

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2756

By Summers, Tully, Forsht, Heckert, Petitto, Cannon
and Rohrbach

[Introduced January 18, 2023; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §16A-8-1 of the Code of West Virginia, 1931, as amended, relating
 2 to the controlled substance monitoring database; and adding the reporting of medical
 3 marijuana to the database.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. DISPENSARIES.

§16A-8-1. Dispensing to patients and caregivers.

1 (a) *General rule.* — A dispensary that has been issued a permit under §16A-6-1 *et seq.* of
 2 this code may lawfully dispense medical cannabis to a patient or caregiver upon presentation to
 3 the dispensary of a valid identification card for that patient or caregiver. The dispensary shall
 4 provide to the patient or caregiver a receipt, as appropriate. The receipt shall include all of the
 5 following:

6 (1) The name, address, and any identification number assigned to the dispensary by the
 7 bureau.

8 (2) The name and address of the patient and caregiver.

9 (3) The date the medical cannabis was dispensed.

10 (4) Any requirement or limitation by the practitioner as to the form of medical cannabis for
 11 the patient.

12 (5) The form and the quantity of medical cannabis dispensed.

13 (b) *Filing with bureau.* — Prior to dispensing medical cannabis to a patient or caregiver, the
 14 dispensary shall file the receipt information with the bureau utilizing the electronic tracking system,
 15 and input information in the controlled substance monitoring database. When filing receipts under
 16 this subsection, the dispensary shall dispose of any electronically recorded certification
 17 information as provided by rule.

18 (c) *Limitations.* — No dispensary may dispense to a patient or caregiver:

19 (1) A quantity of medical cannabis greater than that which the patient or caregiver is
 20 permitted to possess under the certification; or

21 (2) A form of medical cannabis prohibited by this act.

22 (d) *Supply*. — When dispensing medical cannabis to a patient or caregiver, the dispensary
23 may not dispense an amount greater than a 30-day supply until the patient has exhausted all but a
24 seven-day supply provided pursuant to §16A-4-5 of this code.

25 (e) *Verification*. — Prior to dispensing medical cannabis to a patient or caregiver, the
26 dispensary shall verify the information in subsections (d) and (f) of this section by consulting the
27 electronic tracking system included in the bureau's electronic database established under §16A-3-
28 1 of this code and the dispensary tracking system under §16A-7-1 of this code.

29 (f) *Form of medical cannabis*. — Medical cannabis dispensed to a patient or caregiver by a
30 dispensary shall conform to any requirement or limitation set by the practitioner as to the form of
31 medical cannabis for the patient.

32 (g) *Safety insert*. — When a dispensary dispenses medical cannabis to a patient or
33 caregiver, the dispensary shall provide to that patient or caregiver, as appropriate, a safety insert.
34 The insert shall be developed and approved by the bureau. The insert shall provide the following
35 information:

36 (1) Lawful methods for administering medical cannabis in individual doses.

37 (2) Any potential dangers stemming from the use of medical cannabis.

38 (3) How to recognize what may be problematic usage of medical cannabis and how to
39 obtain appropriate services or treatment for problematic usage.

40 (4) How to prevent or deter the misuse of medical cannabis by minors or others.

41 (5) Any other information as determined by the bureau.

42 (h) *Sealed and labeled package*. — Medical cannabis shall be dispensed by a dispensary
43 to a patient or caregiver in a sealed, properly labeled, and child-resistant package. The labeling
44 shall contain the following:

45 (1) The information required to be included in the receipt provided to the patient or
46 caregiver, as appropriate, by the dispensary.

- 47 (2) The packaging date.
- 48 (3) Any applicable date by which the medical cannabis should be used.
- 49 (4) A warning stating:
50 "This product is for medicinal use only. Women should not consume during pregnancy or
51 while breastfeeding except on the advice of the practitioner who issued the certification and, in the
52 case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or
53 operate heavy machinery. Keep out of reach of children."
- 54 (5) The amount of individual doses contained within the package and the species and
55 percentage of tetrahydrocannabinol and cannabidiol.
- 56 (6) A warning that the medical cannabis must be kept in the original container in which it
57 was dispensed.
- 58 (7) A warning that unauthorized use is unlawful and will subject the person to criminal
59 penalties.
- 60 (8) Any other information required by the bureau.

NOTE: The purpose of this bill is to add the reporting of medical marijuana to the controlled substance monitoring database.

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