

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4159

BY DELEGATES PUSHKIN, SPONAUGLE, FLUHARTY, DEAN,
WILSON, FOLK, PAYNTER, BYRD, ROBINSON, MCGEEHAN
AND HORNBUCKLE

[Introduced January 16, 2018; Referred
to the Committee on Health and Human Resources
then the Judiciary.]

1 A BILL to amend and reenact §16A-6-3 and §16A-3-13 of the Code of West Virginia, 1931, as
 2 amended, all relating to removing certain limitations on medical marijuana grower,
 3 processor and dispensary licenses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. MEDICAL CANNABIS ORGANIZATIONS.

§16A-6-3. Granting of permit.

1 (a) The bureau may grant or deny a permit to a grower, processor or dispensary. In making
 2 a decision under this subsection, the bureau shall determine that:

3 (1) The applicant will maintain effective control of and prevent diversion of medical
 4 cannabis;

5 (2) The applicant will comply with all applicable laws of this state;

6 (3) The applicant is a resident of this state, or is organized under the law of this state;

7 (4) The applicant is ready, willing and able to properly carry on the activity for which a
 8 permit is sought;

9 (5) The applicant possesses the ability to obtain in an expeditious manner sufficient land,
 10 buildings and equipment to properly grow, process or dispense medical cannabis;

11 (6) It is in the public interest to grant the permit;

12 (7) The applicant, including the financial backer or principal, is of good moral character
 13 and has the financial fitness necessary to operate;

14 (8) The applicant is able to implement and maintain security, tracking, recordkeeping and
 15 surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery,
 16 transportation, distribution or the dispensing of medical cannabis as required by the bureau; and

17 (9) The applicant satisfies any other conditions as determined by the bureau.

18 (b) *Nontransferability.* — A permit issued under this chapter ~~shall be~~ is nontransferable.

19 (c) *Privilege.* — The issuance or renewal of a permit ~~shall be~~ is a revocable privilege.

20 ~~(d) *Regions.* — The bureau shall establish a minimum of three regions within this state for~~

21 ~~the purpose of granting permits to grower/processors and dispensaries and enforcing this act.~~
22 ~~The bureau shall approve permits for growers, processors and dispensaries in a manner which~~
23 ~~will provide an adequate amount of medical cannabis to patients and caregivers in all areas of~~
24 ~~this state. The bureau shall consider the following when issuing a permit:~~

25 ~~(1) Regional population.~~

26 ~~(2) The number of patients suffering from serious medical conditions.~~

27 ~~(3) The types of serious medical conditions.~~

28 ~~(4) Access to public transportation.~~

29 ~~(5) Approval by local health departments.~~

30 ~~(6) Whether the county has disallowed the location of a grower, processor or dispensary.~~

31 ~~(7) Any other factor the bureau deems relevant~~

§16A-6-13. Limitations on permits.

1 (a) The following limitations apply to approval of permits for growers, processors and
2 dispensaries, subject to the limitations in subsection (b) of this section:

3 (1) The bureau may not issue ~~permits to more than ten growers: *Provided*, That each~~
4 ~~grower may have up to two locations per permit.~~

5 ~~(2) The bureau may not issue permits to more than ten processors.~~

6 ~~(3) The bureau may not issue permits to more than thirty dispensaries, with no more than~~
7 ~~five in any region a permit to a grower for more than two growing locations.~~

8 ~~(4) (2) The bureau may not issue more than two individual dispensary permits to one~~
9 ~~person.~~

10 ~~(5) (3) The bureau may not issue more than one individual grower permit to one person.~~

11 ~~(6) (4) The bureau may not issue more than one individual processor permit to one person.~~

12 ~~(7) (5) A dispensary may only obtain medical cannabis from a grower or processor holding~~
13 ~~a valid permit under this act chapter.~~

14 ~~(8) (6) A grower or processor may only provide medical cannabis to a dispensary holding~~

15 a valid permit under this ~~act~~ chapter.

16 ~~(9)~~ (7) A grower or a processor may not be a dispensary.

17 (b) Before a permit may be issued, the bureau shall obtain the following:

18 (1) A written approval from the board of health for the county in which the permit is to be
19 located and operate business.

20 (2) A written statement from the county commission for the county in which the permit is
21 to be located and conduct business that the county has not voted, pursuant to §16A-7-6 of this
22 code to disapprove a medical cannabis organization to be located or operated within the county.

NOTE: The purpose of this bill is to remove the maximum number of grower, processor and dispensary permits; and to remove the requirements that licenses be limited in regions of the state.

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