

AMENDED IN SENATE MARCH 1, 2021

**SENATE BILL**

**No. 311**

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**Introduced by Senator Hueso**

**(Coauthors: Senators Bradford, Caballero, Jones, Melendez,  
Skinner, and Wiener)**

(Coauthors: Assembly Members Aguiar-Curry, Carrillo, Cristina Garcia,  
Lorena Gonzalez, Ting, and Wood)

February 4, 2021

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An act to add Chapter 4.9 (commencing with Section 1649) to Division 2 of the Health and Safety Code, relating to health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Hueso. Compassionate Access to Medical Cannabis Act or Ryan's Law.

Existing law generally requires the licensure and regulation of various health care facilities, including, among others, a hospice facility. The Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, prohibits specified criminal penalties from being imposed on a patient or a patient's primary caregiver who possesses or cultivates cannabis for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician. Existing law, known as the Medical Marijuana Program, requires counties to administer an identification card program for qualified patients and provides immunity from arrest to qualified patients with a valid identification card or designated primary caregivers, within prescribed limits.

This bill, the Compassionate Access to Medical Cannabis Act or Ryan’s Law, would prohibit specified types of health care facilities from prohibiting or interfering with a terminally ill patient’s use of medicinal cannabis within the health care facility, subject to certain restrictions. The bill would require a patient to provide the health care facility with a copy of their medical marijuana card or written documentation that the use of medicinal cannabis is recommended by a physician. The bill would authorize a health care facility to reasonably restrict the manner in which a patient stores and uses medicinal cannabis to ensure the safety of other patients, guests, and employees of the health care facility, compliance with other state laws, and the safe operations of the health care facility. The bill would prohibit the department that licenses the health care facility from enforcing these provisions, and compliance with the bill would not be a condition for obtaining, retaining, or renewing a license as a health care facility. The bill would authorize a health care facility to suspend compliance with these provisions if a regulatory agency, the United States Department of Justice, or the federal Centers for Medicare and Medicaid Services takes specified actions, including initiating an enforcement action against a health care facility related to the facility’s compliance with a state-regulated medical marijuana program.

Vote: majority. Appropriation: no. Fiscal committee: no.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 4.9 (commencing with Section 1649) is  
 2 added to Division 2 of the Health and Safety Code, to read:  
 3  
 4 CHAPTER 4.9. COMPASSIONATE ACCESS TO MEDICAL CANNABIS  
 5 ACT OR RYAN’S LAW  
 6  
 7 1649. (a) This chapter shall be known, and may be cited, as  
 8 the “Compassionate Access to Medical Cannabis Act” or “Ryan’s  
 9 Law.”  
 10 (b) It is the intent of the Legislature in enacting this chapter to  
 11 support the ability of a terminally ill patient to safely use medicinal  
 12 cannabis within specified health care facilities in compliance with  
 13 the Compassionate Use Act of 1996 and Article 2.5 (commencing  
 14 with Section 11362.7) of Chapter 6 of Division 10.

1 1649.5. Unless the context requires otherwise, the following  
2 definitions shall apply to this chapter:

3 (a) “Compassionate Use Act of 1996” means the initiative  
4 measure enacted by the approval of Proposition 215 at the  
5 November 5, 1996, statewide general election and found at Section  
6 11362.5, and any amendments to that act.

7 (b) (1) Except as provided in paragraph (2), “health care  
8 facility” means a health facility specified in subdivision (a), (c),  
9 (f), (i), or (n) of Section 1250.

10 (2) The meaning of “health care facility” shall not include a  
11 chemical dependency recovery hospital or a state hospital.

12 (c) “Medicinal cannabis” means cannabis or a cannabis product  
13 used in compliance with the Compassionate Use Act of 1996 and  
14 Article 2.5 (commencing with Section 11362.7) of Chapter 6 of  
15 Division 10.

16 (d) “Patient” means an individual who is terminally ill.

