

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]

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.

20 ~~(3) Unless otherwise provided in rules adopted by the bureau under section two, article~~
21 ~~eleven of this chapter, medical cannabis may not be dispensed to a patient or a caregiver in dry~~
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 cannabinoil contained in the
32 product.

§16A-3-3. Unlawful use of medical cannabis.

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
3 provided by law, be ~~deemed~~ considered a violation of the Uniform Controlled Substances Act
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.

11 ~~(4)~~ (3) Grow or Dispense medical cannabis unless authorized as a health care medical
12 cannabis organization under §16A-13-1 *et seq.* of this code.

