

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

D

SENATE BILL 711
PROPOSED COMMITTEE SUBSTITUTE S711-PCS15315-BPf-15

Short Title: NC Compassionate Care Act.

(Public)

Sponsors:

Referred to:

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE NORTH CAROLINA COMPASSIONATE CARE 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 5H.

7 "North Carolina Compassionate Care Act.

8 "**§ 90-113.110. Short title.**

9 This Article shall be known and may be cited as the "North Carolina Compassionate Care
10 Act."

11 "**§ 90-113.112. Legislative findings and purpose.**

12 The General Assembly makes the following findings:

- 13 (1) Modern medical research has found that cannabis and cannabinoid
14 compounds are effective at alleviating pain, nausea, and other symptoms
15 associated with several debilitating medical conditions.
16 (2) As of May 2021, 36 states and the District of Columbia have removed
17 state-level criminal penalties for the medical use, cultivation, and distribution
18 of cannabis, and in enacting this Article, North Carolina now takes similar
19 action to preserve and enhance the health and welfare of its citizens.
20 (3) This Article is intended to make only those changes to existing North Carolina
21 laws that are necessary to protect patients and their doctors from criminal and
22 civil penalties and is not intended to change current civil and criminal laws
23 governing the use of cannabis for nonmedical purposes.
24 (4) The General Assembly enacts this Article pursuant to its police power to enact
25 legislation for the protection of the health of its citizens, as reserved to the
26 State in the Tenth Amendment of the United States Constitution.

27 "**§ 90-113.114. Definitions.**

28 The following definitions apply in this Article:

- 29 (1) Adequate supply. – An amount of usable cannabis derived solely from an
30 intrastate source that is possessed by a qualified patient, or collectively
31 possessed by a qualified patient and the qualified patient's designated
32 caregiver, in an amount that does not exceed what is reasonably necessary to
33 assure the uninterrupted availability of cannabis for a period of 30 days, in any
34 form recommended by the qualified patient's physician for the purpose of
35 alleviating the symptoms or effects of the qualified patient's debilitating
36 medical condition.



* S 7 1 1 - P C S 1 5 3 1 5 - B P F - 1 5 *

- 1 (2) Advisory Board. – The Medical Cannabis Advisory Board established in
2 G.S. 90-113.116.
- 3 (3) Bona fide physician-patient relationship. – A treatment relationship between
4 a physician and a patient in which the physician has completed a full
5 assessment of the patient's medical history, including checking the patient's
6 prescription history in the Controlled Substances Reporting System, and
7 current medical condition, including an in-person physical examination, and
8 the physician is available or offers to provide follow-up care and treatment to
9 the patient, including patient examinations, to determine the efficacy of the
10 use of cannabis as a treatment for the patient's medical condition.
- 11 (4) Cannabis. – Marijuana as defined in G.S. 90-87(16).
- 12 (5) Cannabis-infused product. – A product infused with cannabis that is intended
13 for use or consumption other than by inhalation, smoking, or vaping. The term
14 includes an edible cannabis product, topical product, ointment, oil, patch,
15 spray, suppository, or tincture.
- 16 (6) Commission. – The Medical Cannabis Production Commission established in
17 G.S. 90-113.122.
- 18 (7) Debilitating medical condition. – A diagnosis of one or more of the following
19 for which a physician provides a written certification:
- 20 a. Cancer.
- 21 b. Epilepsy.
- 22 c. Positive status for human immunodeficiency virus (HIV).
- 23 d. Acquired immune deficiency syndrome (AIDS).
- 24 e. Amyotrophic lateral sclerosis (ALS).
- 25 f. Crohn's disease.
- 26 g. Sickle cell anemia.
- 27 h. Parkinson's disease.
- 28 i. Post-traumatic stress disorder, subject to evidence that an applicant
29 experienced one or more traumatic events. Acceptable evidence shall
30 include, but is not limited to, proof of military service in an active
31 combat zone, that the person was the victim of a violent or sexual
32 crime, or that the person was a first responder. Details of the trauma
33 shall not be required.
- 34 j. Multiple sclerosis.
- 35 k. Cachexia or wasting syndrome.
- 36 l. Severe or persistent nausea in a person who is not pregnant that is
37 related to end-of-life or hospice care, or who is bedridden or
38 homebound because of a condition.
- 39 m. Any other serious medical condition or its treatment added by the
40 Medical Cannabis Advisory Board, as provided for in
41 G.S. 90-113.116.
- 42 n. Other debilitating medical conditions of the same kind or class as, or
43 comparable to, those enumerated in this subdivision.
- 44 (8) Department. – The North Carolina Department of Health and Human
45 Services.
- 46 (9) Designated caregiver. – A person who possesses a valid registry identification
47 card issued by the Department authorizing the person to assist a qualifying
48 patient with the medical use of cannabis. A designated caregiver shall be at
49 least 21 years of age unless the person is the parent or legal guardian of each
50 qualifying patient the person assists.

- 1 (10) Medical cannabis center. – A facility owned and operated by a supplier that
2 possesses and dispenses cannabis and cannabis-infused products to registry
3 identification cardholders for human consumption.
- 4 (11) Medical use of cannabis or medical use. – The acquisition, administration,
5 possession, preparation, transportation, or use of cannabis and
6 cannabis-infused products, or paraphernalia used to administer cannabis
7 products, to treat or alleviate a qualifying patient's debilitating medical
8 condition or symptoms associated with the qualifying patient's debilitating
9 medical condition and includes the transfer of cannabis products from a
10 designated caregiver to a qualifying patient whom the designated caregiver is
11 authorized to assist. "Medical use" does not include the extraction of resin
12 from cannabis by solvent extraction other than water, glycerin, propylene
13 glycol, vegetable oil, or food grade ethanol (ethyl alcohol), unless the
14 extraction is done by a processing facility.
- 15 (12) Physician. – A person licensed under Article 1 of Chapter 90 of the General
16 Statutes who is in good standing to practice medicine in the State. A physician
17 shall complete a three-hour continuing medical education course on cannabis
18 and an annual one-hour supplemental medical education course thereafter, as
19 approved by the North Carolina Medical Board.
- 20 (13) Production facility. – A facility owned and operated by a supplier that
21 cultivates, possesses, and produces cannabis and cannabis-infused products.
- 22 (14) Qualified patient. – A person who has been diagnosed by a physician as
23 having a debilitating medical condition and has received a written
24 certification.
- 25 (15) Registry identification card. – A document issued by the North Carolina
26 Department of Health and Human Services pursuant to G.S. 90-113.118 that
27 identifies a person as a qualified patient or a designated caregiver.
- 28 (16) Registry identification cardholder. – A qualified patient or a designated
29 caregiver who holds a valid registry identification card issued by the North
30 Carolina Department of Health and Human Services pursuant to
31 G.S. 90-113.118.
- 32 (17) Regulated medical cannabis supply system or system. – A system established
33 by the North Carolina Department of Health and Human Services pursuant to
34 G.S. 90-113.120 to provide a safe method for producing and distributing
35 cannabis and cannabis-infused products to registry identification cardholders.
- 36 (18) Supplier. – A person licensed pursuant to G.S. 90-113.120 to supply cannabis
37 and cannabis-infused products as authorized by this Article. A supplier
38 cultivates cannabis, owns and operates one or more medical cannabis centers,
39 and owns and operates one or more production facilities as set forth in
40 G.S. 90-113.120.
- 41 (19) Usable cannabis. – The dried buds and mature female flowers of the plant of
42 the genus Cannabis, and any mixture or preparation thereof, that are
43 appropriate for medical use as provided in this Article.
- 44 (20) Written certification. – A statement signed by a physician with whom the
45 patient has a bona fide physician-patient relationship indicating the following:
- 46 a. In the physician's professional opinion, the patient has a debilitating
47 medical condition.
- 48 b. In the physician's professional opinion, the potential health benefits of
49 the medical use of cannabis would likely outweigh the health risk for
50 the patient.
- 51 c. The delivery method of the cannabis.

