# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

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## HOUSE BILL 1220 Committee Substitute Favorable 6/19/14

<u>(1)</u> <u>(2)</u>

	Committee Substitute 1 at of able 0/12/11				
Short Title: H	ope 4 Haley and Friends.	(Public)			
Sponsors:					
Referred to:					
	May 28, 2014				
	A BILL TO BE ENTITLED				
ADMINISTE INTRACTAI COMPASSIO PENALTIES POSSESSED	CREATE A COMPASSIONATE USE REGISTRY FOR THE USE RATION OF HEMP OIL EXTRACT FOR PEOPLE SUFFERING BLE SEIZURE DISORDERS AND TO PROVIDE ONATE USE REGISTRANTS ARE NOT SUBJECT TO CRIST FOR THE POSSESSION AND USE OF HEMP OIL EXTRACT DAND USED TO TREAT INTRACTABLE SEIZURE DISORDERS.	FROM THAT MINAL			
	embly of North Carolina enacts:	1.11			
	<b>FION 1.</b> Article 5 of Chapter 90 of the General Statutes is amended by	adding a			
a new section to	read: mption for use or possession of hemp extract.				
(a) As us	sed in this section, "hemp extract" means an extract from a cannabis plant paration containing cannabis plant material, that has all of the fo				
characteristics:					
<u>(1)</u>	Is composed of less than three-tenths of one percent	(0.3%)			
	tetrahydrocannabinol by weight.				
<u>(2)</u>	Is composed of at least ten percent (10%) cannabidiol by weight.				
<u>(3)</u>	Contains no other psychoactive substance.				
	ithstanding any other provision of this Chapter, an individual may po				
-	t, and is not subject to the penalties described in this Chapter, if the inc	<u>dividual</u>			
·	e following criteria:				
<u>(1)</u>	Possesses or uses the hemp extract only to treat intractable epile	epsy, as			
(2)	<u>defined in G.S. 90-113.101.</u>	1 .			
<u>(2)</u>	Possesses, in close proximity to the hemp extract, a certificate of				
	that indicates the hemp extract's ingredients, including its percent	ages or			
(2)	tetrahydrocannabinol and cannabidiol by weight.				
<u>(3)</u>	Has a current hemp extract registration card issued by the Depart				
	Health and Human Services under Article 5G of Chapter 90 of the	General			
(-) N-4	Statutes.				
(c) Notwithstanding any other provision of this Chapter, an individual who possesses					
	vfully under this section may administer hemp extract to another perso				
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:					
	<del>-</del>				
<u>(1)</u>	The individual is the person's caregiver, as defined in G.S. 90-113.10	<u>1.</u>			



Services to administer hemp extract under G.S. 90-113.102.

