

HOUSE BILL 197

By Faison

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 43, Chapter 26, relative to cannabis oil.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-402, is amended by deleting subdivision (16) and substituting instead the following:

(16) "Marijuana" means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation that contains any quantity of these substances.

The term "marijuana" does not include:

(A) Cannabis oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol;

(B) The seeds and plants used solely for the manufacturing or processing of cannabis oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol, when produced, processed, transferred, dispensed, or possessed by a four-year public institution of higher education located in any county having a population of not less than seventy-two thousand three hundred (72,300) nor more than seventy-two thousand four hundred (72,400) according to the 2010 federal census or any subsequent federal census as part of a clinical research study on the treatment of intractable seizures;

(C) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination; or

(D) Industrial hemp as defined in § 43-26-102;

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

(a) It is an offense for a person to knowingly possess cannabis oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol, unless:

(1) The bottle containing the cannabis oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol; and

(2) The cannabis oil was obtained legally in the United States and outside of this state; provided, that the person shall retain proof of the legal order or recommendation from the issuing state.

(b) A violation of subsection (a) is a Class C misdemeanor.

SECTION 3. Any physician conducting a clinical research study on the treatment of intractable seizures pursuant to Chapter 936 of the Public Acts of 2014 shall report the results of the study, including information on the number of patients involved, the parameters of the study, and the outcomes of each patient, to the commissioner of health, the speaker of the house of representatives, and the speaker of the senate by January 15, 2018.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.