1 **"§ 90-113.116. Medical Cannabis Advisory Board; membership; terms; meetings; quorum;**
2 **expenses.**

3 (a) Advisory Board Established. – The Medical Cannabis Advisory Board is established
4 and shall consist of 13 members as follows:

5 (1) The Governor shall appoint members to the Advisory Board as follows:

6 a. A physician specializing in pain management.

7 b. A general physician.

8 c. A physician specializing in osteopathic medicine.

9 d. A physician who is board-certified to practice addiction medicine in
10 North Carolina.

11 e. A research scientist with expertise in the field of cannabinoid
12 medicine.

13 f. A licensed pharmacist.

14 g. A registry identification cardholder or, for an appointment made
15 before registry identification cards are issued, one person with a
16 debilitating medical condition who intends to use cannabis.

17 h. A parent of a minor qualified patient or, for an appointment made
18 before registry identification cards are issued, one parent of a minor
19 with a debilitating medical condition who intends to use cannabis.

20 i. A representative of a supplier or, for an appointment made before
21 suppliers are licensed, a prospective supplier.

22 (2) Two members appointed by the General Assembly upon recommendation of
23 the Speaker of the House of Representatives in accordance with G.S. 120-121.

24 (3) Two members appointed by the General Assembly upon recommendation of
25 the President Pro Tempore of the Senate in accordance with G.S. 120-121.

26 (b) Terms. – Members of the Advisory Board shall serve a four-year term, beginning
27 effective July 1 of the year of appointment, and may be reappointed to a second four-year term.

28 (c) Chair. – The members of the Advisory Board shall elect a chair. The chair shall serve
29 a two-year term and may be reelected.

30 (d) Meetings. – The Advisory Board shall meet at least two times per year for the purpose
31 of reviewing petitions to add debilitating medical conditions.

32 (e) Power. – The Advisory Board shall have the power to approve adding a debilitating
33 medical condition by a majority vote of the members present and voting.

34 (f) Quorum. – Seven members of the Advisory Board shall constitute a quorum for the
35 transaction of business.

36 (g) Expenses. – The members of the Advisory Board shall receive per diem and necessary
37 travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

38 **"§ 90-113.118. Registry identification cards for qualified patients and designated**
39 **caregivers.**

40 (a) Applications, Issuance, and Expiration of Registry Identification Cards. – The
41 Department shall issue or renew a registry identification card to the following individuals:

42 (1) Any individual who applies to the Department on forms prescribed by the
43 Department demonstrating that the individual is a qualified patient with a
44 debilitating medical condition for which a physician has issued a written
45 certification.

46 (2) Any individual who is at least 21 years of age who has (i) been named as a
47 designated caregiver in a registry identification card application submitted by
48 a qualified patient and (ii) agreed to serve as that qualified patient's designated
49 caregiver. The Department may issue a registry identification card to a
50 maximum of two designated caregivers named in a qualified patient's
51 approved application.

1 The Department shall issue a registry identification card to an applicant within 14 business
2 days after approving an application or renewal. The initial or renewal registry identification card
3 expires one year after the date of issuance.

4 (b) Qualified Patients Under Age 18. – The Department may not issue or renew a registry
5 identification card to a qualified patient under 18 years of age unless each of the following criteria
6 is met:

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

10 (2) The qualified patient's physician restricts the qualified patient's use of
11 cannabis to a noninhalation consumption method, and the qualified patient
12 and the qualified patient's designated caregivers agree to comply with this
13 restriction.

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

19 (c) Review of Applications. – The Department shall verify the information contained in
20 a registry identification card application or renewal application submitted pursuant to this section
21 and shall approve or deny an application or renewal application within 45 days after receipt.

22 (d) Denials and Appeals. – The Department may deny a registry identification card
23 application or renewal application only if the applicant fails to provide the information required
24 pursuant to this section or if the Department determines that the application or renewal
25 application contains false information. Denials may be appealed by filing a contested case
26 petition under Article 3 of Chapter 150B of the General Statutes. Article 4 of Chapter 150B of
27 the General Statutes governs judicial review of an administrative decision made under this
28 section.

29 (e) Registry Identification Card Information. – Each registry identification card issued
30 by the Department shall be printed with tamper-resistant technology and shall contain at least all
31 of the following information:

32 (1) The name of the cardholder.

33 (2) The address of the cardholder.

34 (3) The cardholder's date of birth.

35 (4) A designation of whether the cardholder is a designated caregiver or
36 qualifying patient.

37 (5) The date of issuance and expiration date of the registry identification card.

38 (6) A random alphanumeric identification number that is unique to the cardholder.

39 (7) If the cardholder is a designated caregiver, the random alphanumeric
40 identification number of the qualifying patients that the designated caregiver
41 is authorized to assist.

42 (8) A photograph of the cardholder.

43 (9) The delivery method of the cannabis.

44 (f) Notification of Changes. – Individuals issued registry identification cards are subject
45 to all of the following:

46 (1) A qualified patient who has been issued a registry identification card shall
47 notify the Department of any change in the qualified patient's name, address,
48 or designated caregiver and submit a fifty dollar (\$50.00) fee to the
49 Department within 15 days after the change occurs. A qualified patient who
50 fails to notify the Department of any of these changes within the specified

1 time frame commits an infraction and is subject to a fine not to exceed one
2 hundred dollars (\$100.00).

3 (2) A designated caregiver shall notify the Department of any change in name or
4 address and submit a fifty dollar (\$50.00) fee to the Department within 15
5 days after the change occurs. A designated caregiver who fails to notify the
6 Department of any of these changes within the specified time frame commits
7 an infraction and is subject to a fine not to exceed one hundred dollars
8 (\$100.00).

9 (3) When a qualified patient or designated caregiver notifies the Department of
10 any change, as required by this subsection, the Department shall issue the
11 qualified patient and each designated caregiver a new registry identification
12 card within 10 days after receiving the updated information and the fifty dollar
13 (\$50.00) fee.

14 (4) When a qualified patient who possesses a registry identification card notifies
15 the Department of a change in designated caregiver, the Department shall
16 notify the designated caregiver of record of the change within 15 days after
17 receiving notification of the change. The protections afforded under this
18 Article to the designated caregiver of record shall expire 30 days after the
19 designated caregiver of record is notified by the Department of the change in
20 designated caregiver.

