of North Carolina enacts:

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

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

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

(a) As used in this section, "~~hemp extract~~" "cannabis 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 more than three-tenths of one percent (0.3%) tetrahydrocannabinol by weight and less than nine-tenths of one percent (0.9%) tetrahydrocannabinol by weight.
- (2) Is composed of at least five percent (5%) ~~cannabidiol~~ cannabinoids other than tetrahydrocannabinol by weight.
- (3) Contains no other psychoactive substance.

(b) Notwithstanding any other provision of this Chapter, an individual may possess or use hemp-cannabis 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-cannabis extract only to treat intractable epilepsy, ~~as defined in G.S. 90-113.101-autism, multiple sclerosis, Crohn's disease, Mitochondrial disease, or a medical condition diagnosed by a neurologist for which currently available treatment options have been ineffective.~~
- (2) Possesses, in close proximity to the hemp-cannabis extract, a certificate of analysis that indicates the hemp-cannabis extract's ingredients, including its percentages of tetrahydrocannabinol and ~~cannabidiol~~ other cannabinoids by weight.
- (3) Is a caregiver, as defined in G.S. 90-113.101.

(c) Notwithstanding any other provision of this Chapter, an individual who possesses hemp-cannabis extract lawfully under this section may administer hemp-cannabis extract to another person under the individual's care and is not subject to the penalties described in this



1 Chapter for administering the ~~hemp-cannabis~~ extract to the person if the individual is the person's
2 caregiver, as defined in G.S. 90-113.101.

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

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

7 "Article 5G.

8 "~~Epilepsy~~-Alternative Treatment Act.

9 "**§ 90-113.100. Short title.**

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

11 (b) The purpose of this act is to permit the use of ~~hemp-cannabis~~ extract as an alternative
12 treatment for intractable ~~epilepsy-epilepsy, autism, multiple sclerosis, Crohn's disease,~~
13 Mitochondrial disease, or a medical condition diagnosed by a neurologist for which currently
14 available treatment options have been ineffective.

15 (c) The General Assembly finds that there are ~~children-individuals~~ in this State suffering
16 from the following conditions for which currently available treatment options have been
17 ineffective: intractable ~~epilepsy-epilepsy, autism, multiple sclerosis, Crohn's disease,~~
18 Mitochondrial disease, and medical conditions diagnosed by a neurologist. for which currently
19 available treatment options have been ineffective. ~~HempCannabis~~ extract shows promise in
20 treating ~~children with intractable epilepsy-these chronic conditions.~~

21 "**§ 90-113.101. Definitions.**

22 The following definitions apply in this Article:

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

30 a. The patient has been examined and is under the care of the
31 ~~neurologist.~~neurologist or has been examined and is under the care of
32 a physician who has consulted with the neurologist about the patient's
33 condition.

34 b. The patient suffers from intractable ~~epilepsy-epilepsy, autism, multiple~~
35 sclerosis, Crohn's disease, Mitochondrial disease, or a medical
36 condition diagnosed by a neurologist for which currently available
37 treatment options have been ineffective.

38 c. The patient may benefit from treatment with ~~hemp-cannabis~~ extract.

39 d. The patient's condition has not responded to three or more treatment
40 options overseen by the neurologist or by a physician with whom the
41 neurologist has consulted about the patient's condition, or has been
42 diagnosed by a neurologist with a medical condition for which
43 currently available treatment options have been ineffective.

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

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

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

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

- 1 (6) ~~Intractable Epilepsy. — A seizure disorder that, as determined by a neurologist,~~
 2 ~~does not respond to three or more treatment options overseen by the~~
 3 ~~neurologist.~~
- 4 (7) Neurologist. — An individual who is licensed under Article 1 of Chapter 90 of
 5 the General Statutes, who is board certified in neurology, and is affiliated with
 6 the neurology department at one or more hospitals licensed in this State.
- 7 (8) Patient. — A person who has been diagnosed ~~by a neurologist~~ with intractable
 8 ~~epilepsy.~~ epilepsy, autism, multiple sclerosis, Crohn's disease, or
 9 Mitochondrial disease by a neurologist or by a physician with whom the
 10 neurologist has consulted about the patient's condition, or has been diagnosed
 11 by a neurologist with a medical condition for which currently available
 12 treatment options have been ineffective.
- 13 (8a) Physician. — An individual who is licensed under Article 1 of Chapter 90 of
 14 the General Statutes who is board certified and is affiliated with one or more
 15 hospitals licensed in this State.
- 16 (9) Repealed by Session Laws 2015-154, s. 3, effective July 16, 2015.

17 **"§ 90-113.102. ~~Intractable Epilepsy Alternative Treatment database; departmental duties.~~**

18 (a) The Department shall create a secure and electronic ~~Intractable Epilepsy~~ Alternative
 19 Treatment database registry for the registration of neurologists, caregivers, and patients as
 20 provided by this Article. All caregivers shall be required to register with the Department. Law
 21 enforcement agencies are authorized to contact the Department to confirm a caregiver's
 22 registration. The database shall consist of the following information to be provided by the
 23 caregivers at the time of registration:

- 24 (1) The name and address of the caregiver.
- 25 (2) The name and address of the caregiver's patient.
- 26 (3) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
- 27 (4) The name, address, and hospital affiliation of the neurologist recommending
 28 ~~hemp-cannabis~~ extract as an alternative treatment for intractable epilepsy for
 29 ~~the patient.~~ patient, and the name, address, and hospital affiliation of any
 30 physician with whom the neurologist consults about the patient's condition in
 31 making the recommendation.
- 32 (b) Repealed by Session Laws 2015-154, s. 4, effective July 16, 2015.
- 33 (c) If at any time following registration, the name, address, or hospital affiliation of the
 34 patient's neurologist or physician changes, the caregiver shall notify the Department and provide
 35 the Department with the patient's new neurologist's or physician's name, address, and hospital
 36 affiliation."

37 **SECTION 4.** Section 8.5 of S.L. 2015-154 is repealed.

38 **SECTION 5.** This act becomes effective December 1, 2019. The requirements of
 39 G.S. 90-113.101(1)d., as enacted by Section 3 of this act, shall apply to caregivers who register
 40 with the Department of Health and Human Services under G.S. 90-113.102 on or after that date.