

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

July 2, 2021

As the General Assembly continues to meet and try to hammer out a budget compromise, we could be tempted to remember a quotation from a very old court case that said,

“No man’s life, liberty or properties are safe while the legislature is in session.”
1 Tucker 248, N.Y. Surr.18

The week of Independence Day is a good time for all of us to remember how fortunate we are to live in a country where citizens of our State can govern our affairs through a General Assembly. While some observers of the legislative process may believe that it is not an efficient one, we should all agree that the form of government that we enjoy in the United States of America is undoubtedly the best form of government in the entire world.

So, we should all be thankful for our country’s ancestors who took historic action 245 years ago on July 4, 1776 which resulted in our form of government being the envy of free people all around the world.

Note: The General Assembly will be on “summer break” next week, so the next edition of the NCSA Weekly Legislative Report will be published on Friday, July 16th.

BILL STATUS

[HOUSE BILL 404](#), Immunity for 911 Dispatchers, which is summarized in the March 26, 2021 Weekly Legislative Report, has been amended in the Senate to expand the list of individuals who would be immune from liability for damages in a civil action for any conduct (except willful and wanton conduct) which resulted in death, injury, or property damage incurred in connection with their work as telecommunicators.

The bill, as amended at the request of the North Carolina Sheriffs’ Association, would extend immunity to telecommunicators at a law enforcement agency who are certified by the North Carolina Sheriffs’ Education and Training Standards Commission in addition to telecommunicators originally included in the bill who are employed by 911 system providers, next generation 911 systems, public safety answering points (PSAPs), or regional PSAPs.

This amendment would mean that a telecommunicator working in a sheriff’s office or a municipal law enforcement agency that were not PSAPs would be protected from liability in these types of actions. The bill was also amended to specify that this type of immunity would not apply to actions arising out of the operation or ownership of a motor vehicle by an employee of a law enforcement

agency.

[HOUSE BILL 692](#), [Restrict Certain Vehicle Modifications](#), which is summarized in the April 30, 2021 Weekly Legislative Report, has been amended in the Senate and would prohibit operating a private passenger automobile on any highway or public vehicular area if the suspension, frame, or chassis of the automobile has been modified such that the height of the front fender is four or more inches greater than the height of the rear fender.

Currently, the manufacturers specified height of any motor vehicle may not be modified, altered or changed to elevate or lower the motor vehicle (in either the front or back of the motor vehicle) more than six inches without the prior written approval of the Commissioner of Motor Vehicles.

[SENATE BILL 605](#), [North Carolina Farm Act of 2021](#), which is summarized in the April 9, 2021 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 711](#), [NC Compassionate Care Act](#), has been amended in the Senate and would allow patients with certain diagnosed debilitating medical conditions listed in the amended bill (such as cancer, epilepsy or HIV) to lawfully possess or use cannabis (marijuana) if they obtain a registry identification card from the North Carolina Department of Health and Human Services to lawfully possess and use the marijuana and obtain a written certification from a physician stating they suffer from such a debilitating medical condition.

A debilitating medical condition would also include patients diagnosed with post-traumatic stress disorder (PTSD) if there is evidence the PTSD patient suffered one or more traumatic events, such as during military combat or during service as a law enforcement officer or other first responder.

The bill, as amended, would create the Medical Cannabis Advisory Board. This Board would be comprised of physicians, a research scientist, pharmacist, a representative of a marijuana supplier, a person with a debilitating medical condition, a parent of a child with such a condition and other members appointed by the General Assembly. The Medical Cannabis Advisory Board would have the authority to approve "any other serious medical condition" in addition to those already listed in the amended bill. Therefore, if enacted into law, the Medical Cannabis Advisory Board would have the unlimited authority to approve medical conditions for which marijuana could be prescribed without legislative action.

The bill, as amended, would also authorize a physician to prescribe marijuana to a patient that suffers "other debilitating medical conditions of the same kind or class as, or comparable to," those conditions listed in the bill. The amended bill does not define what is meant by other debilitating medical conditions of the same kind or class. Therefore, if enacted into law, the individual physician would have the ability to decide what would meet this criteria. The bill would make it lawful for a physician to prescribe marijuana to a person that suffers from arthritis, diabetes, insomnia, depression, anxiety, or any other medical condition so long as the physician determined the condition is comparable to, or is of the same kind or class as those medical conditions listed in the amended bill.

The bill, as amended, would allow a person to apply for a Medical Cannabis Supplier License that would allow the person to: (1) grow, cultivate, produce, or sell cannabis or cannabis-infused products (such as cannabis gummy bears, cannabis cookies, or other edible products); (2) operate a business to produce cannabis or cannabis-infused products; or (3) establish or operate a medical cannabis center for the sale of cannabis, cannabis-infused products, and paraphernalia (such as smoking pipes, water bongs and other similar products) relating to the administration of cannabis to qualified patients and designated caregivers who hold valid registry identification cards.

The bill, as amended, would also establish the Medical Cannabis Production Commission, which would be comprised of nine members that would serve four-year terms, including a sheriff designated by the North Carolina Sheriffs' Association, the Director of the North Carolina State Bureau of Investigation, a member of the North Carolina Medical Board and other individuals appointed by the Governor and the General Assembly. The Medical Cannabis Production Commission would have the power to approve applications for Medical Cannabis Supplier Licenses upon the recommendation of the North Carolina Department of Health and Human Services, and to suspend or revoke such licenses.

The bill would require the North Carolina Department of Health and Human Services to process all applications for a Medical Cannabis Supplier License and these licenses to produce and sell marijuana would have to be renewed annually and could not be issued to individuals who have been convicted of certain felony offenses. A supplier would be exempt from the criminal laws of the State for possession, production, delivery, or transportation of marijuana (or aiding and abetting another in the same) if the person is in compliance with the provisions contained in the amended bill and any regulations established by the North Carolina Department of Health and Human Services.

In addition, the bill would require the North Carolina Department of Health and Human Services to establish a Confidential Medical Cannabis Registry Database that would contain all qualified patients and designated caregivers that have been issued registry identification cards for the possession of marijuana. The bill would also establish the North Carolina Medical Cannabis Verification System, which would be a secure web-based system accessible to State and local law enforcement personnel and medical cannabis centers, and would allow law enforcement personnel and medical cannabis centers to determine whether a registry identification card is valid.

The North Carolina Department of Health and Human Services would be required to establish this Medical Cannabis Verification System, which could include the following information related to registry identification cards: (1) whether the registry identification card is valid; (2) the name, address, and date of birth of the cardholder; (3) a photograph of the cardholder; (4) whether the cardholder is a qualifying patient or a designated caregiver; (5) the registry identification card number of any associated qualifying patients or designated caregivers; (6) the delivery method of the cannabis; and (7) if accessed by a medical cannabis center employee or authorized Department of Health and Human Services personnel, the amount of cannabis and cannabis-infused products dispensed in the past 30 days.

Finally, the bill would establish various criminal penalties, as set out in greater detail in the bill,

for the manufacture, sale, delivery or possession of marijuana in violation of the provisions contained in the bill.

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

North Carolina Sheriffs' Association, Inc.

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