21 (5) If a qualified patient or a designated caregiver loses a registry identification
22 card, the cardholder shall notify the Department within 15 days after losing
23 the card. The notification shall include a fifty dollar (\$50.00) replacement fee
24 for a new card. Within five days after receiving notification of a lost registry
25 identification card, the Department shall issue the cardholder a new registry
26 identification card with a new random identification number.

27 (g) Suspensions or Revocations. – If the Department determines that a qualified patient
28 or designated caregiver has violated any provision of this Article, the Department shall suspend
29 or revoke the qualified patient's or designated caregiver's registry identification card. Suspensions
30 or revocations may be appealed by filing a contested case petition under Article 3 of Chapter
31 150B of the General Statutes.

32 (h) Confidential Medical Cannabis Registry Database. – The Department shall create a
33 secure, confidential, electronic medical cannabis registry database of all qualified patients and
34 designated caregivers to whom the Department has issued registry identification cards. Law
35 enforcement agencies may contact the Department to confirm registry identification cardholders.
36 The Department shall monitor the medical cannabis registry database and in the event that the
37 Department finds patterns of written certifications that are unusual, the Department shall inform
38 the Attorney General's Office of its findings. The Office of the Attorney General shall review the
39 Department's findings to determine if the findings should be reported to the State Bureau of
40 Investigation and the appropriate sheriff for investigation of possible violations of State or federal
41 law. The database shall consist of at least the following information:

42 (1) The name and address of the registry identification cardholder.

43 (2) The name, address, and hospital affiliation of the physician who issued the
44 written certification of the qualified patient's debilitating condition.

45 (3) A photograph of the registry identification cardholder.

46 (i) Confidential Nature of Information Collected by Department. – Applications and
47 supporting information submitted by qualified patients, including information regarding their
48 designated caregivers and physicians, individual names, and other identifying information in the
49 medical cannabis registry database, are confidential, exempt from the provisions of Chapter 132
50 of the General Statutes, and are not subject to disclosure, except to authorized employees of the

1 Department as necessary to perform official duties of the Department and law enforcement
2 agencies as allowed in subsection (h) of this section.

3 (j) Penalty for Confidentiality Breaches. – Any person, including an employee or official
4 of the Department or another State agency or local government, who breaches the confidentiality
5 of information obtained pursuant to this section is guilty of a Class 2 misdemeanor; however,
6 any fine imposed for a violation under this subsection shall not exceed one thousand dollars
7 (\$1,000).

8 (k) Reports of Falsified or Fraudulent Application Information to Law Enforcement
9 Personnel. – Nothing in this section shall be construed to prevent Department employees from
10 notifying law enforcement personnel about falsified or fraudulent information submitted to the
11 Department by any individual in support of an application for a registry identification card.

12 (l) Rules. – Not later than 270 days after the effective date of this act, the North Carolina
13 Medical Care Commission shall adopt rules to implement the provisions of this section. The rules
14 shall establish requirements for the issuance of registry identification cards to qualified patients
15 and designated caregivers, which shall include at least all of the following:

16 (1) The method of demonstrating written certification, as defined in
17 G.S. 90-113.114.

18 (2) The amount of the initial or renewal application fee, which shall not exceed
19 fifty dollars (\$50.00) per application or renewal application.

20 (3) The name, address, and date of birth of the qualified patient.

21 (4) The name, address, and telephone number of the qualified patient's physician.

22 (5) The name, address, and date of birth of each of the qualified patient's
23 designated caregivers, if any.

24 **"§ 90-113.120. Regulated medical cannabis supply system.**

25 (a) Definitions. – The following definitions apply in this section:

26 (1) Nonresident business. – An entity that has not been required to file an income
27 or franchise tax return with the State for three years prior to filing an initial
28 application for a medical cannabis supplier license that meets one or more of
29 the following conditions:

30 a. Is a nonresident entity.

31 b. Is a nonresident individual who owns an unincorporated business as a
32 sole proprietor.

33 (2) Nonresident entity. – Defined in G.S. 105-163.1.

34 (3) Nonresident individual. – Defined in G.S. 105-153.3.

35 (b) Medical Cannabis Supply System; Funding. – Not later than 270 days after the
36 effective date of this act, the Medical Cannabis Production Commission established in
37 G.S. 90-113.122 shall establish a medical cannabis supply system that authorizes suppliers to
38 produce cannabis and cannabis-infused products in licensed cannabis products facilities and
39 distribute them through medical cannabis centers. In establishing the medical cannabis supply
40 system, the Commission shall (i) provide a safe, regulated supply of cannabis appropriate for
41 medical use by qualified registry identification cardholders issued under G.S. 90-113.118, (ii)
42 ensure statewide access to safe and affordable cannabis to registry identification cardholders, (iii)
43 establish a system that is well regulated, includes a seed-to-sale tracking system, and is
44 financially viable for suppliers to ensure the highest quality cannabis and cannabis-infused
45 products for patients, and (iv) generate sufficient revenue for the Commission to oversee and for
46 the Department to maintain and operate the system. The General Assembly may appropriate
47 funds for the initial development and implementation of the medical cannabis supply system, but
48 neither the Department nor the Commission shall use any appropriations from the General Fund
49 to operate the system. The intent of the General Assembly is that the system shall be funded
50 solely by the fees authorized in this section.

51 (c) Medical Cannabis Supplier License. –

- 1 (1) No person shall do any of the following without first obtaining a medical
2 cannabis supplier license from the Commission:
- 3 a. Grow, cultivate, produce, or sell cannabis or cannabis-infused
4 products.
- 5 b. Operate a business to produce cannabis or cannabis-infused products.
6 c. Establish or operate a medical cannabis center for the sale of cannabis,
7 cannabis-infused products, and paraphernalia relating to the
8 administration of cannabis to qualified patients and designated
9 caregivers who hold valid registry identification cards.
- 10 (2) An applicant for a license under this subsection shall submit the required
11 information on application forms provided by the Department. The
12 application form shall require at least all of the following:
- 13 a. The applicant's name and any legal names the applicant will use for
14 facilities where the applicant will produce cannabis and for each
15 medical cannabis center and production facility the applicant proposes
16 to operate.
- 17 b. The address of each property, location, or premises the applicant will
18 use to produce cannabis, of each production facility the applicant will
19 use to process cannabis or produce cannabis-infused products, and of
20 each medical cannabis center the applicant will use to dispense or
21 distribute cannabis.
- 22 c. Documentation demonstrating that the applicant possesses:
- 23 1. Requisite expertise in controlled environment agriculture and
24 at least five years of experience in cultivation, production,
25 extraction, product development, quality control, and
26 inventory management of medical cannabis in a state-licensed
27 medical or adult use cannabis operation meeting standards that
28 the Commission shall specify by rule.
- 29 2. Significant technical and technological ability to cultivate,
30 produce, and distribute medical cannabis in a manner that
31 meets industry standards for production consistency and safe
32 handling.
- 33 3. Relevant experience in securing cannabis production, testing,
34 resources, transportation, and personnel to operate as a safe and
35 secure supplier in compliance with all state regulations in
36 which the applicant has prior experience.
- 37 d. Proposed operating procedures for each production facility, medical
38 cannabis center, and component of the applicant's proposed medical
39 cannabis supply system, including record keeping and security
40 requirements as the Commission shall specify by rule.
- 41 e. The name, address, and date of birth of each principal officer and
42 board member of the supplier.
- 43 f. The name, address, and date of birth of each employee of the supplier.
44 g. For first-year licensees, a nonrefundable license fee in the amount of
45 fifty thousand dollars (\$50,000) plus five thousand dollars (\$5,000) for
46 each production facility or medical cannabis center the applicant
47 proposes to operate under the license.
- 48 h. For licensees seeking license renewal, a nonrefundable renewal fee in
49 an amount not less than ten thousand dollars (\$10,000) plus one
50 thousand dollars (\$1,000) for each production facility or medical
51 cannabis center the licensee operates under the license as specified in

