

During the 2026 General Assembly Session, legislators sought to require hospitals to allow medical staff to store, dispense, and administer cannabis oil pursuant to a valid certification. This document provides a summary of the changes to law and provides background and guidance to assist you in compliance.

If you have any questions or require additional information, please contact Brent Rawlings brawlings@vhha.com or Julie Dime jdime@vhha.com.

Summary

AMENDS EXISTING LAW

HB75 (Keys-Gamarra)/ HB486 (Shin)/ SB332 (Favola) permits hospital staff members who are authorized to possess, distribute, or administer medications to store, dispense, or administer cannabis oil to a patient or resident who has been issued a valid written certification for the use of medical cannabis oil. The legislation further protects those staff members from prosecution. The legislation also directs the Department of Health to convene a work group to discuss the implementation process for providing cannabis products to patients within medical care facilities. The work group is directed to assess any available federal guidance or proposed regulations on the use of cannabis products or changes to the schedule for cannabis products under the federal Controlled Substances Act (21 U.S.C. § 801 et seq.) as well as interaction with applicable state laws. The work group is also to provide a report on its discussion, including written guidelines for the use of medical cannabis within medical care facilities and the safe operations of medical care facilities, to the Chairs of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2026. (NOTE: HB486 was incorporated into HB75). **The law is effective July 1, 2026.**

Action Required

Evaluate the need for any changes to existing policies and procedures related to the possession, distribution, or administration of medical cannabis oil in hospital facilities.

Background Information

As initially introduced, the legislation would have required hospitals to have policies and procedures to permit a terminally ill patient to use medical cannabis in accordance with the requirements of the Medical Cannabis Program (§ 4.1-1600 et seq.). It was modeled after California Senate Bill 311 (2021), also known as "Ryan's Law," which allows terminally ill patients to use medical cannabis, though it restricts use to non-smoking/non-vaping methods and includes "safe harbor" clauses regarding compliance with federal regulations.

VHHA opposed the legislation as introduced, citing federal law that classifies marijuana as a Schedule I substance and prohibits hospitals from permitting its use, which could jeopardize compliance with Medicare and Medicaid requirements. VHHA further emphasized that hospital policies must prioritize patient safety by managing all medications, and that absent changes to federal law and regulation, hospitals are unlikely to allow terminally ill patients to use medical marijuana as inpatients.

The final legislation represents a compromise that adopts the same approach taken in existing law that already applies to nursing homes and assisted living facilities. This law is permissive and does not require any of these facilities to permit the possession, distribution, or administration of medical cannabis oil by patients or residents.

Statutory Text

(NOTE: The language in *italics* and ~~strikethrough~~ are the only changes to the law. All other language and requirements under the law remain unchanged.)

1. That §§ 18.2-251.1:2 and 32.1-127 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251.1:2. Possession or distribution of medical cannabis; hospitals, nursing homes, and certified nursing facilities; hospice and hospice facilities; assisted living facilities.

No person employed by a *hospital*, nursing home, hospice, hospice facility, or assisted living facility and authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248, 18.2-248.1, or 18.2-250 for the possession or distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient or resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601.

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

...

26. Shall permit *hospital and* nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a *patient or* resident who has been issued a valid written certification for the use of *medical* cannabis oil in accordance with § 4.1-1601;

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