

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 766

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H766-ATU-26 [v.12]

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Amends Title [YES]
Third Edition

Date _____, 2015

Senator Tucker

1 moves to amend the bill on page 1, lines 3-5 by rewriting the lines to read:
2 "EXTRACT AND PERMITTING THE USE OF HEMP EXTRACT AS AN ALTERNATIVE
3 TREATMENT FOR INTRACTABLE EPILEPSY WITHOUT PARTICIPATING IN A PILOT
4 STUDY.";

5
6 and moves to amend the bill on page 1, line 7, through page 4, line 13 by rewriting the lines to
7 read:

8 "**SECTION 1.** G.S. 90-94.1 reads as rewritten:

9 "**§ 90-94.1. Exemption for use or possession of hemp extract.**

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

- 13 (1) Is composed of less than ~~three-tenths~~ five-tenths of one percent ~~(0.3%)~~
14 (0.5%) tetrahydrocannabinol by weight.
- 15 (2) Is composed of at least ~~ten-five~~ percent ~~(40%)~~ (5%) cannabidiol by weight.
- 16 (3) Contains no other psychoactive substance.

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

- 20 (1) Possesses or uses the hemp extract only to treat intractable epilepsy, as
21 defined in G.S. 90-113.101.
- 22 (2) Possesses, in close proximity to the hemp extract, a certificate of analysis
23 that indicates the hemp extract's ingredients, including its percentages of
24 tetrahydrocannabinol and cannabidiol by weight.
- 25 (3) ~~Has a current hemp extract registration card issued by the Department of~~
26 ~~Health and Human Services under Article 5G of Chapter 90 of the General~~
27 ~~Statutes.~~ Is a caregiver, as defined in G.S. 90-113.101.

28 (c) Notwithstanding any other provision of this Chapter, an individual who possesses
29 hemp extract lawfully under this section may administer hemp extract to another person under
30 the individual's care and is not subject to the penalties described in this Chapter for
31 administering the hemp extract to the person if ~~both of the following conditions are satisfied:~~

- 32 ~~(1) The~~ the individual is the person's caregiver, as defined in G.S. 90-113.101.



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1 (2) ~~— The individual is registered with the Department of Health and Human~~
2 ~~Services to administer hemp extract under G.S. 90-113.103."~~

3 **SECTION 2.** G.S. 90-113.100 reads as rewritten:

4 "**§ 90-113.100. Short title.**

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

6 (b) The purpose of this act is to permit ~~medical professionals to conduct limited-scope,~~
7 ~~evidence-based studies exploring the safety and efficacy of treating treat intractable epilepsy~~
8 ~~using hemp extract~~ the use of hemp extract as an alternative treatment for intractable epilepsy.

9 (c) The General Assembly finds ~~the following:~~

10 (1) ~~There that there~~ are children in this State suffering from intractable epilepsy
11 for which currently available treatment options have been ineffective. Hemp
12 extract shows promise in treating children with intractable epilepsy.

13 (2) ~~Additional study of the use of hemp extract for the treatment of intractable~~
14 ~~epilepsy should be undertaken, and the medical research universities of the~~
15 ~~State of North Carolina are well suited for this type of clinical exploration."~~

16 **SECTION 3.** G.S. 90-113.101 reads as rewritten:

17 "**§ 90-113.101. Definitions.**

18 (a) Caregiver. – An individual that is at least 18 years of age and a resident of North
19 Carolina who is a parent, legal guardian, or custodian of a person diagnosed with intractable
20 epilepsy patient and is registered with the Department of Health and Human and Services under
21 G.S. 90-113.102 who possesses a written statement dated and signed by a neurologist that
22 states all of the following:

23 (1) The patient has been examined and is under the care of the neurologist.

24 (2) The patient suffers from intractable epilepsy.

25 (3) The patient may benefit from treatment with hemp extract.

26 ~~(b) Caregiver Registration Card. — A registration card issued by the Department of~~
27 ~~Health and Human Services under this Article to a caregiver.~~

28 (c) Database. – The Intractable Epilepsy Alternative Treatment ~~Pilot Study~~ database,
29 established by the Department of Health and Human Services pursuant to ~~this Article, to~~
30 ~~register caregivers, patients, and recommending neurologists~~ Article.

31 ...

32 (g) Neurologist. – An individual who is licensed under Article 1 of Chapter 90 of the
33 General Statutes, who is board certified in neurology, and is affiliated with the neurology
34 department at one or more ~~of the following universities:~~ hospitals licensed in this State.

35 (1) ~~The University of North Carolina at Chapel Hill.~~

36 (2) ~~East Carolina University.~~

37 (3) ~~Duke University.~~

38 (4) ~~Wake Forest University.~~

39 (h) Patient. – A person who has been diagnosed by a neurologist with intractable
40 epilepsy.

41 ~~(i) Pilot Study. — An evidence-based investigation of the safety and efficacy of treating~~
42 ~~intractable epilepsy using hemp extract conducted by one or more neurologists registered~~
43 ~~pursuant to this Article."~~

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SECTION 4. G.S. 90-113.102 reads as rewritten:**"§ 90-113.102. Intractable Epilepsy Alternative Treatment ~~Pilot Study~~ database; departmental duties.**

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

- (1) ~~The name and address of each registered caregiver and the name of the pilot study the caregiver is associated with the caregiver.~~
- (2) ~~The name and address of each registered patient and the name of the pilot study the patient is associated with the caregiver's patient.~~
- (3) ~~The name, address, and qualifying institutional affiliation of neurologists conducting pilot studies pursuant to this Article.~~
- (4) ~~The name, institutional affiliation, affiliated registered neurologists, and parameters of pilot studies. address, and hospital affiliation of the~~ neurologist recommending hemp extract as an alternative treatment for intractable epilepsy for the 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 registered caregiver.~~
- (2) ~~Identifying information contained on the caregiver registration card."~~

SECTION 5. G.S. 90-113.103 is repealed.**SECTION 6.** G.S. 90-113.104 is repealed.**SECTION 7.** G.S. 90-113.105 reads as rewritten:**"§ 90-113.105. Immunity for neurologists; ~~medical records confidentiality.~~**

(a) On a case-by-case basis, neurologists ~~conducting a registered pilot study~~ may approve of dispensation to a registered caregiver, as approved by this Article, hemp extract 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 extract or providing a written statement ~~or health records to the Department~~ for the use of hemp extract pursuant to this Article.

(c) ~~A neurologist conducting a registered pilot study who signs a statement as described in G.S. 90-113.104(b)(3) shall do the following:~~

- (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.~~

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1 (d) ~~All medical records received or maintained by the Department pursuant to this~~
2 ~~Article are~~ The identities of the caregivers, patients, and neurologists reported to the
3 Department pursuant to this Article are confidential and may not be disclosed to the public
4 are not matters of public record. However, this information may be provided to law enforcement
5 agencies pursuant to G.S. 9-113.102. Nothing in this Article is intended to alter the provisions
6 of G.S. 8-53 or G.S. 8-53.1."

7 **SECTION 8.** Section 5 of S.L. 2014-53 reads as rewritten:

8 "**SECTION 5.** ~~Section 3 of this act becomes effective upon adoption of rules pursuant to~~
9 ~~Section 4 of this act. The remainder of this~~ This act is effective when it becomes law."

10 **SECTION 9.** Section 1 becomes effective August 1, 2015, and applies to offenses
11 committed on or after that date. Except as otherwise provided in this act, the remainder of the
12 act is effective when it becomes law."
13
14

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**