WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Introduced

House Bill 4218

By Delegate Pushkin

[Introduced January 10, 2024; Referred to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary]

Intr HB 2024R1553

1 A BILL to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia,1931, as 2 amended; and to amend said code by adding thereto a new section, designated §16A-5-3 11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers 4 to cultivate medical cannabis for patients' personal consumption. Be it enacted by the Legislature of West Virginia: **ARTICLE** 3. MEDICAL **CANNABIS** PROGRAM. §16A-3-2. Lawful use of medical cannabis. 1 (a) Notwithstanding any provision of law to the contrary, the use or possession of medical 2 cannabis as set forth in this act is lawful within this state, subject to the following conditions: 3 (1) Medical cannabis may only be dispensed to: 4 (A) a patient who receives a certification from a practitioner and is in possession of a valid 5 identification card issued by the bureau; and 6 (B) a caregiver who is in possession of a valid identification card issued by the bureau. 7 (2) Subject to rules promulgated under this act, medical cannabis may only be dispensed 8 to a patient or caregiver in the following forms: 9 (A) Pill; 10 (B) Oil; 11 (C) Topical forms, including gels, creams, or ointments; 12 (D) A form medically appropriate for administration by vaporization or nebulization; 13 excluding dry leaf or plant form until dry leaf or plant forms become acceptable under rules 14 adopted by the bureau 15 (E) Tincture; 16 (F) Liquid; or 17 (G) Dermal patch; 18 (H) Dry leaf; or 19 (I) Plant form.

Intr HB 2024R1553

20 (3) Unless otherwise provided in rules adopted by the bureau under section two, article eleven of this chapter, medical cannabis may not be dispensed to a patient or a caregiver in dry 21 22 leaf or plant form 23 (4) (3) An individual may not act as a caregiver for more than five patients. 24 (5) (4) A patient may designate up to two caregivers at any one time. 25 (6) (5) Medical cannabis that has not been used by the patient shall be kept in the original 26 package in which it was dispensed. 27 (7) (6) A patient or caregiver shall possess an identification card whenever the patient or 28 caregiver is in possession of medical cannabis. 29 (8) (7) Products packaged by a grower/processor or sold by a dispensary shall only be 30 identified by the name of the grower/processor, the name of the dispensary, the form and species 31 of medical cannabis, the percentage of tetrahydrocannabinol and cannabinol contained in the 32 product. §16A-3-3. Unlawful medical of cannabis. use 1 (a) Except as provided in §16A-3-2, §16A-7-4, §16A-13-1 et seq., or §16A-14-1 et seq. of 2 this code, the use of medical cannabis is unlawful and shall, in addition to any other penalty provided by law, be deemed considered a violation of the Uniform Controlled Substances Act 3 4 under chapter 60A of this code. 5 (b) It shall be is unlawful to: 6 (1) Smoke medical cannabis 7 (2) (1) Except as provided under subsection (c) of this section, incorporate medical 8 cannabis into edible form or sell in edible form. 9 (3) (2) Grow medical cannabis for commercial purposes unless the grower/processor has 10 received a permit from the bureau under this act.

cannabis organization under §16A-13-1 et seq. of this code.

(4) (3) Grow or Dispense medical cannabis unless authorized as a health care medical

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12

Intr HB 2024R1553

13 (5) (4) Dispense medical cannabis unless the dispensary has received a permit from the bureau under this act.

(c) Edible medical cannabis. — Nothing in this act shall may be construed to preclude the incorporation of medical cannabis into edible form by a patient or a caregiver in order to aid ingestion of the medical cannabis by the patient.

ARTICLE 5. PATIENTS.

Notwithstanding any provision of law to the contrary, a patient who receives certification from a practitioner and is in possession of a valid identification card issued by the bureau or a caregiver who is in possession of a valid identification card issued by the bureau may grow medical cannabis in its plant form: *Provided*, That the medical cannabis may only be used by the patient in accordance with certification from a certifying physician: *Provided*, however, That the patient or caregiver may not grow more than 10 cannabis plants, no more than five of which may be mature, flowering plants.

NOTE: The purpose of this bill is to permit qualifying patients to grow and cultivate up to 10 cannabis plants for their own use with no more than five reaching maturity simultaneously.

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