# SENATE BILL 448:
# Amendments to Schedule VI of the CSA.

*2021-2022 General Assembly*

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| **Committee:** | House Rules, Calendar, and Operations of the House | **Date:** | June 1, 2021 |
| **Introduced by:** | Sens. Burgin, Krawiec, Perry | **Prepared by:** | Jessica Boney<br>Staff Attorney |
| **Analysis of:** | First Edition | | |

***OVERVIEW: Senate Bill 448 would automatically allow a prescription drug approved under federal law and classified as a Schedule VI controlled substance in North Carolina, to be lawfully used.***

**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 may be introduced unless the new drug is approved by the FDA.

**BILL ANALYSIS:** Senate Bill 448 would make 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 (DEA) makes the appropriate change to the federal controlled substance schedules.
- The Commission does not object to excluding the new drug from Schedule VI.

While Senate Bill 448 would allow 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 is effective when it becomes law and applies to prescription drugs approved by the FDA on or after that date.

** Robert Ryan, Legislative Analysis Division, substantially contributed to this summary.*

*Jeffrey Hudson*
*Director*

*Legislative Analysis*
*Division*
*919-733-2578*

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