

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

D

SENATE BILL 124
Rules and Operations of the Senate Committee Substitute Adopted 3/9/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S124-PCS35371-TG-46

Short Title: LEO Managed CBD Oil Drop Box.

(Public)

Sponsors:

Referred to:

February 23, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE RESIDUAL OIL FROM HEMP EXTRACT TO BE DISPOSED AT
3 ESTABLISHED SPECIFIC SECURE COLLECTION BOXES MANAGED BY LAW
4 ENFORCEMENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-94.1 reads as rewritten:

7 "§ 90-94.1. Exemption for use or possession of hemp extract.

8 (a) As used in this section, "hemp extract" means an extract from a cannabis plant, or a
9 mixture or preparation containing cannabis plant material, that has all of the following
10 characteristics:

- 11 (1) Is composed of less than nine-tenths of one percent (0.9%)
12 tetrahydrocannabinol by weight.
13 (2) Is composed of at least five percent (5%) cannabidiol by weight.
14 (3) Contains no other psychoactive substance.

15 (b) Notwithstanding any other provision of this Chapter, an individual may possess or
16 use hemp extract, and is not subject to the penalties described in this Chapter, if the individual
17 satisfies all of the following criteria:

- 18 (1) Possesses or uses the hemp extract only to treat intractable epilepsy, as defined
19 in G.S. 90-113.101.
20 (2) Possesses, in close proximity to the hemp extract, a certificate of analysis that
21 indicates the hemp extract's ingredients, including its percentages of
22 tetrahydrocannabinol and cannabidiol by weight.
23 (3) Is a caregiver, as defined in G.S. 90-113.101.

24 (c) Notwithstanding any other provision of this Chapter, an individual who possesses
25 hemp extract lawfully under this section may administer hemp extract to another person under
26 the individual's care and is not subject to the penalties described in this Chapter for administering
27 the hemp extract to the person if the individual is the person's caregiver, as defined in
28 G.S. 90-113.101.

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

32 SECTION 2. G.S. 90-113.105 reads as rewritten:

33 "§ 90-113.105. Immunity for neurologists; confidentiality.

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



* S 1 2 4 - P C S 3 5 3 7 1 - T G - 4 6 *

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

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

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

8 (d) The identities of the caregivers, patients, and neurologists reported to the Department
9 pursuant to this Article are confidential and are not matters of public record. However, this
10 information may be provided to law enforcement agencies pursuant to G.S. 9-113.102."

11 **SECTION 3.** This act becomes effective December 1, 2018.