



HOUSE BILL 766: Amend CBD Oil Statute

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General
Assembly

Committee:	Rules, Calendar, and Operations of the House	Date:	April 22, 2015
Introduced by:	Reps. McElraft, Avila, Carney	Prepared by:	Kristen Harris and Bill Patterson
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 766 would amend the exemption for the use or possession of hemp extract and authorize certain neurologists to use hemp extract to treat intractable epilepsy without participating in a pilot study.*

CURRENT LAW AND BACKGROUND:

The North Carolina Epilepsy Alternative Treatment Act (NCEATA) was enacted into law in 2014 as Article 5G of Chapter 90 of the General Statutes by S.L. 2014-53, s. 2. NCEATA defines "intractable epilepsy" as a seizure disorder that, as determined by a neurologist, does not respond to three or more treatment options overseen by the neurologist.

Under the North Carolina Controlled Substances Act, cannabis is categorized as a Schedule VI drug,¹ possession or use of which is punishable as a Class 3 misdemeanor or higher.²

Possession of cannabis in the form of a hemp extract used solely to treat intractable epilepsy also is punishable as a Class 3 misdemeanor or higher; however, an exemption to the Controlled Substances Act for certain uses or possession of hemp extract to treat intractable epilepsy was enacted as G.S. 90-94.1 by S.L. 2014-53, s. 3, which will become effective upon the adoption of rules by the Department of Health and Human Services.

BILL ANALYSIS:

Section 1 would amend G.S. 90-94.1 by expanding the definition of "hemp extract" to enlarge the class of substances meeting this definition.

Section 2 would amend G.S. 90-113.100 to restate the purpose of NCEATA as being to permit medical professionals to treat intractable epilepsy with hemp extract, and to delete references to studies to be undertaken related to the use of hemp extract to treat intractable epilepsy.

Section 3 would amend NCEATA's definition of "neurologist" to include persons affiliated with the neurology department at one or more hospitals licensed in this State, and to delete the definition of pilot study.

Sections 4 through 7 would make conforming changes to NCEATA consistent with Section 3.

EFFECTIVE DATE: This act becomes effective December 1, 2015.

¹ G.S. 90-94.

² G.S. 90-95(d)(4).

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