- 1 rules adopted by the Commission pursuant to G.S. 90-113.122 and
2 annual audited financial statements audited by an independent
3 certified public accountant.
- 4 i. Proof the applicant has been a State resident for at least two years and
5 will be the majority owner of each medical cannabis center and
6 production facility the applicant proposes to operate. The applicant
7 may include nonresident partners with demonstrated ownership and
8 operation experience in the cultivation, production, extraction, product
9 development, quality control, and inventory management of cannabis
10 products in a state-licensed medical or adult use cannabis operation
11 and shall provide proof of state residency for any nonresident partner
12 of the applicant.
- 13 j. The name, address, and date of birth of any individual owning more
14 than five percent (5%) of the medical cannabis center and production
15 facility the licensee operates.
- 16 k. Proof in a manner and amount as the Commission shall specify by rule
17 that the applicant has sufficient liquid and nonliquid assets to operate
18 as a supplier for two years as a part of the medical cannabis supply
19 system established by this Article.
- 20 l. Any other information the Department considers necessary to ensure
21 compliance with the terms of this Article.
- 22 (3) Unless suspended or revoked, a medical cannabis supplier license is valid for
23 a period not to exceed 12 months from the date of issuance.
- 24 (4) A licensee shall apply for renewal, as necessary, at least 30 days prior to the
25 expiration of a current license.
- 26 (5) No later than 30 days after issuing or renewing a license under this subsection,
27 the Department shall issue a supplier registry identification card to each
28 director and employee listed on the application or renewal form upon receipt
29 of a two hundred fifty dollar (\$250.00) fee per cardholder.
- 30 (6) A licensee shall notify the Department of any change in the information
31 submitted on the license application or renewal form within 30 days after the
32 change.
- 33 (7) The records of a medical cannabis center operated by a supplier are subject to
34 the same restrictions imposed on pharmacy records pursuant to G.S. 90-85.36.
35 G.S. 90-85.36 applies to each medical cannabis center as if it were a pharmacy
36 regulated under Article 4A of Chapter 90 of the General Statutes.
- 37 (8) The Department shall issue a medical cannabis production site card to each
38 supplier for each production facility approved under this section. The card
39 shall be posted conspicuously at each production facility.
- 40 (9) A supplier is required to grow cannabis in a controlled, secure environment.
41 Sites where cannabis is grown shall not be open to the public and shall have
42 site access controls and restrictions as the Commission may specify by rule.
- 43 (d) Performance Requirements. – A licensee must begin cultivation of cannabis within
44 120 days of receiving a medical cannabis supplier license and begin selling cannabis and
45 cannabis-infused products in medical cannabis centers within 180 days of initiating cultivation.
- 46 (e) Disqualifications for Licensure. – The Commission shall not issue a license
47 authorized by this section to any of the following persons:
- 48 (1) A person who has not paid the appropriate license or license renewal fee.
49 (2) An individual who is less than 21 years of age.
50 (3) A person who has served a sentence for any of the following felonies in the
51 five years immediately preceding the date of license application: any Class A

1 through E felony; any felony that includes assault as an essential element of
2 the offense; any felony under Article 14 (Burglary and Other Housebreakings)
3 of Chapter 14 of the General Statutes; any felony under Article 16 (Larceny),
4 Article 16A (Organized Retail Theft), Article 17 (Robbery), Article 18
5 (Embezzlement), Article 19 (False Pretenses and Cheats), Article 19A
6 (Obtaining Property or Services by False or Fraudulent Use of Credit Device
7 or Other Means), Article 19B (Financial Transaction Card Crime Act), or
8 Article 19C (Financial Identity Theft) of Chapter 14 of the General Statutes.

9 (4) A person (or, with respect to a person who is not an individual, an owner,
10 director, or employee of the person) who at any time has been convicted of a
11 felony violation for manufacturing, selling, delivering, or possessing with
12 intent to manufacture, sell, deliver, or possess a Schedule I or II controlled
13 substance, in violation of G.S. 90-95(b)(1).

14 (5) Except as otherwise provided in this subdivision, a person who has not been
15 a resident of North Carolina for at least two years prior to the date of the
16 license application, unless that person is a minority partner of a State resident
17 who is the majority owner of the applicant. With respect to a person who is
18 not an individual, a person that is a nonresident business.

19 (f) Criminal History Record Check. – In order to ensure compliance with this section,
20 the Department shall conduct a criminal history record check of any person whose name is
21 submitted on an application as an owner, director, or an employee of the supplier. When
22 requested by the Department, the North Carolina Department of Public Safety may provide to
23 the Department a person's criminal history from the State Repository of Criminal Histories. Such
24 requests shall not be due to a person's age, sex, race, color, national origin, religion, creed,
25 political affiliation, or handicapping condition as defined in G.S. 168A-3. For requests for a State
26 criminal history record check only, the Department shall provide to the Department of Public
27 Safety a form consenting to the check signed by the person to be checked and any additional
28 information required by the Department of Public Safety. National criminal record checks are
29 authorized for applicants who have not resided in the State of North Carolina during the past five
30 years. For national checks, the Department shall provide to the North Carolina Department of
31 Public Safety the fingerprints of the person to be checked, any additional information required
32 by the Department of Public Safety, and a form signed by the person to be checked consenting
33 to the check of the criminal record and to the use of fingerprints and other identifying information
34 required by the State or National Repositories. The fingerprints of the individual shall be
35 forwarded to the State Bureau of Investigation for a search of the State criminal history record
36 file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau
37 of Investigation for a national criminal history record check. The Department of Health and
38 Human Services shall keep all information pursuant to this section confidential. The Department
39 of Public Safety shall charge a reasonable fee for conducting the checks of the criminal history
40 records authorized by this section. All releases of criminal history information to the Department
41 shall be subject to, and in compliance with, rules governing the dissemination of criminal history
42 record checks as adopted by the North Carolina Department of Public Safety. All of the
43 information either department receives through the checking of the criminal history is privileged
44 information and for the exclusive use of that department.

45 (g) Restrictions on Sales and Supply. – A person licensed as a supplier under this section
46 is subject to the following sales and supply restrictions:

47 (1) The supplier may sell cannabis and cannabis-infused products only through
48 the medical cannabis center that the supplier is licensed to operate under this
49 section. A medical cannabis center shall not sell cannabis, cannabis-infused
50 products, or paraphernalia relating to the administration of cannabis to any
51 person other than a qualified patient, designated caregiver, or except as

1 provided in subdivision (3) of this subsection. A medical cannabis center shall
2 not sell cannabis or cannabis-infused products in an amount that exceeds an
3 adequate supply to any qualified patient or designated caregiver.

