



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

## NOTICE OF BILL RETURNED TO RULES COMMITTEE

March 8, 2016

Mr. Speaker:

The Health and Human Services Committee recommends **2nd Sub. S.B. 73**, MEDICAL CANNABIS ACT, by Senator M. Madsen, be replaced with **3rd Sub. S.B. 73**, MEDICAL CANNABIS ACT, with the following amendments, and has returned it to the Rules Committee without recommendation.

1. *Page 17, Lines 500 through 502:*

500 4-42-501. Cannabis cultivation facility -- Operating requirements.  
501 (1) A cannabis cultivation facility shall :  
(a) cultivate cannabis indoors; and  
(b) ensure that any cannabis growing at the  
502 cannabis cultivation facility is screened from view at the cannabis cultivation facility  
perimeter.

1. *Page 9, Line 272 through Page 10, Line 274:*

272 (c) proposes to operate the independent cannabis testing laboratory at the same  
physical  
273 location as a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation  
(7) The department may refuse to issue a cannabis production  
establishment license to a cannabis production establishment that has a cannabis  
production establishment agent to whom the department refused to issue an agent  
registration card due to the results of a background check under Subsection  
4-42-301(8).  
274 facility.

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2. Page 38, Lines 1164 through 1165:

1164 (6) The department shall deposit the proceeds of a fee imposed by this section in the  
1165 Medical Cannabis Restricted Account.

**(7) The department may refuse to issue a cannabis dispensary license to a cannabis dispensary that has a cannabis dispensary agent to whom the department refused to issue an agent registration card due to the results of a background check under Subsection 26-58-401(6).**

1. Page 4, Lines 116 through 117:

116 26-58-204, Utah Code Annotated 1953

**26-58-205, Utah Code Annotated 1953**

117 26-58-301, Utah Code Annotated 1953

2. Page 17, Line 515:

515 pesticide use.

**(6) A cannabis cultivation facility may sell cannabis to a person conducting an approved study under Section 26-58-205.**

3. Page 37, Lines 1131 through 1132:

1131 (6) An individual who is guilty of an infraction under Subsection (4) or (5) is  
subject to

1132 a \$100 fine.

**Section 33. Section 26-58-205 is enacted to read:**

**26-58-205. Institutional review board -- Approved study of cannabidiol.**

**(1) As used in this section:**

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

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

**(i) the purpose of which is investigating the medical benefits of cannabidiol;**

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and

- (ii) that is approved by an IRB.
- (2) A person conducting an approved study, may, for the purposes of the study:
  - (a) purchase cannabis from a licensed cannabis cultivation facility in the state;
  - (b) purchase a cannabis product from a licensed cannabis dispensary in the state; and
  - (c) administer a product containing cannabis or a cannabis product to an individual in accordance with the approved study.
- (3) A person conducting an approved study may import cannabis or a cannabis product from another state if:
  - (a) the importation complies with federal law; and
  - (b) the person uses the cannabis or cannabis product in accordance with the approved study.
- (4) A person conducting an approved study may distribute cannabis or a cannabis product that the person obtained from a licensed cannabis cultivation facility in the state or licensed cannabis dispensary in the state if:
  - (a) the distribution complies with federal law; and
  - (b) the distribution is for the purposes of, and in accordance with, the approved study.
- (5) The department shall issue an authorization to a person conducting an approved study to allow the person to purchase cannabis from a licensed cannabis cultivation facility in the state or a cannabis product from a licensed cannabis dispensary in the state.

**RENUMBER REMAINING SECTIONS ACCORDINGLY**

4. Page 44, Lines 1352 through 1353:

- 1352        (2) A cannabis dispensary may only sell a cannabis product or a medical cannabis  
1353        device to :  
             (a) an individual with a medical cannabis card issued by the  
             department {:-} ;or  
             (b) a person conducting an approved study under Section 26-58-205.

1. Page 7, Line 210:

- 210        time, from the point that a cannabis plant is planted as a seed or, if derived from a

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clone or cutting, is eight inches tall {-} and has a root ball, until the

2. Page 23, Line 681:

681 (1) "Cannabinoid profile" means the percentage of {-cannabis or-} a cannabis  
product, by

1. Page 30, Lines 909 through 921:

909 (c) The endorsement described in Subsection (3)(b) entitles a physician to use a  
910 medical cannabis endorsement image developed by the department on the physician's  
website.

911 (4) A physician may recommend cannabis to greater than {-20%-} 250 of  
the physician's  
912 patients if the physician:

913 (a) is certified in one of the following specialties:

914 (i) anesthesiology;

915 (ii) gastroenterology;

916 (iii) neurology;

917 (iv) oncology;

918 (v) pain and palliative care;

919 (vi) physiatry;

920 (vii) psychiatry; or

921 (viii) addiction medicine;

Respectfully,

Kay L. McIff  
Committee Chair

Voting: --

16 SB0073.HCI.WPD 3/8/16 12:48 pm MarkAndrews/MDA SJ/AJS

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