

**CANNABIS-BASED MEDICINE RESEARCH**

2017 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to cannabis-based medicine.

**Highlighted Provisions:**

This bill:

- ▶ allows a higher education institution licensed by the Department of Health to possess cannabis-based medicine and give cannabis-based medicine to a patient pursuant to a medical research study approved by an institutional review board; and
- ▶ allows a person to possess cannabis-based medicine and give cannabis-based medicine to a patient pursuant to an institutional review board-approved study.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

- 26-59-101**, Utah Code Annotated 1953
- 26-59-102**, Utah Code Annotated 1953
- 26-59-103**, Utah Code Annotated 1953
- 26-59-104**, Utah Code Annotated 1953
- 58-37-3.6**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-59-101** is enacted to read:

**CHAPTER 59. CANNABIS-BASED MEDICINE RESEARCH ACT**

**26-59-101. Title.**

This chapter is known as "Cannabis-Based Medicine Research Act."

Section 2. Section **26-59-102** is enacted to read:

33 **26-59-102. Definitions.**

34 As used in this chapter:

35 (1) "Approved study" means a medical research study:

36 (a) the purpose of which is investigating the medical benefits of cannabis-based  
37 medicine; and

38 (b) that is approved by an IRB.

39 (2) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

40 (3) "Cannabis-based medicine" means the same as that term is defined in Section  
41 58-37-3.6.

42 (4) "Institutional review board" or "IRB" means an institutional review board that is  
43 registered for human subject research by the United States Department of Health and Human  
44 Services.

45 Section 3. Section **26-59-103** is enacted to read:

46 **26-59-103. Cannabis-based medicine research license.**

47 (1) The department may issue a license to a higher education institution to conduct  
48 medical research on cannabis-based medicine if the higher education institution submits to the  
49 department:

50 (a) the higher education institution's research plan;

51 (b) the name of an employee of the higher education institution who will supervise the  
52 medical cannabis-based medicine research; and

53 (c) a fee in an amount determined by the department under Section 63J-1-504 that  
54 covers the department's cost to implement this chapter.

55 (2) A higher education institution with a cannabis-based medicine research license  
56 issued by the department under this section may, for the purposes of an approved study:

57 (a) possess cannabis or cannabis-based medicine; and

58 (b) administer a product containing cannabis or cannabis-based medicine to an  
59 individual in accordance with the approved study.

60 (3) The department shall establish rules made in accordance with Title 63G, Chapter 3,  
61 Utah Administrative Rulemaking Act, that provide eligibility criteria for a cannabis-based  
62 medicine research license.

63 Section 4. Section **26-59-104** is enacted to read:

64           **26-59-104. Institutional review board -- Approved study of cannabis or**  
65 **cannabis-based medicine.**

66           (1) A person conducting an approved study may, for the purposes of the study:

67           (a) process cannabis-based medicine;

68           (b) possess cannabis-based medicine; and

69           (c) administer a product containing cannabis or cannabis-based medicine to an  
70 individual in accordance with the approved study.

71           (2) A person conducting an approved study may:

72           (a) import cannabis or cannabis-based medicine from another state if:

73           (i) the importation complies with federal law; and

74           (ii) the person uses the cannabis or cannabis-based medicine in accordance with the  
75 approved study; or

76           (b) obtain cannabis or cannabis-based medicine from the National Institute on Drug  
77 Abuse.

78           (3) A person conducting an approved study may distribute outside of the state cannabis  
79 or cannabis-based medicine if:

80           (a) the distribution complies with federal law; and

81           (b) the distribution is for the purposes of, and in accordance with, the approved study.

82           Section 5. Section **58-37-3.6** is enacted to read:

83           **58-37-3.6. Exemption for possession or distribution of cannabis-based medicine.**

84           (1) As used in this section:

85           (a) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

86           (b) "Cannabis-based medicine" means a product intended for human ingestion that:

87           (i) contains an extract or concentrate that is obtained from cannabis;

88           (ii) is prepared in a medicinal dosage form that is:

89           (A) a tablet;

90           (B) a capsule;

91           (C) a concentrated oil;

92           (D) a liquid suspension;

93           (E) a trans-dermal preparation; or

94           (F) a sub-lingual preparation; and

95            (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.  
96            (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.  
97            (d) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the  
98 description in Subsection 58-37-4(2)(a)(iii)(AA).  
99            (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
100 distributes cannabis-based medicine is not subject to the penalties described in this title for the  
101 possession or distribution of marijuana or tetrahydrocannabinol to the extent that the  
102 individual's possession or distribution of cannabis-based medicine complies with Title 26,  
103 Chapter 59, Cannabis-Based Medicine Research Act.

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