

**HEMP EXTRACT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends the definition of "hemp extract" and modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by removing the repeal date of the Hemp Extract Registration Act and the exemption for use or possession of hemp extract.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "hemp extract";
- ▶ modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by removing the repeal date of the Hemp Extract Registration Act, thereby allowing the Hemp Extract Registration Act to remain in effect after July 1, 2016; and
- ▶ modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by removing the repeal date of Section 58-37-4.3, Exemption for use or possession of hemp extract, thereby allowing the statute to remain in effect after July 1, 2016.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-37-4.3**, as enacted by Laws of Utah 2014, Chapter 25**63I-1-226**, as last amended by Laws of Utah 2015, Chapters 16, 31, and 258**63I-1-258**, as last amended by Laws of Utah 2015, Chapters 40, 186, 187, 320, 367,  
and 432

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **58-37-4.3** is amended to read:**58-37-4.3. Exemption for use or possession of hemp extract.**

33 (1) As used in this section, "hemp extract" means an extract from a cannabis plant, or a  
34 mixture or preparation containing cannabis plant material, that:

- 35 (a) is composed of less than 0.3% tetrahydrocannabinol by weight;  
36 (b) is composed of at least [~~15%~~] 5% cannabidiol by weight; and  
37 (c) contains no other psychoactive substance.

38 (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
39 uses hemp extract is not subject to the penalties described in this chapter for possession or use  
40 of the hemp extract if the individual:

41 (a) possesses or uses the hemp extract only to treat intractable epilepsy, as defined in  
42 Section 26-56-102;

43 (b) originally obtained the hemp extract from a sealed container with a label indicating  
44 the hemp extract's place of origin, and a number that corresponds with a certificate of analysis;

45 (c) possesses, in close proximity to the hemp extract, a certificate of analysis that:

46 (i) has a number that corresponds with the number on the label described in Subsection  
47 (2)(b);

48 (ii) indicates the hemp extract's ingredients, including its percentages of  
49 tetrahydrocannabinol and cannabidiol by weight;

50 (iii) is created by a laboratory that is:

51 (A) not affiliated with the producer of the hemp extract; and

52 (B) licensed in the state where the hemp extract was produced; and

53 (iv) is transmitted by the laboratory to the Department of Health; and

54 (d) has a current hemp extract registration card issued by the Department of Health  
55 under Section 26-56-103.

56 (3) Notwithstanding any other provision of this chapter, an individual who possesses  
57 hemp extract lawfully under Subsection (2) and administers hemp extract to a minor is not  
58 subject to the penalties described in this chapter for administering the hemp extract to the  
59 minor if:

60 (a) the individual is the minor's parent or legal guardian; and

61 (b) the individual is registered with the Department of Health as the minor's parent  
62 under Section 26-56-103.

63 Section 2. Section **63I-1-226** is amended to read:

64           **63I-1-226. Repeal dates, Title 26.**

65           (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
66 1, 2025.

67           (2) Section 26-10-11 is repealed July 1, 2020.

68           (3) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed  
69 July 1, 2018.

70           (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

71           (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.

72           (6) Section 26-38-2.5 is repealed July 1, 2017.

73           (7) Section 26-38-2.6 is repealed July 1, 2017.

74           ~~[(8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2016.]~~

75           Section 3. Section **63I-1-258** is amended to read:

76           **63I-1-258. Repeal dates, Title 58.**

77           (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
78 repealed July 1, 2026.

79           (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

80           (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

81           ~~[(4) Section 58-37-4.3 is repealed July 1, 2016.]~~

82           ~~[(5) (4) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,~~  
83 2023.

84           ~~[(6) (5) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing~~  
85 Act, is repealed July 1, 2019.

86           ~~[(7) (6) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,~~  
87 2025.

88           ~~[(8) (7) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is~~  
89 repealed July 1, 2023.

90           ~~[(9) (8) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.~~

91           ~~[(10) (9) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July~~  
92 1, 2026.

93           ~~[(11) (10) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.~~

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**