

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

Introduced

House Bill 213

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Introduced April 25, 2022]

1 A BILL to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating
2 to providing for no more than two licensed laboratories for medical cannabis testing in this
3 state; providing that this limitation shall terminate on January 1, 2025; prohibiting
4 conspiracy by the two certified laboratories to fix prices; and providing that the two
5 laboratories at all times must adhere to the laws, regulations, policies, and guidance
6 regulating medical cannabis programs in the State of West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. MEDICAL CANNABIS CONTROLS.

§16A-7-4. Laboratory.

1 (a) A grower and processor shall contract with an independent laboratory to test the
2 medical cannabis produced by the grower or processor. The bureau shall approve the laboratory
3 and require that the laboratory report testing results in a manner as the bureau shall determine,
4 including requiring a test at harvest and a test at final processing. The possession by a laboratory
5 of medical cannabis shall be a lawful use.

6 (b) All medical cannabis produced pursuant to this chapter shall be subject to testing as
7 directed by the bureau.

8 (c) The bureau shall ensure that there is sufficient testing capacity to meet patient demand.

9 (d) All laboratories providing testing pursuant to this section shall be certified to do so by
10 the Office of Laboratory Services: Provided, That no more than two laboratories in this state may
11 be certified pursuant to this section and any limitation relating to the number of certified
12 laboratories shall terminate on January 1, 2025: *Provided, however,* That in no event may the
13 two laboratories conspire to fix prices to artificially increase costs for laboratory services and must
14 at all times adhere to the laws, regulations, policies, and guidance regulating medical cannabis
15 programs in the State of West Virginia.

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NOTE: The purpose of this bill is to permit no more than two licensed laboratories to perform testing under the West Virginia Medical Cannabis Act, to specify that such limitation shall terminate on January 1, 2025, to prohibit conspiracy between the two laboratories, and to require the two laboratories to adhere to the laws, regulations, policies, and guidance regulating medical cannabis programs in the State of West Virginia.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.