

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 328
Committee Substitute Favorable 3/25/25
Committee Substitute #2 Favorable 4/8/25

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

(Public)

Sponsors:

Referred to:

March 10, 2025

A BILL TO BE ENTITLED
AN ACT TO BAN DELTA-8 AND DELTA-9 PRODUCTS FROM SCHOOL GROUNDS AND
TO CLARIFY THAT VAPOR PRODUCTS ARE BANNED ON SCHOOL GROUNDS.

The General Assembly of North Carolina enacts:

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

"Article 29A.

"Policy Prohibiting Use Of Tobacco Products and Hemp-Derived Consumable Products.

**"§ 115C-407. Policy prohibiting tobacco product and hemp-derived consumable product
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 or hemp-derived consumable 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 and hemp-derived consumable 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 and
hemp-derived consumable products by any person in and on school property.

(3) Requirements that school personnel enforce the policy.

(c) The policy may permit tobacco products or hemp-derived consumable 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 or
hemp-derived consumable product.

(d) ~~The North Carolina Health and Wellness Trust Fund Commission Tobacco
Prevention and Control Branch 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 products or hemp-derived consumable products in school buildings,



in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property.

(e) For the purposes of this section, the following definitions apply:

(1) Hemp-derived consumable product. – A product intended for human consumption or inhalation that contains any phytocannabinoid found in hemp, including delta-9 tetrahydrocannabinol (delta-9 THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabicitran (CBT), delta-7 tetrahydrocannabinol (delta-7 THC), delta-8 tetrahydrocannabinol (delta-8 THC), or delta-10 tetrahydrocannabinol (delta-10 THC). This term also includes any synthetic cannabinoid derived from hemp and contained in a hemp-derived consumable product. This term does not include hemp products intended for topical application or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration (FDA).

(2) Tobacco product. – As defined in G.S. 14-313, including vapor products.

(3) Vapor product. – As defined in G.S. 14-313."

SECTION 2. G.S. 115C-150.12C is amended by adding a new subdivision to read:

"(15a) The board of trustees shall adopt a policy prohibiting tobacco products and hemp-derived consumable products in accordance with Article 29A of this Chapter."

SECTION 3. G.S. 115C-218.75 is amended by adding a new subsection to read:

"(a1) Policy Prohibiting Tobacco Product and Hemp-Derived Consumable Product. – A charter school shall adopt a policy prohibiting tobacco products or hemp-derived consumable products in accordance with Article 29A of this Chapter."

SECTION 4. G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(23) Policy prohibiting tobacco product and hemp-derived consumable product. – A regional school shall adopt a policy prohibiting tobacco products and hemp-derived consumable products in accordance with Article 29A of this Chapter."

SECTION 5. G.S. 116-235 is amended by adding a new subsection to read:

"(k) Prohibition of Tobacco Product and Hemp-Derived Consumable Product. – The Board of Trustees shall adopt a policy prohibiting tobacco products and hemp-derived consumable products in accordance with Article 29A of Chapter 115C of the General Statutes."

SECTION 6. G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(26) Prohibition of tobacco product and hemp-derived consumable product. – The laboratory school shall adopt a policy prohibiting tobacco products and hemp-derived consumable products in accordance with Article 29A of Chapter 115C of the General Statutes."

SECTION 7. G.S. 115C-562.5(a) is amended by adding a new subdivision to read:

"(7a) For any school facility in which students attend in-person classes, the school shall adopt a policy that is consistent with the requirements of Article 29A of this Chapter to prohibit the use of tobacco products or hemp-derived consumable products on school grounds."

SECTION 8. This act is effective when it becomes law and applies beginning with the 2025-2026 school year.