4 (2) The supplier may sell only cannabis grown by the supplier at the production
5 facilities approved under this section. Except as provided in subdivision (3) of
6 this subsection, the supplier shall not sell cannabis, cannabis plants, cannabis
7 seeds, or cultivation equipment to any other person other than through the
8 medical cannabis center that the supplier is licensed to operate.

9 (3) The supplier may sell cannabis or cannabis-infused products for resale to
10 another licensed supplier.

11 (h) Exemption from Criminal Laws. – A supplier is exempt from the criminal laws of this
12 State for possession, production, delivery, or transportation of cannabis, or aiding and abetting
13 another in the possession, production, delivery, or transportation of cannabis, or any other
14 criminal offense in which possession, production, delivery, or transportation of cannabis is an
15 element if the individual is in compliance with this Article and rules adopted under this Article.

16 (i) Loss of Exemption from Criminal Laws. – A person who is not a qualified patient or
17 a designated caregiver but who is otherwise authorized to possess, produce, deliver, or transport
18 cannabis for medical use pursuant to this Article ceases to be exempt as provided in subsection
19 (h) of this section upon committing any of the following acts:

20 (1) Driving while impaired in violation of G.S. 20-138.1, 20-138.2, or 20-138.5.

21 (2) Delivering cannabis to any individual who the person knows or has reason to
22 know is not a qualified patient or designated caregiver who holds a valid
23 registry identification card issued under G.S. 90-113.118, or a supplier who
24 holds a license under this section.

25 (3) Manufacturing or distributing cannabis at an address not registered with the
26 Department.

27 (4) Failing to report transfer of cannabis authorized under this section to the
28 Department.

29 (j) Reporting and Monthly Fees. –

30 (1) Each supplier licensed under this section shall submit quarterly reports to the
31 Department on all financial transactions, including, but not limited to,
32 production, sales and purchases of cannabis and cannabis-infused products,
33 and transfers of cannabis and cannabis-infused products for no consideration
34 with respect to each medical cannabis center and production facility operated
35 by the supplier.

36 (2) Each supplier licensed under this section shall pay to the Department a
37 monthly fee equal to ten percent (10%) of the gross revenue derived from the
38 sale of cannabis and cannabis-infused products at all medical cannabis centers
39 operated by the supplier.

40 (3) Nothing in this subsection shall be construed to exempt persons licensed under
41 this section from the reporting or remittance of sales tax for any transaction
42 upon which a sales tax may be levied.

43 (k) Duty to Update. – In order to continue to hold a license under this Article, a medical
44 cannabis licensee shall notify the Commission of any change in criminal history of any person
45 required to be evaluated by the Department under this section. The Commission may reevaluate
46 the licensee's eligibility for a license based on the notification and may modify or revoke the
47 license or require issuance of a new license with appropriate terms to exclude disqualifying
48 persons.

49 (l) Self-Supporting Requirement. – The Commission shall use system revenues from
50 license fees and monthly gross revenue fees to fund, in the following order of priority:

- 1 (1) Costs associated with establishing and operating the regulated medical
2 cannabis supply system established under this section.
- 3 (2) The registry system established under G.S. 90-113.118.
- 4 (3) The North Carolina Cannabis Research Program established under
5 G.S. 90-113.132, limited to an amount of funding to be determined by the
6 Commission.
- 7 (m) Use of Excess Revenues. – Any revenues remaining after the Commission fully funds
8 the priorities set forth in this subsection shall be transferred by the Commission to the General
9 Fund.
- 10 (n) Inspection. – The Department shall perform annual inspections of the premises of any
11 person licensed under this section, including any production facility or medical cannabis center.
- 12 (o) Security Measures and Inspection. –
- 13 (1) Suppliers shall implement appropriate security measures in accordance with
14 rules adopted by the Commission, which shall be developed by the
15 Commission after consulting with and receiving input from the North Carolina
16 State Bureau of Investigation, designed to deter and prevent the theft of
17 cannabis and cannabis-infused products and unauthorized entrance into areas
18 containing cannabis or cannabis-infused products.
- 19 (2) All production facilities shall conduct cultivation, harvesting, processing, and
20 packaging of cannabis and cannabis products in a controlled, secure facility at
21 a physical address provided to the Commission during the medical cannabis
22 supplier license application process. A production facility may only be
23 accessed by a supplier or a supplier's employee or agent, authorized
24 Department personnel, law enforcement personnel, emergency personnel, and
25 adults who are 21 years of age and older who are accompanied by a supplier
26 or supplier's agents or principals.
- 27 (3) All production facilities and medical cannabis centers owned and operated by
28 a supplier are subject to random inspection by the Department, and the North
29 Carolina State Bureau of Investigation in accordance with rules adopted by
30 the Commission, which shall be developed by the Commission after
31 consulting with and receiving input from the North Carolina State Bureau of
32 Investigation.
- 33 (p) Limitation. – The Commission shall issue no more than 10 supplier licenses pursuant
34 to this section. In awarding the licenses, the Commission shall require each supplier own and
35 operate no more than four medical cannabis centers. Of the medical cannabis centers operated
36 by each supplier, at least two shall be located in Tier 1 counties.
- 37 (q) Administrative and Judicial Review. – Articles 3 and 4 of Chapter 150B of the
38 General Statutes govern administrative and judicial review of an administrative decision made
39 under this section.
- 40 **§ 90-113.121. Violations; penalties; and enhanced sentence for trafficking related to**
41 **medical cannabis.**
- 42 (a) Any person who manufactures, sells, delivers, or possesses with intent to
43 manufacture, sell, or deliver cannabis in violation of this Article at a medical cannabis center or
44 production facility shall be punished as a Class G felon.
- 45 (b) Any person who creates, sells, delivers, or possesses with intent to sell or deliver
46 counterfeit cannabis in violation of this Article at a medical cannabis center or production facility
47 shall be punished as a Class H felon.
- 48 (c) Any person who possesses an amount of cannabis up to 1 1/2 ounces in violation of
49 this Article, at a medical cannabis center or production facility, shall be deemed guilty of a Class
50 A1 misdemeanor.

1 (d) Any person who possesses an amount of cannabis that exceeds 1 1/2 ounces in
2 violation of this Article, at a medical cannabis center or production facility, shall be punished as
3 a Class H felon.

4 (e) Any person that provides the Department with false or misleading information in
5 relation to a registry identification card or license shall be deemed guilty of a Class 1
6 misdemeanor.

7 (f) Any person who has been issued a valid registry identification card who is found to
8 be in possession of cannabis in violation of this Article shall be punished as a Class I felon.

9 (g) If a person is convicted of a violation of G.S. 90-95(h)(1), and it is found that the
10 offense was committed at a medical cannabis center or production facility or with cannabis from
11 a medical cannabis center or production facility, then the person shall be sentenced at a felony
12 class level one class higher than the principal felony for which the person was convicted, and an
13 additional 12 months will be added to the mandatory minimum sentence. No defendant sentenced
14 pursuant to this section shall be sentenced at a level higher than a Class C felony. An indictment
15 or information for the felony shall allege in that indictment or information the facts that qualify
16 the offense for an enhancement under this section. One pleading is sufficient for all felonies that
17 are tried at a single trial.

