

**Representative Brad M. Daw** proposes the following substitute bill:

**CANNABIS-BASED MEDICINE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Brad M. Daw

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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 to possess cannabis-based medicine and give cannabis-based medicine to a patient pursuant to a medical research study approved by the Department of Health; 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:

**26-58-101**, Utah Code Annotated 1953

**26-58-102**, Utah Code Annotated 1953

**26-58-103**, Utah Code Annotated 1953



26 [26-58-104](#), Utah Code Annotated 1953

27 [58-37-3.6](#), Utah Code Annotated 1953

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

30 Section 1. Section **26-58-101** is enacted to read:

31 **CHAPTER 58. CANNABIS-BASED MEDICINE RESEARCH LICENSE**

32 **26-58-101. Title.**

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

34 Section 2. Section **26-58-102** is enacted to read:

35 **26-58-102. Definitions.**

36 As used in this chapter:

37 (1) "Cannabis" means the same as that term is defined in Section [58-37-3.6](#).

38 (2) "Cannabis-based medicine" means the same as that term is defined in Section  
39 [58-37-3.6](#).

40 Section 3. Section **26-58-103** is enacted to read:

41 **26-58-103. Cannabis-based medicine research license.**

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

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

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

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

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

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

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

56 (3) The department shall establish rules made in accordance with Title 63G, Chapter 3,

57 Utah Administrative Rulemaking Act, that provide:

- 58 (a) eligibility criteria for a cannabis-based medicine research license; and
- 59 (b) standards for an acceptable medical research study under Subsection (1)(a).

60 Section 4. Section **26-58-104** is enacted to read:

61 **26-58-104. Institutional review board -- Approved study of cannabis or**  
62 **cannabis-based medicine.**

63 (1) As used in this section:

64 (a) "Institutional review board" or "IRB" means an institutional review board that is  
65 registered for human subject research by the United States Department of Health and Human  
66 Services.

67 (b) "Approved study" means a medical research study:

68 (i) the purpose of which is investigating the medical benefits of cannabis-based  
69 medicine; and

70 (ii) that is approved by an IRB.

71 (2) A person conducting an approved study, may, for the purposes of the study:

72 (a) possess cannabis-based medicine; and

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

75 (3) A person conducting an approved study may import cannabis or cannabis-based  
76 medicine from another state if:

77 (a) the importation complies with federal law; and

78 (b) the person uses the cannabis or cannabis-based medicine in accordance with the  
79 approved study.

80 (4) A person conducting an approved study may distribute outside of the state cannabis  
81 or cannabis-based medicine if:

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

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

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

85 **58-37-3.6. Exemption for possession or distribution of cannabis-based medicine.**

86 (1) As used in this section:

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

88 (i) contains an extract or concentrate that is obtained from cannabis;  
89 (ii) is prepared in a medicinal dosage form as required by Section 4-42-602; and  
90 (iii) contains at least one unit of cannabidiol for every one unit of  
91 tetrahydrocannabinol.

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

93 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

94 (d) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the  
95 description in Subsection 58-37-4(2)(a)(iii)(AA).

96 (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
97 distributes cannabis-based medicine is not subject to the penalties described in this title for the  
98 possession or distribution of marijuana or tetrahydrocannabinol to the extent that the  
99 individual's possession or distribution of cannabis-based medicine complies with Title 26,  
100 Chapter 58, Cannabis-Based Medicine Research Act.