

Senator Evan J. Vickers proposes the following substitute bill:

HEMP EXTRACT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill amends provisions related to hemp extract.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "hemp extract";
- ▶ modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by extending the repeal date of the Hemp Extract Registration Act to July 1, 2021;
- ▶ modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by extending the repeal date of Section 58-37-4.3, Exemption for use or possession of hemp extract, to July 1, 2021; and
- ▶ requires the Department of Health to request proposals to conduct a study of hemp extract.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **26-56-103**, as enacted by Laws of Utah 2014, Chapter 25
 27 **58-37-4.3**, as enacted by Laws of Utah 2014, Chapter 25
 28 **63I-1-226**, as last amended by Laws of Utah 2015, Chapters 16, 31, and 258
 29 **63I-1-258**, as last amended by Laws of Utah 2015, Chapters 40, 186, 187, 320, 367,
 30 and 432



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

32 Section 1. Section **26-56-103** is amended to read:

33 **26-56-103. Hemp extract registration card -- Application -- Fees -- Database.**

34 (1) The department shall issue a hemp extract registration card to an individual who:

35 (a) is at least 18 years of age;

36 (b) is a Utah resident;

37 (c) provides the department with a statement signed by a neurologist that:

38 (i) indicates that the individual:

39 (A) suffers from intractable epilepsy; and

40 (B) may benefit from treatment with hemp extract; and

41 (ii) is consistent with a record from the neurologist, concerning the individual,

42 contained in the database described in Subsection (8);

43 (d) pays the department a fee in an amount established by the department under

44 Subsection (5); and

45 (e) submits an application to the department, on a form created by the department, that

46 contains:

47 (i) the individual's name and address;

48 (ii) a copy of the individual's valid photo identification; and

49 (iii) any other information the department considers necessary to implement this

50 chapter.

51 (2) The department shall issue a hemp extract registration card to a parent who:

52 (a) is at least 18 years of age;

53 (b) is a Utah resident;

54 (c) provides the department with a statement signed by a neurologist that:

55 (i) indicates that a minor in the parent's care:

- 57 (A) suffers from intractable epilepsy; and
- 58 (B) may benefit from treatment with hemp extract; and
- 59 (ii) is consistent with a record from the neurologist, concerning the minor, contained in
- 60 the database described in Subsection (8);
- 61 (d) pays the department a fee in an amount established by the department under
- 62 Subsection (5); and
- 63 (e) submits an application to the department, on a form created by the department, that
- 64 contains:
- 65 (i) the parent's name and address;
- 66 (ii) the minor's name;
- 67 (iii) a copy of the parent's valid photo identification; and
- 68 (iv) any other information the department considers necessary to implement this
- 69 chapter.
- 70 (3) The department shall maintain a record of:
- 71 (a) the name of each registrant; and
- 72 (b) the name of each minor receiving care from a registrant.
- 73 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
- 74 Administrative Rulemaking Act, to:
- 75 (a) establish the information an applicant is required to provide to the department under
- 76 Subsections (1)(e)(iii) and (2)(e)(iv); and
- 77 (b) establish, in accordance with recommendations from the Department of Public
- 78 Safety, the form and content of the hemp extract registration card.
- 79 (5) The department shall establish fees in accordance with Section [63J-1-504](#) that are
- 80 no greater than the amount necessary to cover the cost the department incurs to implement this
- 81 chapter.
- 82 (6) The registration cards issued under Subsections (1) and (2) are:
- 83 (a) valid for one year; and
- 84 (b) renewable, if, at the time of renewal, the registrant meets the requirements of either
- 85 Subsection (1) or (2).
- 86 (7) The neurologist who signs the statement described in Subsection (1)(c) or (2)(c)
- 87 shall:

88 (a) keep a record of the neurologist's evaluation and observation of a patient who is a
89 registrant or minor under a registrant's care, including the patient's response to hemp extract;
90 and

91 (b) transmit the record described in Subsection (7)(a) to the department.

92 (8) The department shall:

93 (a) maintain a database of the records described in Subsection (7); ~~and~~

94 (b) treat the records as identifiable health data, as defined in Section 26-3-1[-]; and

95 (c) establish a procedure for ensuring that neurologists transmit the records described
96 in Subsection (7).

97 (9) (a) ~~The department [may share the]~~ shall prepare a de-identified set of data based
98 on records described in Subsection (8) [with] and make the set of data available to researchers
99 at a higher education institution for the purpose of studying hemp extract.

100 (b) No later than July 1, 2016, the department shall, in accordance with Title 63G,
101 Chapter 6a, Utah Procurement Code, request proposals to conduct a study of hemp extract.

102 (c) The study of hemp extract shall include at least the following:

103 (i) analysis of data from the records of patients who have held hemp extract registration
104 cards for one year or more;

105 (ii) the effect of hemp extract on the patient's seizure control; and

106 (iii) any adverse effects or other effects on the patient that may be attributable to the
107 patient's use of hemp extract.

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

111 Section 2. Section 58-37-4.3 is amended to read:

112 **58-37-4.3. Exemption for use or possession of hemp extract.**

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

115 (a) is composed of less than 0.3% tetrahydrocannabinol by weight;

116 (b) is composed of at least ~~[+5%]~~ 5% cannabidiol by weight; and

117 (c) contains no other psychoactive substance.

118 (2) Notwithstanding any other provision of this chapter, an individual who possesses or

119 uses hemp extract is not subject to the penalties described in this chapter for possession or use
120 of the hemp extract if the individual:

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

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

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

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

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

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

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

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

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

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

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

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

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

143 Section 3. Section 63I-1-226 is amended to read:

144 **63I-1-226. Repeal dates, Title 26.**

145 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
146 1, 2025.

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

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

- 150 (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 151 (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.
- 152 (6) Section [26-38-2.5](#) is repealed July 1, 2017.
- 153 (7) Section [26-38-2.6](#) is repealed July 1, 2017.
- 154 (8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, [~~2016~~
- 155 2021.
- 156 Section 4. Section **63I-1-258** is amended to read:
- 157 **63I-1-258. Repeal dates, Title 58.**
- 158 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
- 159 repealed July 1, 2026.
- 160 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 161 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.
- 162 (4) Section [58-37-4.3](#) is repealed July 1, [~~2016~~] 2021.
- 163 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.
- 164 (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
- 165 repealed July 1, 2019.
- 166 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.
- 167 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
- 168 1, 2023.
- 169 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
- 170 (10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
- 171 2026.
- 172 (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.