18 (h) These penalties may be imposed in addition to any other penalties provided by law.

19 **§ 90-113.122. Medical Cannabis Production Commission.**

20 (a) Commission Established. – The Medical Cannabis Production Commission is
21 established and shall consist of nine members as follows:

22 (1) The Governor shall appoint members to the Medical Cannabis Production
23 Commission as follows:

24 a. A qualified patient representative.

25 b. Two industry representatives, subject to the limitation that, although
26 the industry representatives may participate in assisting with the
27 process of adopting rules, the industry representatives must not
28 participate in the license selection process if the industry
29 representatives have applied for or have an affiliation with a medical
30 cannabis supplier license applicant through family or business.

31 (2) The Secretary of the Department, or designee.

32 (3) The Director of the North Carolina State Bureau of Investigation, or designee.

33 (4) A sheriff designated by the North Carolina Sheriffs' Association.

34 (5) A member of the North Carolina Medical Board.

35 (6) A member appointed by the General Assembly upon recommendation of the
36 Speaker of the House of Representatives in accordance with G.S. 120-121.

37 (7) A member appointed by the General Assembly upon recommendation of the
38 President Pro Tempore of the Senate in accordance with G.S. 120-121.

39 (b) Terms. – Members of the Commission shall serve terms of four years, beginning
40 effective July 1 of the year of appointment, and may be reappointed to a second four-year term.
41 The terms of members designated by subdivisions (a)(1), (a)(2), and (a)(4) of this section shall
42 expire on June 30 of any year evenly divisible by four. The terms of the remaining members shall
43 expire on June 30 of any year that follows by two years a year evenly divisible by four.

44 (c) Chair. – The members of the Commission shall elect a chair. The chair shall serve a
45 two-year term and may be reelected.

46 (d) Vacancies. – Any appointment to fill a vacancy on the Commission created by the
47 resignation, dismissal, death, or disability of a member shall be made by the original appointing
48 authority and shall be for the balance of the unexpired term.

49 (e) Removal. – The appointing authority shall have the power to remove any member of
50 the Commission appointed by that authority from office for misfeasance, malfeasance, or
51 nonfeasance.

1 (f) Expenses. – The members of the Commission shall receive per diem and necessary
2 travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

3 (g) Quorum. – Five members of the Commission shall constitute a quorum for the
4 transaction of business.

5 (h) Licensing Power. – The Commission shall have the power to approve applications for
6 medical cannabis supplier licenses upon recommendation of the Department by a majority vote
7 of the members present and voting. The Department shall evaluate the applications in accordance
8 with G.S. 90-113.120 and submit a list of 20 applicants to the Commission. The Commission
9 shall approve 10 licenses from the list by a majority vote of the members present and voting.

10 (i) License Suspension or Revocation. – The Commission may suspend or revoke a
11 medical cannabis supplier license if the Commission determines that the licensee is not in
12 substantial compliance with this Chapter or with rules adopted by the Commission under
13 subsection (j) of this section. The Department shall notify a licensee at least 14 days in advance
14 of a proposed suspension or revocation, including the reasons for the suspension or revocation
15 and any possible remedial options available to the licensee. The Commission has the power to
16 administer oaths and issue subpoenas to require the presence of persons and the production of
17 papers, books, and records necessary to conduct a suspension or revocation hearing. The
18 suspension or revocation may be appealed by filing a contested case petition under Article 3 of
19 Chapter 150B of the General Statutes.

20 (j) All administrative support and other services required by the Commission shall be
21 provided by the Department.

22 (k) Rules. – Not later than 270 days after the effective date of this act, the Commission,
23 in consultation with the North Carolina Medical Care Commission, shall adopt rules to
24 implement the provisions of this section and G.S. 90-113.120. The rules shall do all of the
25 following:

26 (1) Establish qualifications and requirements for licensure of suppliers, for the
27 production of cannabis by a supplier, and for the proper regulation of medical
28 cannabis centers and production facilities operated by suppliers.

29 (2) Ensure the equitable distribution of medical cannabis centers throughout the
30 State in order for registry identification cardholders to access an adequate
31 supply of cannabis and cannabis-infused products, while preventing an
32 overconcentration of medical cannabis centers in any one area.

33 (3) Establish civil penalties for minor violations of the requirements of this
34 Chapter and rules adopted under the authority provided in this subsection.

35 **§ 90-113.124. Testing of cannabis and cannabis-infused products.**

36 (a) The Department shall establish standards for and shall license up to five independent
37 testing laboratories to test cannabis and cannabis-infused products that are to be sold in the State.
38 An independent testing laboratory shall analyze a representative sample of all cannabis or
39 cannabis-infused products before the sale or transfer to a medical cannabis center by a production
40 facility. An independent testing laboratory shall report the results of all testing required by the
41 Department to the Department.

42 (b) An independent testing laboratory shall be responsible for selecting, picking up, and
43 testing product samples.

44 (c) The Department shall adopt rules to establish, at a minimum, the following:

45 (1) Standards for testing cannabis and cannabis products, including specifying
46 prohibited concentrations of heavy metals, pesticides, microbes, and other
47 contaminants that are injurious to human health.

48 (2) Standards for independent testing laboratories, including requirements for
49 equipment and qualifications for personnel.

50 (3) Standards and requirements necessary for an independent testing laboratory
51 to be licensed.

- 1 (4) Remedial actions to be taken if the representative sample does not meet the
2 standards established by the Department.
- 3 (5) A fee schedule for independent testing laboratories.
- 4 **§ 90-113.126. Advertising and packaging of cannabis and cannabis-infused products.**
- 5 (a) Definitions. – The following definitions apply in this section:
- 6 (1) Child-resistant packaging. – A package that is designed or constructed to be
7 significantly difficult for children under 5 years of age to open and not difficult
8 for normal adults to use properly, substantially similar to those defined by 16
9 C.F.R. § 1700.20 (1995), opaque so that the packaging does not allow the
10 product to be seen without opening the packaging material, and resealable for
11 any product intended for more than a single use or containing multiple
12 servings.
- 13 (2) Exit packaging. – A sealed, child-resistant packaging receptacle into which
14 pre-packaged cannabis products are placed at the retail point of sale at a
15 medical cannabis center.
- 16 (b) The production facility or medical cannabis center logo, advertising, and signage shall
17 be tasteful, respectful, and medically focused and shall not appeal to minors or contain
18 cartoon-like figures or attempts at humor.
- 19 (c) Suppliers are prohibited from using marijuana leaves or slang for cannabis or
20 cannabis-infused products in or on their signs, logos, packaging, or structures. Suppliers may not
21 use neon-colored signage, logos, or packaging or neon-colored signage or logos on structures.
22 The supplier shall submit any logo or sign for review to the Department in accordance with
23 Department rules.
- 24 (d) All production facilities and medical cannabis centers owned and operated by a
25 supplier shall maintain a discreet, professional appearance that is compatible with existing
26 commercial structures or land uses within the immediate area, including requirements to maintain
27 the production facility or medical cannabis center in a manner to prevent blight, deterioration,
28 diminishment, or impairment of property values within the vicinity.
- 29 (e) Suppliers shall safely package and accurately label cannabis or cannabis-infused
30 products. All items sold at a medical cannabis center shall be properly labeled and contained in
31 child-resistant packaging. Labels shall not include strain names but may include cannabinoid and
32 terpene profiles for identification. Each label shall comply with State laws and rules and, at a
33 minimum, shall include:
- 34 (1) The name of the medical cannabis center.
- 35 (2) The percentage of tetrahydrocannabinol and the percentage of cannabidiol
36 within a profile tolerance range of ten percent (10%). For edible cannabis
37 products, the cannabinoid profile should be listed by milligrams per serving.
- 38 (3) The name of the production facility.
- 39 (4) A conspicuous statement printed in all capital letters and in a color that
40 provides a clear contrast to the background that reads, "NOT FOR RESALE.
41 FOR MEDICAL USE ONLY. KEEP OUT OF THE REACH OF CHILDREN
42 AND ANIMALS."
- 43 (5) The length of time it typically takes for the product to take effect.
- 44 (6) For edible cannabis-infused products, the disclosure of ingredients, possible
45 allergens, nutritional fact panel, and a standard symbol indicating that the
46 product contains cannabis.
- 47 (f) All cannabis products purchased in medical cannabis centers shall be placed in
48 child-resistant exit packaging before leaving the medical cannabis center.
- 49 (g) The Department shall adopt rules to do, at a minimum, all of the following:
- 50 (1) Establish requirements and procedures for the safe, appropriate, and accurate
51 packaging and labeling of cannabis and cannabis-infused products for human

