GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

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HOUSE BILL 1220 PROPOSED COMMITTEE SUBSTITUTE H1220-PCS30782-RFf-44

Short Title: Hope 4 Haley and Friends. (Public)

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Sponsors:

Referred to:

May 28, 2014

1 A BILL TO BE ENTITLED 2 AN ACT TO CREATE A COMPASSIONATE USE REGISTRY FOR THE USE AND 3 ADMINISTRATION OF HEMP OIL EXTRACT FOR PEOPLE SUFFERING FROM 4 INTRACTABLE SEIZURE DISORDERS AND PROVIDE TO THAT 5 COMPASSIONATE USE REGISTRANTS ARE NOT SUBJECT TO CRIMINAL 6 PENALTIES FOR THE POSSESSION AND USE OF HEMP OIL EXTRACT WHEN 7 POSSESSED AND USED TO TREAT INTRACTABLE SEIZURE DISORDERS. 8 The General Assembly of North Carolina enacts: 9 **SECTION 1.** Article 5 of Chapter 90 of the General Statutes is amended by adding 10 a new section to read: "§ 90-94.1. Exemption for use or possession of hemp extract. 11 As used in this section, "hemp extract" means an extract from a cannabis plant, or a 12 (a) mixture or preparation containing cannabis plant material, that has all of the following 13 14 characteristics: 15 Is composed of less than three-tenths of one percent (0.3%)(1)tetrahydrocannabinol by weight. 16 17 Is composed of at least ten percent (10%) cannabidiol by weight. (2)Contains no other psychoactive substance. 18 (3) 19 Notwithstanding any other provision of this Chapter, an individual may possess or (b) 20 use hemp extract, and is not subject to the penalties described in this Chapter, if the individual satisfies all of the following criteria: 21 22 Possesses or uses the hemp extract only to treat intractable epilepsy, as (1)23 defined in G.S. 90-113.101. Possesses, in close proximity to the hemp extract, a certificate of analysis 24 (2)25 that indicates the hemp extract's ingredients, including its percentages of 26 tetrahydrocannabinol and cannabidiol by weight. Has a current hemp extract registration card issued by the Department of 27 (3)28 Health and Human Services under Article 5G of Chapter 90 of the General 29 Statutes. 30 Notwithstanding any other provision of this Chapter, an individual who possesses (c) hemp extract lawfully under this section may administer hemp extract to another person under 31 32 the individual's care and is not subject to the penalties described in this Chapter for 33 administering the hemp extract to the person if both of the following conditions are satisfied: The individual is the person's caregiver, as defined in G.S. 90-113.101. 34 (1)35 (2)

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The individual is registered with the Department of Health and Human Services to administer hemp extract under G.S. 90-113.102.