The individual is registered with the Department of Health and Human

1 2	SEC Article to read:	CTION 2.	Chapter 90 of the General Statutes is amended by adding a new		
3	Afficie to feat.		"Article 5G.		
4			"Compassionate Use Registration Act.		
5	"§ 90-113.100.	<b>Short title</b>			
6			s the "North Carolina Compassionate Use Registration Act."		
7	"§ 9 <del>0-113.101.</del>	-			
8	(a) Care	egiver. – An	individual who is a parent, legal guardian, or custodian of a person		
9	diagnosed with	intractable	<u>epilepsy.</u>		
0			Use Registration Card. – A hemp extract registration card issued by		
1	•		nd Human Services under this Article.		
12			e compassionate use database, established by the Department of		
13			es pursuant to this Article, to register caregivers and patients who		
4	suffer from intr	_			
15			The Department of Health and Human Services.		
16			- An extract from a cannabis plant, as defined in G.S. 90-94.1(a).		
17		•	epsy. – A seizure disorder that, as determined by a neurologist, does		
l8 l9	-		te treatment options overseen by the neurologist.  An individual who is licensed under Article 1 of Chapter 90 of the		
20			board certified in neurology, and is affiliated with the neurology		
21			of the following universities:		
	(1)		versity of North Carolina at Chapel Hill.		
23	(2)		niversity.		
24	(3)		orest University.		
22 23 24 25	(h) Patie		erson who has been diagnosed by a neurologist with intractable		
26	epilepsy.	_			
27	(i) Reg	<u>istrant. – A</u>	An individual to whom the Department issues a hemp extract		
28	registration card				
29			onate use registration card; application; fees.		
30		_	t shall, in coordination with recommendations from the Department		
31			the form and content of compassionate use registration cards to be		
32	issued to individuals who satisfy the requirements set forth in this section.				
33			t shall issue a compassionate use registration card, valid for a period		
34 35	<u>or one year from</u> (1)		to an individual who satisfies all of the following criteria: at 18 years of age.		
36	$\frac{(1)}{(2)}$		lent of North Carolina.		
37	$\frac{(2)}{(3)}$		s the Department with a statement signed by a neurologist that		
38	<u>(3)</u>		all of the following:		
39			Demonstrates that a patient in the caregiver's care satisfies all of the		
10			following criteria:		
11		<u>1</u>	. Has been examined and is under the care of the neurologist.		
12		2	Suffers from intractable epilepsy.		
12 13		3	May benefit from treatment with hemp extract.		
14 15		<u>b.</u> (	Contains a recommendation for the use of hemp extract for treatment		
		_	of intractable epilepsy.		
16			s consistent with records received from the neurologist, concerning		
17	2 AS	_	he patient, contained in the database described in G.S. 90-113.103.		
18	<u>(4)</u>		Department a fee, not to exceed fifty dollars (\$50.00), established		
19 50	(5)		epartment under G.S. 90-113.105.		
50 51	<u>(5)</u>		an application to the Department that contains all of the following: The caregiver's name and address.		
, <u>.</u>		u. 1	THE CHICKLY OF THE HICK WHILE WILLIAMS.		

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- 1 <u>b.</u> <u>The patient's name and address.</u>
  2 c. A copy of the caregiver's
  - <u>c.</u> A copy of the caregiver's valid government-issued photo identification.
  - d. Any additional information the Department finds necessary to implement this Article.
  - (c) The Department shall renew a compassionate use registration card upon certification from the caregiver and the neurologist that all information initially provided to the Department under subsection (b) of this section is current or has been updated to reflect any changes. The Department shall charge a fee for renewal of a compassionate use registration card, not to exceed twenty-five dollars (\$25.00), established under G.S. 90-113.105.

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

- (a) The Department shall create a secure, electronic, and online compassionate use registry for the registration of neurologists, caregivers, and patients as provided by this Article. The registry must be accessible to law enforcement agencies in order to verify registration of caregivers. The registry must prevent an active registration of a patient by multiple neurologists. At a minimum, the database shall consist of:
  - (1) The name of each registered caregiver.
  - (2) The name of each registered patient.
  - (3) The name and address of the neurologist submitting a statement for the recommendation of hemp extract for a patient.
- (b) The Department shall contact the county department of health where the patient resides and provide the following information:
  - (1) The name and address of the registrant.
  - (2) <u>Identifying information contained on the compassionate use registration card.</u>

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

- (a) On a case-by-case basis, neurologists may approve of dispensation to a registrant, as approved by this Article, hemp oil acquired from another jurisdiction.
- (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 oil or providing a written statement or health records to the Department for the use of hemp oil pursuant to this Article.
  - (c) A neurologist who signs a statement as described in G.S. 90-113.102(a)(3) shall:
    - (1) Keep a record of the evaluation and observation of a patient under the neurologist's care, including the patient's response to hemp extract treatment.
    - (2) Transmit the record described in subdivision (1) of this subsection to the Department upon request.
- (d) All medical records received or maintained by the Department pursuant to this Article are confidential and may not be disclosed to the public. Nothing in this Article is intended to alter the provisions of G.S. 8-53 or G.S. 8-53.1.

## "§ 90-113.105. 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."

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

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

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