

North Carolina Senate Passes Medical Cannabis Bill

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On Monday, June 6, 2022, the North Carolina Senate voted on third reading to pass a bill that would allow medical cannabis use in the state. Senate Bill 711 received bipartisan support and passed by a vote of 36-7.

The North Carolina Compassionate Care Act would allow physicians to issue a written certification for medical cannabis for patients with 15 listed medical conditions, including cancer, epilepsy, HIV, AIDS, Parkinson's disease, and multiple sclerosis. PTSD is also listed as a debilitating medical condition, but evidence that the patient experienced one or more traumatic events is required. This includes proof of military service in an active combat zone. The bill also allows qualified patients under the age of 18 to use medical cannabis by a noninhalation consumption method if the parent, guardian, or person with legal custody consents to such use, serves as a designated caregiver, and controls the medical use of cannabis by the qualified patient.

The bill also sets forth requirements for certifying physicians that include taking continuing medical education courses and using a statewide, electronic medical cannabis registry database, which will be regulated by the N.C. Department of Health and Human Services. Patients can apply for a registry identification card, which must be carried by the patient when the cardholder possesses cannabis or cannabis-infused products and must be provided to law enforcement upon request. The bill would also create a Compassionate Use Advisory Board consisting of physicians, an expert in the field, a pharmacist, patients, and others, and would have the ability to add debilitating medical conditions that would qualify for medical cannabis use. In addition, the bill establishes a Medical Cannabis Production Commission, which would have the power to approve applications for medical cannabis supplier licenses.

Currently, 37 states plus Washington D.C. and four territories have removed state-level criminal penalties for the medical use, cultivation, and distribution of cannabis. The bill notes that "North Carolina now takes similar action to preserve and enhance the health and welfare of its

citizens.”

The North Carolina bill is somewhat similar to the South Carolina Compassionate Care Act (S. 150 discussed in a prior article). However, the North Carolina bill would allow patients over the age of 18 to utilize inhalation consumption methods, whereas the South Carolina bill would have been limited to only non-smokable cannabis. The South Carolina bill passed the South Carolina Senate, but was ruled out of order by the South Carolina House of Representatives as a revenue-generating bill that should have originated in the House instead of the Senate.

The North Carolina bill will be debated by the North Carolina House of Representatives, but it remains unclear whether the House will take up the bill this session.