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1		SECT	FION 2	• Chapter 90 of the General Statutes is an	mended by adding a new		
2	Article to			1			
3				"Article 5G.			
4				"Compassionate Use Registration Act.			
5	" <u>§ 90-113</u>	.100. 5	Short ti	le.			
6	This act may be cited as the "North Carolina Compassionate Use Registration Act."						
7	"§ 90-113.101. Definitions.						
8	(a) <u>Caregiver. – An individual who is a parent, legal guardian, or custodian of a person</u>						
9	diagnosed with intractable epilepsy.						
10	(b) Compassionate Use Registration Card. – A hemp extract registration card issued by						
11	the Department of Health and Human Services under this Article.						
12	<u>(c)</u>	· · ·					
13	Health and Human Services pursuant to this Article, to register caregivers and patients who						
14	suffer from intractable epilepsy.						
15	(d) Department. – The Department of Health and Human Services.						
16	<u>(e)</u>			<u>. – An extract from a cannabis plant, as defin</u>			
17	(f) Intractable Epilepsy. – A seizure disorder that, as determined by a neurologist, does						
18	not respond to three or more treatment options overseen by the neurologist.						
19	<u>(g)</u>			<u>– An individual who is licensed under Artic</u>			
20	General Statutes, who is board certified in neurology, and is affiliated with the neurology						
21	departmer			re of the following universities:			
22 23		$\frac{(1)}{(2)}$		niversity of North Carolina at Chapel Hill.			
23 24		$\frac{(2)}{(3)}$		University.			
24 25	(h)			Forest University. person who has been diagnosed by a new	urologist with intractable		
25 26	<u>epilepsy.</u>		<u>n. – A</u>	person who has been diagnosed by a new	mologist with intractable		
27	(i)	Regis	trant _	An individual to whom the Department	t issues a hemn extract		
28	(i) <u>Registrant. – An individual to whom the Department issues a hemp extract</u> registration card under this Article.						
29	"§ 90-113.102. Compassionate use registration card; application; fees.						
30	(a) The Department shall, in coordination with recommendations from the Department						
31	of Public Safety, establish 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	(b)			ent shall issue a compassionate use registration			
34	of one year	ar from	issuanc	e, to an individual who satisfies all of the foll	owing criteria:		
35	-	(1)	<u>Is at le</u>	east 18 years of age.	-		
36		(2)	<u>Is a re</u>	sident of North Carolina.			
37		<u>(3)</u>	Provid	les the Department with a statement sign	ed by a neurologist that		
38			<u>satisfi</u>	es all of the following:			
39			<u>a.</u>	Demonstrates that a patient in the caregive	r's care satisfies all of the		
40				following criteria:			
41				<u>1.</u> <u>Has been examined and is under the</u>	care of the neurologist.		
42				1.Has been examined and is under the2.Suffers from intractable epilepsy.			
43				3. <u>May benefit from treatment with her</u>	±		
44			<u>b.</u>	Contains a recommendation for the use of h	nemp extract for treatment		
45				of intractable epilepsy.			
46			<u>c.</u>	Is consistent with records received from th	-		
47			F	the patient, contained in the database descri			
48		<u>(4)</u>		he Department a fee, not to exceed fifty do	llars (\$50.00), established		
49 50		(5)		Department under G.S. 90-113.105.			
50		<u>(5)</u>		its an application to the Department that contained	ains all of the following:		
51			<u>a.</u>	The caregiver's name and address.			

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b. The patient's name and address.					
c. A copy of the caregiver's valid govern	nment-issued photo				
identification.	_				
d. <u>Any additional information the Department</u>	finds necessary to				
implement this Article.					
(c) The Department shall renew a compassionate use registration ca	ard upon certification				
from the caregiver and the neurologist that all information initially provid	ed to the Department				
under subsection (b) of this section is current or has been updated to refle	ect 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.					
" <u>§ 90-113.103. Compassionate use database; Departmental duties.</u>					
(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) <u>The name of each registered patient.</u>					
(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 heal	th where the patient				
resides and provide the following information:					
(1) The name and address of the registrant.					
(2) <u>Identifying information contained on the compassion</u>	nate use registration				
<u>card.</u>					
" <u>§ 90-113.104. Immunity for neurologists; medical records.</u>					
(a) On a case-by-case basis, neurologists may approve of dispensat	tion to a registrant, as				
approved by this Article, hemp oil acquired from another jurisdiction.					
(b) <u>A neurologist shall not be subject to arrest or prosecution, penalized or disciplined</u>					
in any manner, or denied any right or privilege for approving or recommen					
oil or providing a written statement or health records to the Department for the use of hemp oil					
<u>pursuant to this Article.</u> (a) A neurologist who signs a statement as described in $C = 0.011$	2 100(a)(2) = 1 = 11				
(c) <u>A neurologist who signs a statement as described in G.S. 90-11</u>					
(1) <u>Keep a record of the evaluation and observation of</u>					
 (2) <u>neurologist's care, including the patient's response to her</u> (2) Transmit the record described in subdivision (1) of the patient's response to her 	-				
	ins subsection to the				
<u>Department upon request.</u>	ant number of this				
(d) <u>All medical records received or maintained by the Departm</u>	-				
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.					
" <u>§ 90-113.105. Rule making.</u>					
	Chapter 150B of the				
<u>The Department shall adopt rules in accordance with Article 2A of Chapter 150B of the</u> <u>General Statutes to implement the provisions of this Article.</u> "					
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 seizu					
participate in any ongoing or future clinical studies or trials.					
SECTION 4. Section 1 of this act becomes effective Od	ctober 1 2014 The				
remainder of this act becomes effective June 30, 2014. No later than (,				

50 Department shall establish and adopt rules to implement the provisions of this act.