

North Carolina Sheriffs' Association

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Weekly Legislative Report

May 21, 2021

WE WANT YOU - to follow us! We all utilize social media to keep up with news, events, family and friends, and our favorite organizations these days. Now you can follow the North Carolina Sheriffs' Association too. Beginning today, we will be using some of your favorite apps to give you an additional way to access our Weekly Legislative Report (WLR). We will be posting a link on our [Facebook page](#) and [Twitter feed](#) every Friday that will allow you to access the WLR from your fingertips. We hope you will also "follow" the Association to see real time updates of legislative happenings, public safety news, and other items of interest to North Carolina sheriffs, the law enforcement community, and to all citizens of this great State.

As for the legislature this week, after an unusual and early end to crossover, things have been strangely quiet. Only a handful of committees met with very short agendas. One can only imagine the Senate and House chairs assigned to work on the budget are doing so in hopes that this Session will be complete before or at least by the end of summer.

What actually comes next is anyone's guess, but likely committees will begin to meet more frequently with longer agendas and bills will move from the chambers of the House and Senate on to Governor Roy Cooper for his consideration. It is also likely that bills will change greatly from their current form as members continue to work to perfect their bills and help out colleagues who are looking for just the right bill to add their new, or not so new, legislative idea.

The House and Senate adjourned on Thursday and will reconvene on Monday, May 24th.

BILLS OF INTEREST

[HOUSE BILL 929](#), North Carolina Medical Cannabis Act, would allow a "qualified patient" to lawfully possess or use medical cannabis (marijuana). The bill would define a qualified patient as a person who has been diagnosed by a physician as having a "debilitating medical condition." The bill would authorize a "health care provider" to provide the qualified patient with a written certification that they suffer from a medical condition and that, in the health care provider's opinion, the benefits of marijuana use would outweigh the health risks associated with using the drug. Health care provider would include a physician, physician assistant or nurse practitioner.

The bill would authorize a qualified patient to lawfully purchase, possess and use marijuana so long as they possess the health care provider's written certification. The amount a person could lawfully possess would be determined by the health care provider and would be based upon the marijuana supply necessary to continue to alleviate the medical condition (not to exceed a three-month supply).

The bill does not place a set limit on the amount of marijuana that could be possessed by the qualified patient unless it is smokable marijuana, which would be limited to possessing no more than 24 ounces. 24 ounces is the equivalent of 1.5 pounds of marijuana that the bill would authorize a person to possess at any one time to alleviate a medical condition.

The bill does not list what medical conditions would justify the use of marijuana, such as cancer, glaucoma and rheumatoid arthritis. Therefore, any medical condition would qualify so long as the health care provider determined the benefits of marijuana use outweigh its harmful effects.

The bill would also allow individuals to apply through the North Carolina Department of Agriculture and Consumer Services for a license to grow marijuana and to make products containing marijuana for use by qualified patients. In addition, the bill would authorize marijuana dispensaries in North Carolina for the sale of marijuana to qualified patients. Marijuana dispensaries would be licensed through the North Carolina Alcoholic Beverage Control Commission.

In addition, the bill would provide for the automatic expungement of misdemeanor marijuana offenses regardless of how old the conviction. Therefore, the bill would allow a person to receive an unlimited number of these misdemeanor marijuana expungements, which would also include convictions dating back years or even decades. This automatic misdemeanor marijuana expungement provision would also apply to all misdemeanor marijuana convictions regardless of whether or not the illegal marijuana use was for recreational purposes as opposed to a “medical” purpose.

The bill would also authorize the expungement, following a hearing before a judge, of felony marijuana convictions if five years have passed from the date of conviction or the conclusion of any active sentence, period of probation, or post-release supervision. This would also include the expungement of felony marijuana convictions dating back years or even decades.

Additionally, the bill would also prohibit any employer from requiring the disclosure of criminal acts leading to the expungement of any marijuana conviction. If enacted into law, a person seeking employment with a law enforcement agency would not be required to disclose unlawful marijuana drug use that later resulted in an expungement or to otherwise disclose the existence of the expungement.

Finally, the bill would make it unlawful to consume medical cannabis in public or to use or consume medical cannabis while operating a motor vehicle or while being a passenger in a motor vehicle being driven on a highway or the right-of-way of a highway. **Introduced by Representatives Alexander, Harrison, Cunningham and Carney, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

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