



SENATE BILL 448: Amendments to Schedule VI of the Controlled Substances Act.

2021-2022 General Assembly

| | | | |
|-----------------------|-------------|---------------------|---------------------------------|
| Committee: | | Date: | August 3, 2022 |
| Introduced by: | | Prepared by: | Jessica Boney Staff Attorney |
| Analysis of: | S.L. 2022-9 | | |

OVERVIEW: *S.L. 2022-9 automatically allows a prescription drug approved under federal law and classified as a Schedule VI controlled substance in North Carolina, to be lawfully used.*

This act became effective July 14, 2022, and applies to prescription drugs approved by the FDA on or after that date.

CURRENT LAW:

G.S. 90-94 classifies marijuana and tetrahydrocannabinols (THC) as Schedule VI controlled substances.

G.S. 90-88 provides the North Carolina Commission for Mental Health, Developmental Disabilities, and Substance Abuse (the Commission) determines what substances fall within Schedules I through VI. If there are changes to the federal controlled substance schedules, G.S. 90-88(d) requires that the Commission makes a decision to either i) conform the North Carolina controlled substance schedules to the federal schedules, or ii) object to making the conforming change. This decision must be made at the next regularly scheduled meeting of the Commission that takes place 30 days after the federal schedule update.

21 U.S.C. 355 (section 505 of the federal Food, Drug, and Cosmetic Act) requires that no new drug can be introduced unless the new drug is approved by the federal Food and Drug Administration (FDA).

BILL ANALYSIS: S.L. 2022-9 makes prescription drugs containing marijuana and tetrahydrocannabinols (THC) lawful in North Carolina automatically if the following factors are met:

- The FDA approves the use of the prescription drug.
- The Drug Enforcement Administration makes the appropriate change to the federal controlled substance schedules.
- The Commission does not object to excluding the new drug from Schedule VI.

While S.L. 2022-9 allows the Commission to object to removing the new drug from Schedule VI, it does not require any positive action by the Commission. If the Commission does not make an objection, the new drug would automatically be excluded from Schedule VI.

EFFECTIVE DATE: This act became effective July 14, 2022, and applies to prescription drugs approved by the federal Food and Drug Administration on or after that date.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578