

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-36
SENATE BILL 124

AN ACT TO REQUIRE RESIDUAL OIL FROM HEMP EXTRACT TO BE DISPOSED AT ESTABLISHED SPECIFIC SECURE COLLECTION BOXES MANAGED BY LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

(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 for the use of hemp extract pursuant to this Article.



- (c) Repealed by Session Laws 2015-154, s. 7, effective July 16, 2015.
- (d) The identities of the caregivers, patients, and neurologists reported to the Department pursuant to this Article are confidential and are not matters of public record. However, this information may be provided to law enforcement agencies pursuant to G.S. 9-113.102."

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

In the General Assembly read three times and ratified this the 14th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 9:21 a.m. this 22nd day of June, 2018