



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



January 26, 2022

AFL 22-04

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

**SUBJECT:** Senate Bill (SB) 311 – Compassionate Access to Medical Cannabis Act

**All Facilities Letter (AFL) Summary**

This AFL notifies all GACHs, SHs, SNFs, CLHFs, and HOFAs of the chaptering of SB 311 (Chapter 384, Statutes of 2021) permitting the use of medicinal cannabis by terminally ill patients.

Effective January 1, 2022, SB 311, known as the Compassionate Access to Medical Cannabis Act (the Act), will require GACHs, SHs, SNFs, CLHFs, and HOFAs (health care facilities) to permit terminally ill patients to use medicinal cannabis while in the health care facility. Terminally ill means a patient with a medical condition resulting in a prognosis of life of one year or less if the disease follows its natural course.

The permission to use medicinal cannabis does not apply to a patient receiving emergency services and care or to the emergency department of a GACH, and compliance with the Act is not a condition for obtaining, retaining, or renewing a license as a health care facility.

Health care facilities must allow the patient, or someone on the patient's behalf, to bring medicinal cannabis into the health care facility for the patient's exclusive use. Medicinal cannabis is the personal property of the patient. Terminally ill patients are also required to provide a copy of their medical marijuana card or written documentation that the use of medicinal cannabis is recommended by a physician. Health care facilities must record the use of medicinal cannabis in the patient's medical record.

Health care facilities must comply with the drug and medication requirements applicable to Schedule II, III, and IV drugs, including those pertaining to safety, when medicinal cannabis is on its premises.

Health care facilities also must develop and disseminate written guidelines for the use of medicinal cannabis within the health care facility to ensure the safety of others, compliance with other state laws, and the safe operations of the health care facility. The health care facility must reasonably restrict how a patient:

- Uses medicinal cannabis, including a prohibition against smoking or vaping the medicinal cannabis.
- Stores their medicinal cannabis, including requiring it to be kept in a secure and locked container.

Health care facilities are not required to provide medicinal cannabis to the patient, to provide a patient with a recommendation to use medicinal cannabis, nor to include medicinal cannabis in a patient's discharge plan.

Health care facilities may not prohibit patient use of medicinal cannabis due solely to the fact that cannabis is a Schedule I drug in the federal Uniform Controlled Substances Act, or other federal constraints on the use of medicinal cannabis that were in existence prior to January 1, 2022.

Health care facilities may suspend patient use of medicinal cannabis if a federal regulatory agency, the United States Department of Justice, or CMS:

- Initiates or takes formal enforcement actions against a health care facility for complying with the Act.
- Issues a rule or otherwise provides notification to the health care facility that expressly prohibits the use of medicinal cannabis in health care facilities.
- Prohibits compliance with a state-regulated medical marijuana program.

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 Health and Safety Code and the California Code of Regulations to ensure compliance.

If you have any questions or concerns regarding this AFL, please contact the Licensing and Certification Pharmacy Consultants at [LNC-PHARM-Consult@cdph.ca.gov](mailto:LNC-PHARM-Consult@cdph.ca.gov).

Sincerely,

**Original signed by Cassie Dunham**

Cassie Dunham  
Acting Deputy Director

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