



Summary of the South Carolina Compassionate Care Act as Amended



Qualifying for the Program: To qualify, patients must have at least one qualifying debilitating medical condition and a written recommendation issued by a physician with whom they have a bona-fide relationship. 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, multiple sclerosis, a neurological disease or disorder, glaucoma, PTSD, a condition causing a person to be home-bound that includes severe or persistent nausea (not including pregnancy), or a chronic medical condition causing either severe and persistent muscle spasms or for which an opioid is currently or could be prescribed by a physician based on generally acceptable standards of care.
- A Medical Cannabis Review Board would consider petitions to add other serious conditions.
- If the patient is expected to recover within a year, or no longer needs cannabis, the physician must make a notation so the ID can expire earlier.

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, such as by picking up their cannabis from a dispensary. DHEC would issue caregivers a registration card.
- If the patient's age or disability requires more than one caregiver, they can submit evidence that one or more additional caregivers are necessary.
- Caregivers are limited to one patient, unless they are a first-degree relative or if they are health care professionals. In those cases, they may assist no more than five patients.
- Certain health care facilities may serve as caregivers for any of their patients who are enrolled in the medical cannabis program. DHEC will develop rules to ensure staff have appropriate qualifications and to register them.

Limitations:

- Patients may not smoke cannabis. Doing so would be punishable by a \$150 fine.
- Patients may not drive, operate a boat, train, or aircraft, or undertake any task that would be negligent or professional malpractice while under the influence of cannabis.
- Patients and caregivers are not allowed to grow their own cannabis.
- A patient or caregiver may purchase or possess no more than two ounces of dried cannabis per patient, per 14-day period. (DHEC will determine limits for an equivalent amount of cannabis products, such as oils.)
- Cardholders who violate the law can have their ID cards revoked or suspended and, where applicable, face criminal penalties. Cards must be suspended permanently if they sell cannabis or otherwise criminally violate the act.
- Medical cannabis establishment agents who violate the act will be subject to penalties as determined by the department and criminal penalties where applicable.

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.

- Registered patients are protected from discrimination in child custody disputes and eligibility for organ transplants. In addition, employers are to treat off-site, off-hours medical cannabis use as they would pharmaceutical medication, unless federal law, regulations, or contracts require otherwise. Employers may continue to prohibit employees from working under the influence of cannabis or using cannabis at work or during work hours.

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.

Physicians:

- Each physician who recommends cannabis must complete a continuing medical education (CME) course approved by the state within one year and before issuing 16 certifications.

Medical Cannabis Establishments:

- After a merit-based, scored application process, DHEC will license and regulate 15 cultivation centers, 30 processing facilities, and one dispensary for every 20 pharmacies in the state, in addition to five independent testing laboratories. The application process will consider location, background and qualifications, security plans (including SLED's input), and localities' preferences.
- Processing facilities will make products such as oils, consumable medicines, and salves.
- Laboratories will identify the amount of cannabinoids in cannabis and test for contaminants.
- Dispensaries must contract with a pharmacist, physician's assistant, nurse practitioner, or clinical nurse specialist, who has completed a medical cannabis CME.

Safeguards and Security:

- DHEC will create regulations, including for oversight, seed-to-sale tracking, recordkeeping, security, health and safety, transportation, employee training, capital requirements, and safe packaging and labeling. It will also restrict advertising and signage. Cultivation centers' security must include perimeter intrusion detection systems and a 24-hour surveillance system accessible to law enforcement and DHEC. SLED will provide input on security regulations.
- Cannabis could only be grown and processed by licensees in a secure, enclosed facility, and seed-to-sale tracking systems must be utilized.
- Medical cannabis businesses may not be located within 1,000 feet of a school, unless it is demonstrated that an exception is needed to provide adequate access.
- Law enforcement may inspect anywhere marijuana is grown, packaged, or processed.
- A 24-hour secure verification system will enable law enforcement to verify medical marijuana cards, and information stored electronically in them will provide the patient's name and address

Local Authority:

- Local governments may regulate the location, hours of operation, and number of medical cannabis establishments in the locality.
- They can also require medical cannabis establishments to obtain a local license.
- Local governments may not completely prohibit dispensaries from operating in the locality.

Taxation and Fees:

- DHEC 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.
- Cannabis will be taxed at the same rate as non-prescription medications, and the revenue will be distributed as follows: 50% to SLED, 25% to education, and 25% to the General Fund.