

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5658

By Delegates Anders, Stephens, and Horst

[Introduced February 17, 2026; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, and §16A-17-5, relating to
 3 creating the "Compassionate Access to Medical Cannabis Act."

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. COMPASSIONATE ACCESS TO MEDICAL CANNABIS ACT.

§16A-17-1. Short title, purpose.

1 (a) This chapter shall be known, and may be cited, as the "Compassionate Access to
 2 Medical Cannabis Act."

3 (b) It is the intent of the Legislature in enacting this chapter to support the ability of a
 4 terminally ill patient to safely use medicinal cannabis within specified health care facilities in
 5 compliance with this section.

§16A-17-2. Definitions.

1 Unless the context requires otherwise, the following definitions shall apply to this chapter:

2 (a) (1) Except as provided in paragraph (2), "health care facility" means a health facility specified in
 3 §30-3C-1 of this code.

4 (2) The meaning of "health care facility" shall not include a chemical dependency recovery
 5 hospital or a state hospital.

6 (b) "Medicinal cannabis" means cannabis or a cannabis product used in compliance with
 7 the Medical Cannabis Act.

8 (c) "Patient" means an individual who is terminally ill.

9 (d) "Terminally ill" means a medical condition resulting in a prognosis of life of one year or
 10 less, if the disease follows its natural course.

§16A-17-3. Use of medicinal cannabis in health care facilities.

1 (a) A health care facility shall permit patient use of medical cannabis and shall do all of the
 2 following:

3 (1) Prohibit smoking or vaping as methods to use medicinal cannabis.

4 (2) Include the use of medicinal cannabis within the patient’s medical records.

5 (3) Require a patient to provide a copy of the patient’s valid identification card, as
6 described in this chapter, or a copy of that patient’s written documentation

7 (4) Reasonably restrict the manner in which a patient stores and uses medicinal cannabis,
8 including requiring the medicinal cannabis to be stored in a locked container, to ensure the safety
9 of other patients, guests, and employees of the health care facility, compliance with other state
10 laws, and the safe operations of the health care facility.

11 (5) Develop and disseminate written guidelines for the use of medicinal cannabis within the
12 health care facility pursuant to this chapter.

13 (b) This section does not apply to a patient receiving emergency services and care, or to
14 the emergency department of a health care facility while the patient is receiving emergency
15 services and care.

§16A-17-4. Enforcement actions.

1 Notwithstanding the classification of medicinal cannabis as a Schedule I drug and any
2 other law, health facilities permitting patient use of medicinal cannabis shall comply with drug and
3 medication requirements applicable to Schedule II, III, and IV drugs and shall be subject to
4 enforcement actions by the Bureau for Public Health.

§16A-17-5. Limitations.

1 (a) This chapter does not require a health care facility to provide a patient with a
2 recommendation to use medicinal cannabis or include medicinal cannabis in a patient’s discharge
3 plan.

4 (b) If a federal regulatory agency, the United States Department of Justice, or the federal
5 Centers for Medicare and Medicaid Services takes one of the following actions, a health care
6 facility may suspend compliance with this article until the regulatory agency notifies the health care
7 facility that it may resume permitting the use of medicinal cannabis within the facility:

8 (1) A federal regulatory agency or the Department of Justice initiates enforcement action

9 against a health care facility related to the facility's compliance with a state-regulated medical
10 marijuana program.

11 (2) A federal regulatory agency, the Department of Justice, or Centers for Medicare and
12 Medicaid Services issues a rule or otherwise provides notification to the health care facility that
13 expressly prohibits the use of medical marijuana in health care facilities or otherwise prohibits
14 compliance with a state-regulated medical marijuana program.

15 (c) This section does not permit a health care facility to prohibit patient use of medicinal
16 cannabis due solely to the fact that cannabis is a Schedule I drug pursuant to the federal Uniform
17 Controlled Substances Act, or other federal constraints on the use of medicinal cannabis that were
18 in existence prior to the enactment of this chapter.

NOTE: The purpose of this bill is to create the "Compassionate Access to Medical Cannabis Act."

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