1 consumption, including prohibiting the use of any images designed or likely
2 to appeal to minors, including cartoons, toys, animals, or children, any other
3 likeness to images, characters, or phrases that are popularly used to advertise
4 to children, or any imitation of candy packaging or labeling.

5 (2) Establish requirements to ensure that cannabis and cannabis-infused products
6 for human consumption are designed, marketed, and packaged in a manner
7 that is appropriate for a medicinal product and that does not resemble
8 commercially sold candies or other food that is typically marketed to children.

9 (3) Establish restrictions on the forms and appearance of edible cannabis-infused
10 products in order to reduce their appeal to minors, including prohibiting edible
11 cannabis products in the shapes of cartoons, toys, animals, or people.

12 **"§ 90-113.128. Disposal of cannabis.**

13 (a) All production center cannabis by-product, cannabis scrap, and harvested cannabis
14 not intended for distribution to a medical cannabis center or independent testing laboratory shall
15 be destroyed and disposed of in accordance with Department rules. Documentation of destruction
16 and disposal shall be retained by the production center for a period of not less than one year. The
17 production center shall maintain a record of the date of destruction and the amount destroyed.

18 (b) A medical cannabis center shall destroy all cannabis and cannabis-infused products
19 that are not sold to qualifying patients or designated caregivers in accordance with Department
20 rules. The medical cannabis center shall retain documentation of the destruction and disposal for
21 a period of not less than one year. The medical cannabis center shall maintain a record of the date
22 of destruction and the amount destroyed.

23 (c) A medical cannabis center shall destroy all unused cannabis products that are returned
24 to the medical cannabis center by a former qualifying patient who no longer qualifies for the use
25 of medical cannabis or the former qualifying patient's caregiver.

26 **"§ 90-113.130. North Carolina medical cannabis verification system.**

27 (a) Verification System. – The Department shall establish a secure web-based
28 verification system. The verification system shall allow authorized Department personnel, State
29 and local law enforcement personnel, and medical cannabis centers to enter a registry
30 identification card number to determine whether the number corresponds with a current, valid
31 registry identification card. For the purposes of this subsection, the system may disclose only:

32 (1) Whether the registry identification card is valid.

33 (2) The name, address, and date of birth of the cardholder.

34 (3) A photograph of the cardholder, if required by Department rules.

35 (4) Whether the cardholder is a qualifying patient or a designated caregiver.

36 (5) The registry identification card number of any associated qualifying patients
37 or designated caregivers.

38 (6) Only if accessed by a medical cannabis center employee or authorized
39 Department personnel, the amount of cannabis and cannabis-infused products
40 dispensed in the past 30 days.

41 (7) The delivery method of the cannabis.

42 (b) Verification System Access. – No person or entity may have access to information
43 contained in the Department's verification system, except for an authorized employee of the
44 Department in the course of official duties or a State or local law enforcement officer in the
45 course of official duties related to a person who claims to be a qualifying patient, designated
46 caregiver, supplier, or supplier agent engaged in conduct authorized in this Article.

47 (c) Requirement to Check. – Before cannabis or cannabis-infused products may be
48 dispensed to a registry identification cardholder, a medical cannabis center employee shall access
49 the verification system and determine that:

50 (1) The registry identification card presented at the medical cannabis center is
51 valid.

- 1 (2) Each person presenting a registry identification card is the person identified
2 on the registry identification card presented to the medical cannabis center
3 employee.
- 4 (3) The amount to be dispensed would not cause a qualifying patient, directly or
5 via the qualifying patient's designated caregiver, to exceed the limit on
6 obtaining no more than an adequate supply of cannabis or cannabis-infused
7 products during any 30-day period.
- 8 (4) The cannabis to be dispensed complies with the delivery method.
- 9 (5) After making the determinations required in subdivision (3) of this subsection,
10 but before dispensing cannabis or cannabis-infused products to a registry
11 identification cardholder, a medical cannabis center employee shall enter the
12 following information in the verification system:
- 13 a. How much cannabis or cannabis-infused product is to be dispensed to
14 the registry identification cardholder.
- 15 b. Whether the cannabis or cannabis-infused product is to be dispensed
16 directly to the qualifying patient or to the qualifying patient's
17 designated caregiver.
- 18 c. The date and time the cannabis or cannabis-infused product is to be
19 dispensed.
- 20 d. The registry identification number of the medical cannabis center that
21 dispensed the cannabis or cannabis-infused product.

22 **"§ 90-113.132. North Carolina Cannabis Research Program.**

23 (a) It is the intent of the General Assembly that The University of North Carolina System
24 undertake objective, scientific research regarding the administration of cannabis or
25 cannabis-infused products as part of medical treatment. The University of North Carolina shall
26 create a program to be known as the North Carolina Cannabis Research Program.

27 (b) The research conducted under this section may involve the development of quality
28 control, purity, and labeling standards for cannabis dispensed through the regulated medical
29 cannabis supply system; sound advice and recommendations on the best practices for the safe
30 and efficient cultivation of cannabis; and analysis of genetic and healing properties of the many
31 varied strains of cannabis to determine which strains may be best suited for a particular condition
32 or treatment.

33 **"§ 90-113.134. North Carolina Medical Cannabis Program Fund.**

34 There is established within the Department the North Carolina Medical Cannabis Program
35 Fund to ensure the availability of funds necessary to carry out the Department's responsibilities
36 under this Article. All monies collected pursuant to this Article shall be deposited into the Fund.
37 The Fund shall be used for direct and indirect costs associated with the implementation,
38 administration, and enforcement of this Article. Revenues generated in excess of the amount
39 needed to implement, administer, and enforce this Article shall be annually distributed to the
40 State General Fund.

