

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

3

SENATE BILL 455
Judiciary Committee Substitute Adopted 4/28/21
House Committee Substitute Favorable 5/25/22

Short Title: Conform Hemp with Federal Law.

(Public)

Sponsors:

Referred to:

April 5, 2021

A BILL TO BE ENTITLED
AN ACT TO CONFORM THE HEMP LAWS WITH FEDERAL LAW BY PERMANENTLY
EXCLUDING HEMP FROM THE STATE CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-87, as it reads following the expiration of S.L. 2015-299
pursuant to Section 4 of that act, reads as rewritten:

"§ 90-87. Definitions.

As used in this Article:

...

(13a) "Hemp" means the plant Cannabis sativa (L.) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.

(13b) "Hemp products" means all products made from hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and verified propagules for cultivation if the seeds originate from hemp varieties.

...

(16) "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. The term does not include hemp or hemp products.

...."

SECTION 2. G.S. 90-94 reads as rewritten:

"§ 90-94. Schedule VI controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that such substance comes within this schedule, the Commission shall find: no currently accepted medical use in the United States, or a relatively low potential for abuse in terms of risk to public



health and potential to produce psychic or physiological dependence liability based upon present medical knowledge, or a need for further and continuing study to develop scientific evidence of its pharmacological effects.

The following controlled substances are included in this schedule:

(1) Marijuana.

(2) ~~Tetrahydrocannabinols~~; Tetrahydrocannabinols, except for tetrahydrocannabinols found in hemp or hemp products.

(3) Repealed by Session Laws 2017-115, s. 8, effective December 1, 2017, and applicable to offenses committed on or after that date."

SECTION 3. This act becomes effective June 30, 2022.