

North Carolina Advisory Council on Cannabis

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Public Records, Ethics Awareness & Conflict of Interest

Under North Carolina law, “public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people.” N.C. Gen. Stat. § 132-1(b).

- Providing access to government records in accordance with state law is an important part of the everyday duties of office holders, government employees, and appointed and elected members of government boards and commissions.
- The Public Records Act defines public records broadly to include any document that is related to public business.
- Records related to public business that are created or transmitted through non-governmental accounts may nevertheless be public records. Thus, public business conducted using text messages from a Council member’s personal mobile phone or emails from a personal email account may be public records.
- The Governor’s Office General Counsel team will provide upcoming training on public records for Council members.

Public Records, Ethics Awareness & Conflict of Interest Cont.

In accordance with the State Government Ethics Act, it is the duty of every Council member to avoid both conflicts of interest and the appearance of conflicts of interest.

If any Council member has any known conflict of interest or is aware of facts that might create the appearance of such conflict, with respect to any matters coming before the Council today, please identify the conflict or the facts that might create the appearance of a conflict to ensure that any inappropriate participation in that matter may be avoided.

If at any time, any new matter raises a conflict during the meeting, please be sure to identify it at that time.

Agenda

Agenda

- Recap of Council Responsibilities and Timeline and First Meeting
- Dr. Cameron Coleman:
Top 10 Questions about Cannabis and Health
What We Know, What We Don't Know, and Why It Matters
- Subcommittees
- Next Steps

Council Responsibilities & Timeline

Executive Order 16: Duties



State of North Carolina

JOSH STEIN
GOVERNOR

June 3, 2025

EXECUTIVE ORDER NO. 16

ESTABLISHING THE NORTH CAROLINA
ADVISORY COUNCIL ON CANNABIS

WHEREAS, the safety and well-being of North Carolinians, particularly our youth, is paramount; and

WHEREAS, cannabis with intoxicating levels of tetrahydrocannabinol (THC) is widely available and unregulated in the state of North Carolina; and

WHEREAS, the current lack of regulation, including age, potency, and purity limitations, poses a threat to all North Carolinians, particularly our youth; and

WHEREAS, in recent years, the rate of emergency department visits in North Carolina for intoxicating cannabis ingestion among children and youth ages 17 and under increased more than 600 percent, and among older teens, the rate increased more than 1000 percent; and

WHEREAS, despite various legislative efforts to address cannabis, the cannabis market remains unregulated and unsafe in North Carolina; and

WHEREAS, according to recent polling in North Carolina, there is widespread support for legalizing medical marijuana, with 71 percent in favor and only 19 percent opposed, and 63 percent supporting adult recreational use of intoxicating THC; and

WHEREAS, more than 325,000 people have a misdemeanor marijuana conviction in the North Carolina court system, and for 80 percent of those people, the misdemeanor marijuana offense was the most serious charge in the case; and

WHEREAS, rather than allowing this unsafe and unregulated market to continue, smart and balanced regulation presents an opportunity not only to protect the health and well-being of our people, but also to generate revenue that can benefit our state; and

WHEREAS, the creation of an advisory council provides the structure and opportunity for North Carolina to develop a thoughtful and thorough approach to cannabis that is grounded in public safety and public health and that incorporates the expertise of relevant leaders and advocates; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

Section 3. Duties:

- Protecting our youth, including laws regarding age limits, advertising directed at youth, packaging that appeals to children, and child-resistant packaging.
- Ensuring adequate cannabis use prevention models for youth and cannabis treatment models for youth and adults are available in community.
- Supporting public safety, including enforcement of laws against impaired driving and additional tools for law enforcement.

Executive Order 16: Duties Cont.

Section 3. Duties, Continued:

- Promoting public health considerations, including public education campaigns, surveillance to monitor public health harms, and potential marijuana prescriptions for treatment.
- Elevating regulatory considerations such as potency and flavor limits, purity standards, and retail restrictions.
- Advancing justice, including expunging past convictions that do not align with the recommendations of the Council, including for simple possession of marijuana.
- Recommending appropriate government regulatory structure, including sales restrictions and taxation, and staffing to effectively implement the Council's recommendations to the benefit of the state.

