

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 366

Short Title: Ban Delta-8 & Delta-9 on School Grounds. (Public)

Sponsors: Senators Lazzara, Perry, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 27, 2023

A BILL TO BE ENTITLED

AN ACT TO BAN DELTA-8 AND DELTA-9 PRODUCTS FROM SCHOOL GROUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The title of Article 29A of Chapter 115C of the General Statutes reads as rewritten:

"Article 29A.

"Policy Prohibiting Use Of Tobacco and Hemp Products."

**SECTION 2.** G.S. 115C-407 reads as rewritten:

**"§ 115C-407. Policy prohibiting tobacco use in school buildings, grounds, and at school-sponsored events.**

(a) ~~Not later than August 1, 2008, local boards of education~~ Governing bodies of public school units shall ~~adopt, implement, and enforce~~ adopt a written policy prohibiting at all times the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the ~~local school administrative~~ public school unit. The policy shall further prohibit the use of all tobacco products by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking is otherwise prohibited by law.

(b) The policy shall include at least all of the following elements:

(1) Adequate notice to students, parents, the public, and school personnel of the policy.

(2) Posting of signs prohibiting at all times the use of tobacco products by any person in and on school property.

(3) Requirements that school personnel enforce the policy.

(c) The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

(d) The North Carolina Health and Wellness Trust Fund Commission shall work with ~~local boards of education~~ governing bodies of public school units to provide assistance with the implementation of this policy including providing information regarding smoking cessation and prevention resources. Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section prohibits a ~~local board of education~~ governing body of a public school unit from adopting and enforcing a more restrictive policy on the use of tobacco in school buildings, in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property."



1           **SECTION 3.** Article 29A of Chapter 115C of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 115C-407.1. Policy prohibiting use of hemp products in school buildings, grounds, and**  
4 **at school-sponsored events.**

5       (a) For purposes of this section, the term "hemp products" includes products derived from  
6 hemp, as defined in G.S. 90-87, and their synthetic counterparts that are designed, manufactured,  
7 or sold to be inhaled or otherwise consumed, including the substances commonly known as  
8 "delta-8," "delta-9," and "CBD."

9       (b) Governing bodies of public school units shall adopt a written policy prohibiting at all  
10 times the use of any hemp product by any person in school buildings, in school facilities, on  
11 school campuses, and in or on any other school property owned or operated by the public school  
12 unit. The policy shall further prohibit the use of all tobacco products by persons attending a  
13 school-sponsored event at a location not listed in this subsection when in the presence of students  
14 or school personnel or in an area where smoking is otherwise prohibited by law.

15       (c) The policy shall include at least all of the following elements:

16           (1) Adequate notice to students, parents, the public, and school personnel of the  
17 policy.

18           (2) Posting of signs prohibiting at all times the use of hemp products by any  
19 person in and on school property.

20           (3) Requirements that school personnel enforce the policy.

21       (d) The policy may permit hemp products to be included in instructional or research  
22 activities in public school buildings if the activity is conducted or supervised by the faculty  
23 member overseeing the instruction or research and the activity does not include smoking,  
24 chewing, or otherwise ingesting the hemp product.

25       (e) Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section  
26 prohibits a governing body of a public school unit from adopting and enforcing a more restrictive  
27 policy on the use of hemp products in school buildings, in school facilities, on school campuses,  
28 or at school-related or school-sponsored events, and in or on other school property."

29       **SECTION 4.** This act is effective when it becomes law and applies beginning with  
30 the 2023-2024 school year.