17 (e) “Terminally ill” means a medical condition resulting in a  
18 prognosis of life of one year or less, if the disease follows its  
19 natural course.

20 1649.10. (a) A health care facility shall do all of the following:

21 (1) ~~Not interfere or prohibit~~ *Refrain from interfering or*  
22 *prohibiting* a patient from using medicinal cannabis within the  
23 health care facility.

24 (2) Prohibit smoking or vaping as methods to use medicinal  
25 cannabis.

26 (3) Include the use of medicinal cannabis within the patient’s  
27 medical records.

28 (4) Require a patient to provide a copy of the patient’s valid  
29 identification card, as described in Section 11362.715, or a copy  
30 of that patient’s written documentation as defined in Section  
31 11362.7.

32 (5) Develop and disseminate written guidelines for the use of  
33 medicinal cannabis within the health care facility pursuant to this  
34 chapter.

35 (b) This section does not apply to a patient receiving emergency  
36 services and care, as defined in Section 1317.1, or to the emergency  
37 department of a health care facility, as specified in subdivision (a)  
38 of Section 1250, while the patient is receiving emergency services  
39 and care.

1 1649.15. A health care facility may reasonably restrict the  
2 manner in which a patient stores and uses medicinal cannabis,  
3 including requiring the medicinal cannabis to be stored in a locked  
4 container, to ensure the safety of other patients, guests, and  
5 employees of the health care facility, compliance with other state  
6 laws, and the safe operations of the health care facility. A health  
7 care facility may specify that it is not responsible for lost or stolen  
8 medicinal cannabis. A health care facility shall include all  
9 restrictions within the written guidelines required by Section  
10 1649.10.

11 1649.20. This chapter does not require a health care facility to  
12 provide a patient with a recommendation to use medicinal cannabis  
13 in compliance with the Compassionate Use Act of 1996 and Article  
14 2.5 (commencing with Section 11362.7) of Chapter 6 of Division  
15 10 or include medicinal cannabis in a patient's discharge plan.

16 1649.25. (a) This chapter shall not be enforced by the  
17 department that licenses the health care facility.

18 (b) Compliance with this chapter shall not be a condition for  
19 obtaining, retaining, or renewing a license as a health care facility.

20 (c) This chapter does not reduce, expand, or otherwise modify  
21 the laws restricting the cultivation, possession, distribution, or use  
22 of cannabis that may be otherwise applicable, including, but not  
23 limited to, the Control, Regulate and Tax Adult Use of Marijuana  
24 Act, an initiative measure enacted by the approval of Proposition  
25 64 at the November 8, 2016, statewide general election, and any  
26 amendments to that act.

27 1649.30. (a) If a federal regulatory agency, the United States  
28 Department of Justice (US DOJ), or the federal Centers for  
29 Medicare and Medicaid Services (CMS) takes one of the following  
30 actions, a health care facility may suspend compliance with Section  
31 1649.10 until the regulatory agency, the US DOJ, or CMS notifies  
32 the health care facility that it may resume permitting the use of  
33 medicinal cannabis within the facility:

34 (1) A federal regulatory agency or the US DOJ initiates  
35 enforcement action against a health care facility related to the  
36 facility's compliance with a state-regulated medical marijuana  
37 program.

38 (2) A federal regulatory agency, the US DOJ, or CMS issues a  
39 rule or otherwise provides notification to the health care facility  
40 that expressly prohibits the use of medical marijuana in health care

1 facilities or otherwise prohibits compliance with a state-regulated  
2 medical marijuana program.

3 (b) This section does not permit a health care facility to prohibit  
4 the use of medicinal cannabis due solely to the fact that cannabis  
5 is a Schedule I drug pursuant to the federal Uniform Controlled  
6 Substances Act, or other federal constraints on the use of medicinal  
7 cannabis that were in existence prior to the enactment of this  
8 chapter.

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