

# South Carolina Senate Passes Medical Cannabis Legislation

## Related Professionals

Michael A. Parente  
803.253.8247  
mparente@nexsenpruet.com

Sara S. Rogers  
803.540.2172  
srogers@nexsenpruet.com

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On Thursday, February 10, 2022, the South Carolina Senate voted to pass the South Carolina Compassionate Care Act (S. 150) on third reading, which would allow for certain forms of medical cannabis in the state for the first time. The legislation has now been sent to the South Carolina House of Representatives, which will assign it to one of its committees, likely on Tuesday, February 15th. This followed a vote on Wednesday evening, where the Senate approved the legislation on second reading after amendment with a vote of 28-15, gaining bipartisan support.

If the legislation is signed into law, patients who are properly certified by a physician would be able to purchase and possess a fourteen-day supply of non-smokable cannabis for certain enumerated debilitating conditions. The legislation was amended several times on the floor of the Senate during second reading on Wednesday. Among those amendments that were adopted were:

- a “sunset clause,” which would repeal the Act on December 31, 2028;
- a provision that local governments, such as cities and towns, may prohibit medical cannabis establishments from operating within the jurisdiction;
- a requirement that edible cannabis products cannot resemble or taste like commercially sold candies or other food that is typically attractive and marketed to children;
- a statewide investigational new drug application, which may be established, if approved by the FDA to conduct expanded access clinical trials using medical cannabis on qualifying patients;
- a required signed agreement by the patient or designated caregiver, when applying for a registry identification card, “not to divert cannabis products to anyone and acknowledging that the diversion of cannabis products is a felony that, upon conviction, results in the revocation of a registry identification card and subjects the qualifying patient to a fine of not more than five thousand dollars, imprisonment of not more than five years, or both”;

- a provision that medical cannabis establishments must have annual proof of liability coverage of no less than one million dollars; and
- added requirements concerning the continuing education courses on medical cannabis, which must be approved by the South Carolina Board of Pharmacy and include best practices regarding dosage, based upon medical conditions or symptoms, modes of administration, and cannabinoid profile.

The vote in the South Carolina Senate comes just a week after Mississippi became the 37<sup>th</sup> state in the country to enact some form of medical cannabis legislation. As this legislation advances through the South Carolina House of Representatives, I will be providing updates. Please feel free to contact Nexsen Pruet if you are interested in the potential medical cannabis industry in South Carolina.