



State of California—Health and Human
Services Agency
**California Department of
Public Health**



January 18, 2023

AFL 23-07

TO: General Acute Care Hospitals (GACH)
Special Hospitals (SH)
Skilled Nursing Facilities (SNF)
Congregate Living Health Facilities (CLHF)
Hospice Facilities (HOFA)

SUBJECT: Senate Bill (SB) 988 – Compassionate Access to Medical Cannabis Act

AUTHORITY: Health and Safety Code (HSC) sections 1649.1 through 1649.5

All Facilities Letter (AFL) Summary

This AFL notifies GACHs, SHs, SNFs, CLHFs and HOFAs (health care facilities) of the chaptering of SB 988 (Chapter 242, Statutes of 2022) clarifying the role and requirements of health care facilities and staff when terminally ill patients access medicinal cannabis.

Background

SB 311 (Chapter 384, Statutes of 2021) established the Compassionate Access to Medical Cannabis Act (Act) requiring health care facilities to allow terminally ill patients to access medicinal cannabis under specified conditions.

Revisions to the Act

Effective January 1, 2023, SB 988 reiterates that for purposes of the Act the definition of a health care facility does not include chemical dependency recovery hospitals, state hospitals and the emergency department of a GACH and that the Act does not require those health care facilities to permit terminally ill patients access to medicinal cannabis.

Additionally, SB 988 makes explicit that the patient or primary caregiver is responsible for acquiring, retrieving, administering, and removing the medicinal cannabis and that health care professionals and facility staff are prohibited from administering medicinal cannabis or retrieving it from storage.

SB 988 removes a requirement for health care facilities permitting use of medicinal cannabis to comply with drug and medication requirements applicable to Schedule II, III, and IV drugs and instead updates the requirements for storage to specify that it must be stored securely at all times, in a locked container in the patient's room, other designated area or with the patient's primary caregiver.

SB 988 also requires health care facilities to adopt guidelines for disposal of medicinal cannabis. Upon discharge, patients or primary caregivers will be responsible for the removal of the medicinal cannabis. However, if they are unable to remove the medicinal cannabis, the product must be disposed of according to the health care facility's

policies and procedures.

CDPH's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the HSC and the California Code of Regulations to ensure compliance.

If you have questions or concerns regarding this AFL, please contact CDPH's Center for Health Care Quality, Pharmaceutical Consultant Section at LNC-PHARM-Consult@cdph.ca.gov.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

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