

**Effective 7/1/2014**

## **Chapter 56 Hemp Extract Registration Act**

### **26-56-101 Title.**

This chapter is known as the "Hemp Extract Registration Act."

Enacted by Chapter 25, 2014 General Session

### **26-56-102 Definitions.**

As used in this chapter:

- (1) "Hemp extract" is as defined in Section 58-37-4.3.
- (2) "Hemp extract registration card" means a card issued by the department under Subsection 26-56-103(1) or (2).
- (3) "Intractable epilepsy" means epilepsy that, as determined by a neurologist, does not respond to three or more treatment options overseen by the neurologist.
- (4) "Neurologist" means an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, that is board certified in neurology.
- (5) "Parent" means a parent or legal guardian of a minor who is responsible for the minor's medical care.
- (6) "Registrant" means an individual to whom the department issues a hemp extract registration card under Subsection 26-56-103(1) or (2).

Enacted by Chapter 25, 2014 General Session

### **26-56-103 Hemp extract registration card -- Application -- Fees -- Database.**

- (1) The department shall issue a hemp extract registration card to an individual who:
  - (a) is at least 18 years of age;
  - (b) is a Utah resident;
  - (c) provides the department with a statement signed by a neurologist that:
    - (i) indicates that the individual:
      - (A) suffers from intractable epilepsy; and
      - (B) may benefit from treatment with hemp extract; and
    - (ii) is consistent with a record from the neurologist, concerning the individual, contained in the database described in Subsection (8);
  - (d) pays the department a fee in an amount established by the department under Subsection (5); and
  - (e) submits an application to the department, on a form created by the department, that contains:
    - (i) the individual's name and address;
    - (ii) a copy of the individual's valid photo identification; and
    - (iii) any other information the department considers necessary to implement this chapter.
- (2) The department shall issue a hemp extract registration card to a parent who:
  - (a) is at least 18 years of age;
  - (b) is a Utah resident;
  - (c) provides the department with a statement signed by a neurologist that:
    - (i) indicates that a minor in the parent's care:

- (A) suffers from intractable epilepsy; and
- (B) may benefit from treatment with hemp extract; and
- (ii) is consistent with a record from the neurologist, concerning the minor, contained in the database described in Subsection (8);
- (d) pays the department a fee in an amount established by the department under Subsection (5); and
- (e) submits an application to the department, on a form created by the department, that contains:
  - (i) the parent's name and address;
  - (ii) the minor's name;
  - (iii) a copy of the parent's valid photo identification; and
  - (iv) any other information the department considers necessary to implement this chapter.
- (3) The department shall maintain a record of:
  - (a) the name of each registrant; and
  - (b) the name of each minor receiving care from a registrant.
- (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  - (a) establish the information an applicant is required to provide to the department under Subsections (1)(e)(iii) and (2)(e)(iv); and
  - (b) establish, in accordance with recommendations from the Department of Public Safety, the form and content of the hemp extract registration card.
- (5) The department shall establish fees in accordance with Section 63J-1-504 that are no greater than the amount necessary to cover the cost the department incurs to implement this chapter.
- (6) The registration cards issued under Subsections (1) and (2) are:
  - (a) valid for one year; and
  - (b) renewable, if, at the time of renewal, the registrant meets the requirements of either Subsection (1) or (2).
- (7) The neurologist who signs the statement described in Subsection (1)(c) or (2)(c) shall:
  - (a) keep a record of the neurologist's evaluation and observation of a patient who is a registrant or minor under a registrant's care, including the patient's response to hemp extract; and
  - (b) transmit the record described in Subsection (7)(a) to the department.
- (8) The department shall:
  - (a) maintain a database of the records described in Subsection (7);
  - (b) treat the records as identifiable health data, as defined in Section 26-3-1; and
  - (c) establish a procedure for ensuring that neurologists transmit the records described in Subsection (7).
- (9)
  - (a) The department shall prepare a de-identified set of data based on records described in Subsection (8) and make the set of data available to researchers at a higher education institution for the purpose of studying hemp extract.
  - (b) No later than July 1, 2016, the department shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, request proposals to conduct a study of hemp extract.
  - (c) The study of hemp extract shall include at least the following:
    - (i) analysis of data from the records of patients who have held hemp extract registration cards for one year or more;
    - (ii) the effect of hemp extract on the patient's seizure control; and
    - (iii) any adverse effects or other effects on the patient that may be attributable to the patient's use of hemp extract.

- (d) The department shall report to the Health and Human Services Interim Committee of the Legislature on or before the November 2016 interim meeting on the study of hemp extract.

Amended by Chapter 89, 2016 General Session