Executive Order 1: Timeline

Section 4. Meetings and Deliverables

- Beginning in July 2025, the Council shall meet as a body of the whole at least **every other month through December 2026** and at other times at the call of the chair or the Governor.
- The Council shall submit its preliminary recommendations for a comprehensive cannabis policy, including any proposed legislation, to the Governor by **March 15, 2026, and its final recommendations by December 31, 2026.**

Recap from First Meeting

Legal Landscape of Cannabis

- Cannabis is an umbrella term that refers to all products derived from the plant Cannabis Sativa.
- There are over 100 cannabinoids in the plant. Generally, Marijuana contains high levels of intoxicating THC, while non-intoxicating hemp contains primarily CBD.
- Federally, Marijuana is illegal and is a Schedule 1 controlled substance. Hemp was legalized under the 2018 Farm Bill: it must contain less than 0.3% delta-9 THC.
- In North Carolina, Marijuana is illegal for any purpose, while hemp and hemp-derived products are legal under the 2018 Farm Bill and have been removed from North Carolina's controlled substances list.
- Three regulatory gaps in the Farm Bill have created an unforeseen legal market for intoxicating hemp, contributing to North Carolina's "wild west" market:
 - no minimum age of purchase
 - no packaging, labeling or advertising regulations
 - no purity standards or potency limits
 - no serving size or package limits
 - no testing requirements
 - no licensing requirements for retailers
- A federal spending bill is being introduced to address one of the regulatory gaps in the 2018 Farm Bill. If it passes both chambers and is signed into law, it will allow hemp consumable products but regulate them under the FDA.

The North Carolina Cannabis Landscape: Law Enforcement Perspective

- Vape shops sell a variety of products, and only tobacco requires a minimum age of purchase:
 - Tobacco, nicotine, THC vapes/gummies/flower/beverages
 - Illegal CO2 products
 - Kratom
 - Urine adulterant
 - Firearms
 - Colorful packaging, trademark infringement, illegal white-labeling
- Obstacles:
 - Many products coming from other states, most with fabricated/falsified Certificates of Analysis
 - Retail merchants often do not know what is in what they are selling
 - Receipts don't match what was sold (ex: "snacks, school supplies")
 - Shops are selling THC at high potency for very little cost, making it easier for kids to use
 - Concerns with mold and pesticides and heavy metals
 - Manufacturer incentives to shops to sell products
- Challenges for law enforcement in an unregulated industry:
 - No licensing requirement for retailers, even tobacco shops
 - Unknown locations: no database identifying where shops are, who owns them or what they sell
 - No legal right for any law enforcement to inspect; they have the same rights as general public
 - Impossible to distinguish by appearance between legal and non-legal products
 - If want to investigate, must purchase and test product and then obtain a search warrant to pursue criminal charges
 - Cost of testing very high for agencies: \$80-130 per test
 - No agency has the manpower to handle the magnitude of this; some counties have 100+ locations

National Landscape of Cannabis Regulation

- Multiple cannabis markets to choose from:
 - legacy/illicit (interstate, untaxed)
 - state-regulated marijuana markets (intrastate, taxed, regulated)
 - hemp market (federally legal, interstate commerce, loosely regulated)
- Lessons from other states:
 - ***Consumer safety is a priority in all states.***
 - Other priorities include: equity, market/economic growth, medical patient access and safety.
 - Need flexible statutes and baseline data collection.
 - Risks of local opt-outs that can create patchwork-like gaps and impact the illicit market.
 - Education should begin early, even before tax revenues are available.
 - Market design choices shape outcomes.
 - When designing your regulatory framework, it's very important to consider cannabinoids that come from hemp.
- Best practices:
 - Clear product standards (THC concentration caps)
 - Mandatory lab testing, packaging, and labeling requirements.
 - Consumer education campaigns with a focus on harm reduction.
 - Single-agency oversight is recommended, with cross-agency support.

Dr. Cameron Coleman

Subcommittees

Slide 15

SK1

In terms of recommendations, how does this sound?

Sample, hypothetical recommendation re youth protection:

- Prohibit products with intoxicating levels of THC from being sold to people under X years of age.
- Require that all establishments verify age by X means.
- Mandate that all establishments selling such products be located X feet away from schools.

In addition to the recommendation, also important to explain why the recommendation is important and identifying what would need to change to execute, especially if it requires legislative change.

Shinn Detar, Kindl, 2025-09-26T20:47:33.835

DK1 0

Ok - so these would be in the template or even a subcommittee packet, right? We would have these available for the first subcommittee meetings but not needed for September's council meeting, right?