41 **"§ 90-113.136. Protections for the medical use of cannabis.**

42 (a) A registry identification cardholder shall not be subject to arrest, prosecution, or
43 penalty in any manner for the possession or purchase of cannabis for medical use by the qualified
44 patient if the quantity of usable cannabis possessed or purchased does not exceed an adequate
45 supply, as determined by the qualified patient's physician.

46 (b) If usable cannabis is infused or added as an ingredient to an edible cannabis product,
47 salve, tincture, or any other preparation to be consumed or used by a qualified patient, the weight
48 of the other ingredients that are not usable cannabis shall not be included for the purpose of
49 determining whether a qualified patient is in possession of an amount of cannabis that exceeds
50 the qualified patient's adequate supply.

1 (c) A supplier shall not be subject to arrest, prosecution, or penalty in any manner for
2 producing, possessing, distributing, or dispensing cannabis or cannabis-infused products in a
3 manner consistent with this Article.

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

8 **"§ 90-113.138. Educational campaign.**

9 (a) The Department, in consultation with medical professionals, shall develop an
10 educational campaign about the regulated medical cannabis supply system. The educational
11 campaign shall be regularly advertised through television, online, or social media. The
12 educational campaign must include:

- 13 (1) The debilitating medical conditions which may be treated with medical use.
- 14 (2) Potential benefits and risks of the use of cannabis and cannabis-infused
15 products.
- 16 (3) A notification that cannabis and cannabis-infused products are for a qualifying
17 patient's use only and that they should not be donated or otherwise supplied to
18 another individual.

19 (b) The Department shall make the information identified in subsection (a) of this section
20 available online with a link to the information conspicuously located on the Department's
21 website.

22 **"§ 90-113.140.** Reserved for future codification purposes.

23 **"§ 90-113.142.** Reserved for future codification purposes.

24 **"§ 90-113.144. Annual report.**

25 (a) The Department, in consultation with the Commission and the Advisory Board, shall
26 report annually on the effectiveness of the medical cannabis program operated pursuant to this
27 Article and recommendations for any changes to the program. The report shall, without
28 disclosing any identifying information about cardholders, physicians, qualified patients,
29 designated caregivers, or suppliers, contain the following, at a minimum:

- 30 (1) The number of registry identification card applications submitted, approved,
31 and renewed.
- 32 (2) The number of qualifying patients and designated caregivers served by each
33 medical cannabis center during the report year.
- 34 (3) The nature of the debilitating medical conditions of the qualifying patients and
35 a breakdown of qualifying patients by age group.
- 36 (4) The new debilitating medical conditions added by the Advisory Board, if any.
- 37 (5) The efficacy of or satisfaction with cannabis and cannabis-infused products
38 on a yes-no questionnaire as submitted by qualifying patients in a voluntary,
39 anonymous survey, which may be conducted online or through medical
40 cannabis centers.
- 41 (6) The number of registry identification cards denied, suspended, or revoked.
- 42 (7) The number of physicians providing written certifications for qualifying
43 patients.
- 44 (8) The number of suppliers, production facilities, and medical cannabis centers
45 by county.

46 (b) The report shall be submitted to the Joint Legislative Oversight Committee on Health
47 and Human Services and to the Joint Legislative Oversight Committee on Justice and Public
48 Safety by October 1 of each year, beginning in 2022.

49 **"§ 90-113.146. Construction of Article.**

50 This Article shall not be construed to do any of the following:

- (1) Allow for a violation of any law other than for conduct in compliance with the provisions of this Article.
- (2) Affect or repeal laws relating to nonmedical use, possession, production, or sale of cannabis.
- (3) Authorize the use of cannabis by anyone other than a qualified patient.
- (4) Permit the operation of any vehicle, aircraft, train, or boat while under the influence of cannabis.
- (5) Require the violation of federal law or purport to give immunity under federal law.
- (6) Require any accommodation of any on-site medical use of cannabis in any correctional institution or detention facility or place of education or employment, or of smoking or vaping cannabis in any public place.
- (7) Require a health insurance provider, health care plan, property and casualty insurer, or medical assistance program to be liable for or reimburse a claim for the medical use of cannabis. Consultations in which physicians diagnose debilitating medical conditions and complete written certifications shall be reimbursed consistent with any other visit to a health care facility.
- (8) Affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, designated caregiver, physician, supplier, or supplier's agents or employees.

"§ 90-113.148. Severability.

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

SECTION 2. No later than 30 days after the effective date of this act, the North Carolina Medical Board shall approve a three-hour continuing medical education course and a one-hour supplemental medical education course on cannabis and cannabis-infused products.

SECTION 3. G.S. 105-164.13 reads as rewritten:

"§ 105-164.13. Retail sales and use tax.

The sale at retail and the use, storage, or consumption in this State of the following items are specifically exempted from the tax imposed by this Article:

- (13e) Cannabis or cannabis-infused products sold by a medical cannabis center to a registry identification cardholder. The terms "cannabis," "cannabis-infused product," "medical cannabis center," and "registry identification cardholder" have the same meanings as defined in G.S. 90-113.114.

SECTION 4. G.S. 106-121 reads as rewritten:

"§ 106-121. Definitions and general consideration.

For the purpose of this Article:

- (6) The term "drug" means all of the following:
 - a. Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of ~~them;~~ and them.
 - b. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other ~~animals;~~ and animals, except for cannabis-infused products, as defined in G.S. 90-113.114, that are manufactured by a production facility or sold by a medical cannabis center, as defined in G.S. 90-113.114.

- 1 c. Articles (other than food) intended to affect the structure or any
- 2 function of the body of man or other ~~animals; and~~ animals.
- 3 d. Articles intended for use as a component of any article specified in
- 4 paragraphs a, b or c; but does not include devices or their components,
- 5 parts, or accessories.

6 ...

7 (8) The term "food" means all of the following:

- 8 a. Articles used for food or drink for man or other animals, except for
- 9 cannabis-infused products, as defined in G.S. 90-113.114, that are
- 10 manufactured by a production facility or sold by a medical cannabis
- 11 center, as defined in G.S. 90-113.114.
- 12 b. Chewing ~~gum, and~~ gum.
- 13 c. Articles used for components of any such article.

14"

15 **SECTION 5.** Sections 8.5(a) and 8.5(b) of S.L. 2015-154 are repealed.

16 **SECTION 5.5.** G.S. 90-87(16) reads as rewritten:

17 "(16) "Marijuana" means all parts of the plant of the genus Cannabis, whether

18 growing or not; the seeds thereof; the resin extracted from any part of such

19 plant; and every compound, manufacture, salt, derivative, mixture, or

20 preparation of such plant, its seeds or resin, but shall not include the mature

21 stalks of such plant, fiber produced from such stalks, oil, or cake made from

22 the seeds of such plant, any other compound, manufacture, salt, derivative,

23 mixture, or preparation of such mature stalks (except the resin extracted

24 therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is

25 incapable of germination. The term does not include industrial hemp as

26 defined in G.S. 106-568.51, when the industrial hemp is produced and used in

27 compliance with rules issued by the North Carolina Industrial Hemp

28 Commission. The term does not include an adequate supply as defined in

29 G.S. 90-113.114 of cannabis for medical use in compliance with Article 5H

30 of Chapter 90 of the General Statutes."

31 **SECTION 6.** This act is effective when it becomes law and applies to acts committed
32 on and after that date.