

LC004936

IN GENERAL ASSEMBLY

RELATING TO FOOD AND DRUGS -- COMPASSIONATE ACCESS TO MEDICAL CANNABIS ACT

Referred To: House Health & Human Services

18 (2) “Medicinal cannabis” means cannabis or a cannabis product used in compliance with

1 [the Edward O. Hawkins and Thomas C. Slater Medical Marijuana act set forth in chapter 28.6 of](#)
2 [title 21.](#)

3 [\(3\) “Patient” means an individual who is terminally ill.](#)

4 [\(4\) “Terminally ill” means a medical condition resulting in a prognosis of cessation of life](#)
5 [in one year or less, if the disease follows its natural course.](#)

6 **21-28.13-4. Terms and conditions to use medical cannabis.**

7 [\(a\) A healthcare facility shall permit patient use of medical cannabis and shall do all of the](#)
8 [following:](#)

9 [\(1\) Prohibit smoking or vaping as methods to use medicinal cannabis;](#)

10 [\(2\) Include the use of medicinal cannabis within the patient’s medical records;](#)

11 [\(3\) Require a patient to provide the healthcare facility with a copy of the patient’s valid](#)
12 [identification card, as described in §§ 3-8-6 or 3-8-6.1;](#)

13 [\(4\) Require a patient to provide the healthcare facility with a copy of their medical](#)
14 [marijuana card or written documentation that the use of medicinal cannabis is recommended by a](#)
15 [physician;](#)

16 [\(5\) Reasonably restrict the manner in which a patient stores and uses medicinal cannabis,](#)
17 [including requiring the medicinal cannabis to be stored in a locked container, to ensure the safety](#)
18 [of other patients, guests, and employees of the healthcare facility, compliance with other state laws,](#)
19 [and the safe operations of the healthcare facility; and](#)

20 [\(6\) Develop and disseminate written guidelines pursuant to this chapter, for the use of](#)
21 [medicinal cannabis within the healthcare facility.](#)

22 [\(b\) This section does not apply to a patient receiving emergency services and care.](#)

23 **21-28.13-5. Compliance with drug and medication requirements.**

24 [Notwithstanding the classification of medicinal cannabis as a Schedule I drug and any other](#)
25 [law, health facilities permitting patient use of medicinal cannabis shall comply with drug and](#)
26 [medication requirements applicable to Schedule II, III, and IV drugs and shall be subject to](#)
27 [enforcement actions by the department of health.](#)

28 **21-28.13-6. Limited obligation of health facility.**

29 [This chapter does not require a healthcare facility to provide a patient with a](#)
30 [recommendation to use medicinal cannabis or include medicinal cannabis in a patient’s discharge](#)
31 [plan.](#)

32 **21-28.13-7. Compliance and limitation.**

33 [\(a\) Compliance with this chapter shall not be a condition for obtaining, retaining, or](#)
34 [renewing a license as a healthcare facility.](#)

1 (b) This chapter does not reduce, expand, or otherwise modify the laws restricting the
2 cultivation, possession, distribution, or use of cannabis that may be otherwise applicable.

3 **21-28.13-8. Federal authority.**

4 (a) If a federal regulatory agency, the United States Department of Justice (US DOJ), or
5 the federal Centers for Medicare and Medicaid Services (CMS) takes one of the following actions,
6 a healthcare facility may suspend compliance with § 21-28.13-4 until the regulatory agency, the
7 US DOJ, or CMS notifies the healthcare facility that it may resume permitting the use of medicinal
8 cannabis within the facility:

9 (1) A federal regulatory agency or the US DOJ initiates enforcement action against a
10 healthcare facility related to the facility's compliance with a state-regulated medical marijuana
11 program; and

12 (2) A federal regulatory agency, the US DOJ, or CMS issues a rule or otherwise provides
13 notification to the healthcare facility that expressly prohibits the use of medical marijuana in
14 healthcare facilities or otherwise prohibits compliance with a state-regulated medical marijuana
15 program.

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

20 **21-28.13-9. Severability.**

21 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any
22 court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate
23 the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,
24 section, or part directly involved in the controversy in which that judgment shall have been
25 rendered.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- COMPASSIONATE ACCESS TO MEDICAL
CANNABIS ACT

- 1 This act would require certain healthcare facilities to allow a terminally ill patient’s use of
2 medicinal cannabis within the healthcare facility, subject to the following restrictions including:
3 requiring a patient to provide the healthcare facility with an ID and a copy of their medical
4 marijuana card or written documentation that the use of medicinal cannabis is recommended by a
5 physician, and requiring a healthcare facility to restrict how a patient stores and uses medicinal
6 cannabis to ensure the safety of other patients, guests, and employees of the healthcare facility. The
7 act would also provide that compliance with the bill would not be a condition for obtaining,
8 retaining, or renewing a license as a healthcare facility.
- 9 The act would authorize a healthcare facility to suspend compliance with these provisions
10 if a federal agency takes specified actions.
- 11 This act would take effect upon passage.

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