



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

2025-2026 General Assembly

<b>Committee:</b>	House Health. If favorable, re-refer to Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 25, 2025
<b>Introduced by:</b>	Reps. Cunningham, Loftis, Lambeth, Potts	<b>Prepared by:</b>	Jessica Boney Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H328-CSBP-2		

**OVERVIEW:** *House Bill 328 would require governing bodies of public school units and specified nonpublic 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.*

*The Proposed Committee Substitute to House Bill 328 would do the following:*

- *Use the term "hemp-derived consumable product" instead of "hemp product".*
- *Create new definitions for "hemp-derived consumable product" and "vapor product".*
- *Direct the Tobacco Prevention and Control Branch, instead of the North Carolina Health and Wellness Trust Fund Commission, to work with governing bodies of public school units on policy implementation.*

## 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, instead of the North Carolina Health and Wellness Trust Fund Commission, 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

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# House 328 PCS

Page 2

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 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.

**Section 2** would require nonpublic schools accepting eligible students receiving scholarship grants 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.

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