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SENATE BILL NO. 1235

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend the Code of Virginia by adding in Chapter 34 of Title 54.1 an article numbered 8, consisting of sections numbered 54.1-3472.1 through 54.1-3472.3, relating to recommendation and dispensing of cannabidiol oil or THC-A oil.*

Patrons—Marsden and Ebbin; Delegate: Filler-Corn

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 34 of Title 54.1 an article numbered 8, consisting of sections numbered 54.1-3472.1 through 54.1-3472.3, as follows:

*Article 8.**Recommendation and Dispensing of Cannabidiol Oil and THC-A Oil.***§ 54.1-3472.1. Definitions.**

"Cannabidiol oil" means a processed cannabis plant extract that contains at least 15 percent cannabidiol but no more than 5 percent of tetrahydrocannabinol, or a dilution of the resin of the cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than 5 percent of tetrahydrocannabinol.

"Intractable epilepsy" means an epileptic or neurological disorder that produces serious, debilitating, or life-threatening seizures.

"THC-A oil" means a processed cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but no more than 5 percent tetrahydrocannabinol, or a dilution of the resin of the cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than 5 percent of tetrahydrocannabinol.

§ 54.1-3472.2. Recommendation and dispensing of cannabidiol oil and THC-A oil.

A. Cannabidiol oil or THC-A oil shall be made available, pursuant to a valid recommendation made in accordance with the provisions of subsection B, to a patient or his legal representative, or pursuant to a valid prescription or recommendation of an out-of-state practitioner of medicine or osteopathy authorized by the laws of the state in which he is licensed to issue such prescription or recommendation.

B. A recommendation for dispensing of cannabidiol oil or THC-A oil may be made by a practitioner of medicine or osteopathy licensed by the Board of Medicine for a patient who has been diagnosed with intractable epilepsy only. Such recommendation shall be made in writing, and shall contain the name, address, and telephone number of the practitioner; the name and address of the patient for whom the recommendation is made; a statement that the patient for whom the recommendation is made has been examined in person by the health care practitioner and that the patient has been diagnosed by the health care practitioner as having intractable epilepsy for which cannabidiol oil or THC-A oil is recommended; and the date on which the recommendation was made and the signature of the practitioner.

§ 54.1-3472.3. Possession or distribution of cannabidiol oil or THC-A oil for medical purposes permitted.

A. No person or his legal representative shall be prosecuted under § 18.2-250 or 18.2-250.1 for the possession of cannabidiol oil or THC-A oil when that possession occurs pursuant to a valid recommendation made by a practitioner of medicine or osteopathy in accordance with the provisions of § 54.1-3472.2 in the course of his professional practice for treatment of intractable epilepsy, or a valid prescription or recommendation of an out-of-state practitioner of medicine or osteopathy authorized by the laws of the state in which he is licensed to issue such prescription or recommendation.

B. No pharmacist shall be prosecuted under §§ 18.2-248 through 18.2-248.1 for dispensing or distributing cannabidiol oil or THC-A oil to any person who holds a valid recommendation made by a practitioner of medicine or osteopathy in accordance with the provisions of § 54.1-3472.2 in the course of his professional practice for treatment of intractable epilepsy, or a valid prescription or recommendation of an out-of-state practitioner of medicine or osteopathy authorized by the laws of the state in which he is licensed to issue such prescription or recommendation.

INTRODUCED

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