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HOUSE BILL NO. 75

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services
on _____)

(Patrons Prior to Substitute—Delegates Keys-Gamarra, Shin [HB 486])

A *BILL* to amend the Code of Virginia by adding a section numbered 32.1-127.4, relating to medical care facilities; expanded access to medical cannabis for eligible patients.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-127.4 as follows:

§ 32.1-127.4. Expanded access to medical cannabis.

A. For the purpose of this section, "eligible patient" means a person (i) who is 18 years of age or older and a resident of the Commonwealth, (ii) who has been diagnosed as having a terminal disease, and (iii) whose diagnosis as having a terminal disease has been confirmed by a consulting health care provider following an in-person examination and review of his medical records.

B. A medical care facility shall establish a policy to address circumstances under which an eligible patient would be permitted to use medical cannabis in accordance with the requirements of the Medical Cannabis Program (§ 4.1-1600 et seq.) during an inpatient stay. Such policy shall:

1. Prohibit smoking or vaping as methods to use medical cannabis;

2. Include the use of medical cannabis within the eligible patient's medical records;

3. Require an eligible patient to provide a copy of the eligible patient's written certification as described in § 4.1-1601;

4. Reasonably restrict the manner in which an eligible patient stores and uses medical cannabis, including requiring the medical cannabis to be stored in a locked container, to ensure the safety of other patients, guests, and employees of the medical care facility, compliance with other state laws, and the safe operation of the medical care facility; and

5. Develop and disseminate written guidelines for the use of medical cannabis within the medical care facility pursuant to this chapter.

C. This section does not apply to an eligible patient receiving emergency medical services, as defined in § 32.1-111.1, or to the emergency department of a hospital while the eligible patient is receiving emergency medical services.

D. Medical care facilities permitting eligible patient use of medical cannabis shall comply with applicable drug and medication requirements. This subsection does not require a medical care facility to provide an eligible patient with a written certification to use medical cannabis in compliance with § 4.1-1601 or include medical cannabis in an eligible patient's discharge plan.

E. If a federal regulatory agency, the U. S. Department of Justice (DOJ), or the federal Centers for Medicare and Medicaid Services (CMS) takes one of the following actions, a medical care facility may suspend compliance with this section until the federal regulatory agency, DOJ, or CMS notifies the medical care facility that it may resume permitting the use of medical cannabis within the facility:

1. A federal regulatory agency or the DOJ initiates enforcement action against a medical care facility related to the facility's compliance with a state-regulated medical cannabis program; or

2. A federal regulatory agency, the DOJ, or CMS issues a rule or otherwise provides notification to the medical care facility that expressly prohibits the use of medical cannabis in medical care facilities or otherwise prohibits compliance with a state-regulated medical cannabis program.

This subsection does not permit a medical care facility to prohibit eligible patient use of medical cannabis due solely to the fact that cannabis is a Schedule III drug pursuant to the federal Controlled Substances Act or other federal constraints on the use of medical cannabis that were in existence prior to the enactment of this section.

F. Refusal to permit the use of medical cannabis pursuant to this section shall not constitute a basis to deny issuance or renewal of or to revoke or suspend a license as a medical care facility.

2. That the provisions of this act shall become effective on the date that cannabis is federally rescheduled from Schedule I to Schedule III under the federal Controlled Substances Act.

HOUSE
SUBSTITUTE

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