

## Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** SB1719E

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Marsden

3. **Committee:** Education and Health

4. **Title:** Cannabidiol oil and THC-A oil; registered agents and pharmaceutical processors.

5. **Summary:** Authorizes a patient or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian to designate an individual to act as his registered agent for the purposes of receiving cannabidiol oil or THC-A oil pursuant to a valid written certification. Such designated individual is required register with the Board of Pharmacy (Board). The bill authorizes the Board to set a limit on the number patients for whom any individual is authorized to act as a registered agent. The bill authorizes a pharmaceutical processor to dispense cannabidiol oil or THC-A oil to such registered agent and provides such registered agent an affirmative defense for possession of cannabidiol oil or THC-A oil.

The bill provides that a pharmacist in charge of a pharmaceutical processor may authorize certain employees access to secured areas designated for cultivation and extraction and other areas approved by the Board and no pharmacist is required to be on the premises during such authorized access. The bill authorizes a pharmaceutical processor, in addition to other employees authorized by the Board, to employ individuals (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in horticulture or a certification or training approved by the Board or who has at least two years of experience cultivating plants and (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants.

The bill directs the Board to promulgate regulations regarding the wholesale sale of and transfer of cannabidiol oil or THC-A oil between pharmaceutical processors and removes a requirement that a pharmaceutical processor only dispense cannabidiol oil or THC-A oil cultivated and produced on-site. The bill provides that a pharmaceutical processor may begin cultivation upon being issued a permit by the Board, however, no production of cannabidiol oil or THC-A oil shall occur prior to sixty days of the opening date listed in its application. Finally, the bill provides that the concentration of tetrahydrocannabinol in any THC-A oil on site at a pharmaceutical processor may be up to 10 percent greater than or less than the level of tetrahydrocannabinol measured for labeling.

**6. Budget Amendment Necessary:** No.

**7. No Fiscal Impact.**

**8. Fiscal Implications:** This bill would not have a fiscal impact on the Commonwealth. The bill requires the Board of Pharmacy to register a new category of persons who may serve as agents for the delivery of cannabidiol or THC-A oil. It also requires the adoption of emergency regulations. The Board should be able to implement provisions of the legislation with existing personnel and resources.

**9. Specific Agency or Political Subdivisions Affected:** None.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.