



# HOUSE BILL 328: Ban Delta-8 & Delta-9 on School Grounds.

2025-2026 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2025
<b>Introduced by:</b>	Reps. Cunningham, Loftis, Lambeth, Potts	<b>Prepared by:</b>	Jessica Boney
<b>Analysis of:</b>	Third Edition		Staff Attorney

**OVERVIEW:** *House Bill 328 would require governing bodies of public school units, specified nonpublic schools, residential schools for the deaf and blind, charter schools, regional schools, the North Carolina School for Science and Mathematics, and laboratory schools to adopt a written policy prohibiting the use of hemp-derived consumable products in school buildings, on grounds, and at school-sponsored events. A definition of tobacco products would be created that includes vapor products; therefore, vapor products would be banned under existing law prohibiting tobacco product use in school buildings, on grounds, and at school-sponsored events.*

**CURRENT LAW:** Local boards of education must adopt, implement, and enforce written policies prohibiting the use of tobacco products by any person in school buildings, school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit (LEA). The policy must also prohibit the use of all tobacco products by persons attending a school-sponsored event at a non-school location when in the presence of students or school personnel or in an area where smoking is otherwise prohibited by law.

## BILL ANALYSIS:

Section 1 would amend Article 29A of Chapter 115C of the General Statutes by requiring governing bodies of public school units, previously local boards of education, to adopt a written policy prohibiting the use of hemp-derived consumable products in school buildings, on grounds, and at school-sponsored events. The prohibition on hemp-derived consumable products would be governed the same as the existing prohibitions on tobacco products in school buildings, on grounds, and at school-sponsored events.

The Tobacco Prevention and Control Branch would be directed to work with governing bodies of public school units on policy implementation.

New definitions for *hemp-derived consumable product*, *tobacco product* and *vapor product* would be created.

*Hemp-derived consumable product* would be defined as a product intended for human consumption or inhalation that contains any phytocannabinoid found in hemp, including delta 9 tetrahydrocannabinol (delta 9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta 7 tetrahydrocannabinol (delta 7 THC), delta 8 tetrahydrocannabinol (delta 8 THC), or delta 10 tetrahydrocannabinol (delta 10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp derived consumable product. This term does not include hemp products intended for topical application or

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seeds or seed derived ingredients that are generally recognized as safe by the United States Food and Drug Administration (FDA).

*Tobacco product* would be defined as in G.S. 14-313 and include vapor products. G.S. 14-313 defines tobacco as any product that contains tobacco and is intended for human consumption.

*Vapor product* would be defined as in G.S. 14-313. G.S. 14-313 defines a vapor product as any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a consumable product. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

By including vapor product in the definition of tobacco product, vapor products would be banned under existing law prohibiting tobacco product use in school buildings, on grounds and at school-sponsored events.

**Sections 2-6** would add cross-references to the statutes governing the various types of public schools to clarify that the governing bodies of those schools would also have to adopt policies prohibiting tobacco product and hemp-derived consumable product in accordance with Article 29A of Chapter 115C of the General Statutes.

**Section 7** would require the following nonpublic schools to adopt a policy prohibiting the use of tobacco products or hemp-derived consumable products on school grounds in accordance with Article 29A of Chapter 115C of the General Statutes:

- Nonpublic schools enrolling students who receive Opportunity Scholarships.
- Nonpublic schools enrolling students where the schools receive direct disbursement from a student's Personal Education Student Account for Children with Disabilities.

**EFFECTIVE DATE:** This act would be effective when it becomes law and applies beginning with the 2025-2026 school year.

*\*Drupti Chauhan Garrett, Staff Attorney, Legislative Analysis Division, significantly contributed to this summary.*