Deen, Kaycee L, 2025-09-28T19:44:41.269

Proposed Structure for the Work Going Forward

Phase 1

Consumer Safety & Youth Protection

Prevention & Treatment

Market Structure

Phase 2

Regulatory Structure

Enforcement & Criminal Justice Reform

Revenue & Federal Compliance

Phase 1 Subcommittees

Subcommittee	Potential Areas of Consideration	Potential Members
Consumer Safety & Youth Protection	• Packaging and labeling • Potency and flavor limits • Purity standards • Product types and forms • Testing requirements • Age restrictions • Advertising	• Kris Gardner • Arthur Apolinario • Sen. Bill Rabon DK2 • Keith Stone • Larry Greenblatt • Daniel Hirschman • Joy Strickland • Josh Batten • Freddy Johnson • Rep. Zack Hawkins
Prevention & Treatment	• Treatment models • Public education campaigns • Data and public health surveillance needs	• Carrie Brown • Kimberly McDonald • Brian Harris • Lillie Rhodes • Deonte' Thomas • Mark Ezzell • Michael Lamb • Sen. Kandie Smith
Market Structure	• Vertical integration vs segmented model • Licensee selection method • Number of licenses	• Forrest Parker • Patrick Brown • Gary Sikes • David Alexander • Rep. John Bell • Missy Welch • Patrick Oglesby • Anca Grozav • Matt Scott

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- WK1** [@Deen, Kaycee L] [@Shinn Detar, Kindl] - I took a stab at assigning everyone. I need to double check that I captured everyone
Wade, Karen, 2025-09-26T17:51:10.742
- DK1 0** You did capture everyone in both phrases
Deen, Kaycee L, 2025-09-26T19:19:27.279
- DK2** What do you think about moving Dr. Apolinario to Prevention/Treatment? Is that too many doctors on one Subcmte?
Deen, Kaycee L, 2025-09-26T19:00:46.425
- WK2 0** Yeah, I was thinking of breaking up all the doctors.
Wade, Karen, 2025-09-26T19:14:08.616
- SK2 1** [@Wade, Karen] - I have one question here at your convenience.
Shinn Detar, Kindl, 2025-09-26T20:51:57.242

Phase 2 Subcommittees

Subcommittee	Potential Areas of Consideration	Potential Members
Regulatory Structure	- Defining regulatory structure - Staffing and resource needs - Inspections, violations and penalties	- Missy Welch - Kris Gardner - Rep. John Bell - Sen. Bill Rabon - Joy Strickland - Daniel Hirschman - Matt Scott - Forrest Parker - Patrick Brown
Enforcement & Criminal Justice Reform	- Expungement - Enforcement of laws against impaired driving - Additional tools for law enforcement	- Deonte' Thomas - Carrie Brown - Michael Lamb - Mark Ezzell - Freddy Johnson - Kimberly McDonald - Keith Stone - Sen. Kandie Smith - Brian Harris - Gary Sikes - Josh Batten
Revenue & Federal Compliance	- Federal law compliance - Tax structure - Revenue plan	- Patrick Oglesby - Anca Grozav - Rep. Zack Hawkins - Lillie Rhodes - Larry Greenblatt - Arthur Apolinario - David Alexander

Slide 18

- DK1** What about adding "illicit market" as a subtopic under enforcement? I've heard it as a priority from DA Scott and also in the member survey
Deen, Kaycee L, 2025-09-26T19:12:06.142
- WK1 0** I don't think I know enough about what that would entail. Do you have any examples of what recommendations related to that would include?
Wade, Karen, 2025-09-26T19:22:01.501
- DK1 1** It would entail balancing our recommendations to account for the illicit industry and taking steps to minimize it as much as we can. Example: very high taxes encourage illicit industry. Also, allowing local counties to opt out of cannabis sales can bolster an illicit market if there are no retailers nearby.
Deen, Kaycee L, 2025-09-26T20:33:31.420
- DK1 2** It seems to go hand in glove with considerations for enforcement.
Deen, Kaycee L, 2025-09-26T20:34:33.732

Next Steps

Next Steps

- Subcommittees
 - Be on the lookout for upcoming outreach from Subcommittee staff
- Next Meeting
 - November 18, 1-5pm DK1 held at NCDHHS

Slide 20

DK1

Some places say 1:30 and some say 1:00

Deen, Kaycee L, 2025-09-28T19:47:15.379

Thank You