**A** **BILL**

TO AMEND SECTION 44‑53‑110(27) OF THE 1976 CODE, RELATING TO THE DEFINITION OF MARIJUANA, TO EXCLUDE FROM THE DEFINITION THE SUBSTANCE CANNABIDIOL, A NONPSYCHOACTIVE CANNABINOID, OR ANY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF ANY PLANT OF THE GENUS CANNABIS THAT CONTAINS NINE‑TENTHS OF ONE PERCENT OR LESS OF TETRAHYDROCANNABINOL OR TETRAHYDROCANNABINOL ACID FOR INDIVIDUALS CERTIFIED AS HAVING A NON‑TREATABLE MEDICAL CONDITION, AND TO PROVIDE FOR CERTIFICATION OF NON‑TREATABLE MEDICAL CONDITIONS; AND TO AMEND SECTION 44‑53‑110 TO DEFINE “NON‑TREATABLE MEDICAL CONDITION”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑110(27) of the 1976 Code is amended to read:

“(27)(a) ‘Marijuana’ means:

(i) all species or variety of the marijuana plant and all parts thereof whether growing or not;

(ii) the seeds of the marijuana plant;

(iii) the resin extracted from any part of the marijuana plant; or

(iv) every compound, manufacture, salt, derivative, mixture, or preparation of the marijuana plant, marijuana seeds, or marijuana resin.

(b) ‘Marijuana’ does not mean:

(i) the mature stalks of the marijuana plant or fibers produced from these stalks;

(ii) oil or cake made from the seeds of the marijuana plant, including cannabidiol derived from the seeds of the marijuana plant;

(iii) any other compound, manufacture, salt, derivatives, mixture, or preparation of the mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks;

(iv) the sterilized seed of the marijuana plant which is incapable of germination;

(v) for persons participating in a clinical trial or in an expanded access program related to administering cannabidiol for the treatment of severe forms of epilepsy pursuant to Article 18, Chapter 53, Title 44, a drug or substance approved for the use of those participants by the federal Food and Drug Administration; or

(vi) for persons, or the persons’ parents, legal guardians, or other caretakers, who have received a written certification from a physician licensed in this State that the person has been diagnosed by a physician as having a non‑treatable medical condition ~~Lennox‑Gastaut Syndrome, Dravet Syndrome, also known as ‘severe myoclonic epilepsy of infancy’, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies~~, the substance cannabidiol, a nonpsychoactive cannabinoid, or any compound, manufacture, salt, derivative, mixture, or preparation of any plant of the genus cannabis that contains nine‑tenths of one percent or less of tetrahydrocannabinol or tetrahydrocannabinol acid ~~and more than fifteen percent of cannabidiol~~.

(c) For purposes of this item, written certification means a document dated and signed by a physician stating that the patient has been diagnosed with a non‑treatable medical condition ~~Lennox‑Gastaut Syndrome, Dravet Syndrome, also known as ‘severe myoclonic epilepsy of infancy’, or any other severe form of epilepsy~~ that is not adequately treated by traditional medical therapies and the physician’s conclusion that the patient might benefit from the medical use of cannabidiol.

(d) A physician is not subject to detrimental action, including arrest, prosecution, penalty, denial of a right or privilege, civil penalty, or disciplinary action by a professional licensing board for providing written certification for the medical use of cannabidiol to a patient in accordance with this section.”

SECTION 2. Section 44‑53‑110 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Non‑treatable medical condition’ means one of the following conditions that is not adequately treated by traditional medical therapies, including:

(a) Lennox Gastaut Syndrome, Dravet Syndrome, also known as myoclonic epilepsy of infancy, or any other form of epilepsy that is not treated by traditional medical therapies;

(b) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, or an injury that significantly interferes with daily activities;

(c) a severely debilitating or terminal medical condition or its treatment that has produced elevated intraocular pressure, cachexia, chemotherapy‑induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; and

(d) any other medical condition that is not included in items (a), (b), or (c) that the department determines is severely debilitating or terminal, upon the written request of a physician.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