

# Summary of the Compassionate Care Act



On January 10, Sen. Tom Davis and Rep. Peter McCoy introduced The South Carolina Compassionate Care Act (S 212/ H 3521), which would allow qualifying patients with debilitating medical conditions and a recommendation from their physician to use and safely access medical cannabis. The Department of Health and Environmental Control would regulate and license cultivation centers, processing facilities, dispensaries, and independent testing laboratories. The Department will also issue registration cards to qualifying patients and their caregivers.

**Qualifying for the Program:** To qualify, patients must have at least one qualifying debilitating medical condition and a written recommendation from a physician who is responsible for the ongoing care and treatment of the patient's debilitating medical condition. Patients must apply to the health department for a registration card that will allow access to dispensaries and provide legal protections. Cards must be renewed annually.

**Debilitating Medical Conditions:** The bill's qualifying conditions are: cancer, glaucoma, HIV/AIDS, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, ulcerative colitis, agitation of Alzheimer's disease, post-traumatic stress disorder (PTSD), autism, idiopathic pulmonary fibrosis, Parkinson's disease, neural-tube defects, or the treatment of these conditions, or a chronic or debilitating disease or medical condition (or its treatment) that produces: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; neurological disorders; or severe and persistent muscle spasms. The bill would also create a Medical Cannabis Review Board, which would consider petitions to add other serious conditions to the program.

**Designated Caregiver:** Patients — or their parents or guardians — could apply to the Department to designate a caregiver to assist a qualifying patient with the medical use of

cannabis. If the patient's age or disability requires more than one caregiver, they can submit evidence that one or more additional caregivers are necessary. The Department would issue caregivers a registration card. A designated caregiver must be at least 21 years of age, unless he or she is the parent or legal guardian of each minor he or she assists. Caregivers can only serve five qualifying patients, unless the patients reside in or are admitted to a health care facility or residential care facility where the caregiver is employed.

**Limitations:** A patient or caregiver may purchase or possess no more than two ounces of dried cannabis per patient, per fourteen-day period. The Department will determine limits for an equivalent amount of cannabis products, such as oils, during the regulatory process.

Cardholders who violate the law can have their ID cards revoked or suspended and, where applicable, face criminal penalties. Medical cannabis establishment agents who violate the act will be subject to penalties as determined by the Department and criminal penalties where applicable.

Patients will not be allowed to grow their own cannabis.

**Legal Protections:** The bill protects patients, caregivers, medical cannabis establishment agents, state-chartered banks, attorneys, accountants, doctors, and anyone who associates with those individuals from arrest, prosecution, or penalties for actions allowed by the medical cannabis bill. It also protects registered patients from discrimination in child custody disputes and eligibility for organ transplants.

**Visiting Patients:** Patients who aren't South Carolina residents — but who are certified to use medical cannabis in another state — qualify for legal protections if they have a letter from a physician certifying they have a medical condition included in South Carolina's law.

**Medical Cannabis Establishments:** The Department will license and regulate 15 cultivation centers, 30 processing facilities, one dispensary for every 10 pharmacies in the state, in addition to five independent testing laboratories.

Processing facilities will make products such as oils, consumable medicines, and salves. Testing laboratories will identify the amount of cannabinoids in cannabis and test for pesticides, bacteria, or other contaminants.

**Fees:** The Department will determine application and registration fees for cardholders and medical cannabis establishments. The fees must be enough to cover the cost of regulating the program.

**Security Requirements:** Cannabis can only be grown and processed by licensees in a secure, enclosed facility, and seed-to-sale tracking system must be utilized. The Department will develop additional security requirements.

**Local Authority:** A local government may regulate the location, hours of operation, and number of medical cannabis establishments in the locality, plus penalties for violating local rules. Localities can also require medical cannabis establishments to obtain a local license, a permit to operate, and may charge a reasonable fee. They may not completely prohibit dispensaries from operating in the locality.