

1st Sub. S.B. 73
MEDICAL CANNABIS ACT

Senator **Mark B. Madsen** proposes the following amendments:

1. *Page 1, Lines 13 through 14:*

13 Health to possess and use, under certain circumstances, ~~{cannabis,}~~ a cannabis
14 product ~~{,}~~ or a medical cannabis device;

2. *Page 2, Lines 40 through 41:*

40 ▶ allows a licensed cannabis dispensary to possess ~~{cannabis,}~~ a cannabis product ~~{,}~~ or
a
41 medical cannabis device, and to sell the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical

3. *Page 2, Lines 44 through 45:*

44 and sell the cannabis to a licensed cannabis processing facility ~~{or a licensed}~~
45 ~~{cannabis dispensary}~~ ;

4. *Page 3, Line 65:*

65 on the parent's lawful possession or use of ~~{medical cannabis}~~ a cannabis product ;

5. *Page 3, Lines 67 through 68:*

67 individual's home on the basis of the individual's lawful possession or use of a
68 cannabis product ;

6. *Page 3, Lines 70 through 72:*

70 public employee because of the employee's lawful possession of or use of ~~{cannabis,}~~
71 a cannabis product ~~{,}~~ or a medical cannabis device.
72 ▶ imposes a tax on the sale of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis

7. *Page 3, Line 74:*

74 ▶ exempts from sales and use tax the sale of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a

8. *Page 8, Line 231:*

231 cannabis is sold, in the form of ~~{unprocessed cannabis or}~~ a cannabis product, to an individual

9. Page 19, Lines 558 through 559:

- 558 (i) the total amount of cannabinoids by weight in the cannabis product: ~~{and}~~
559 (ii) the cannabinoid profile of the cannabis product: and
(iii) the number of doses, and the milligrams in each dose, in the cannabis product;

10. Page 20, Lines 594 through 595:

- 594 (1) An independent cannabis testing laboratory shall, before ~~{cannabis or}~~ a cannabis
595 product is offered for sale at a cannabis dispensary, accurately test and certify the ~~{cannabis or}~~

11. Page 20, Lines 598 through 599:

- 598 of ~~{cannabis or}~~ a cannabis product.
599 (3) An independent cannabis testing laboratory shall determine if ~~{cannabis or}~~ a

12. Page 21, Lines 616 through 618:

- 616 indicate that a ~~{cannabis or}~~ cannabis product batch may be unsafe for human consumption:
617 (a) the independent cannabis testing laboratory shall report the results and the ~~{cannabis~~
618 ~~or}~~ cannabis product batch simultaneously to:

13. Page 21, Line 620:

- 620 (ii) the cannabis production establishment that prepared the ~~{cannabis or}~~ cannabis

14. Page 21, Line 622:

- 622 (b) retain possession of the ~~{cannabis or}~~ cannabis product batch for one week in order to

15. Page 21, Line 624:

- 624 (c) allow the cannabis production establishment that prepared the ~~{cannabis or}~~ cannabis

16. Page 21, Line 626:

- 626 following the appeal, allow the independent cannabis testing laboratory to retest the ~~{cannabis or}~~

17. Page 21, Lines 629 through 630:

- 629 ~~{cannabis or}~~ cannabis product prepared by a cannabis production establishment is unsafe for
630 human consumption, the department may seize, embargo, or destroy a ~~{cannabis or}~~ cannabis

18. Page 22, Line 648:

648 (ii) the person produced ~~{cannabis or}~~ a cannabis product batch that a test shows contains

19. *Page 26, Line 776:*

776 (i) electronically recommend, during a visit with a patient, treatment with ~~{cannabis or}~~ a

20. *Page 26, Line 785:*

785 cannabis production establishment to track, in real time, for the purchase of ~~{cannabis or}~~ a

21. *Page 26, Line 788:*

788 (ii) the quantity and type of ~~{cannabis or a}~~ cannabis product purchased; and

22. *Page 26, Line 790:*

790 processed, tested, or sold the ~~{cannabis or}~~ cannabis product;

23. *Page 27, Line 802:*

802 (i) transmit an individual's ~~{cannabis and}~~ cannabis product purchase history to the

24. *Page 31, Lines 946 through 947:*

946 treatment with ~~{cannabis or}~~ a cannabis product to an individual under this chapter.

947 (2) A physician who recommends treatment with ~~{cannabis or}~~ a cannabis product to an

25. *Page 31, Line 949:*

949 recommendation is for ~~{cannabis or}~~ a cannabis product, be subject to:

26. *Page 32, Line 956:*

956 provide reimbursement for ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis device, under

27. *Page 32, Line 982:*

982 individual who uses ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis device in accordance

28. *Page 33, Line 1017:*

1017 (ii) a recommendation that the individual try ~~{cannabis or}~~ a cannabis product; and

29. *Page 34, Line 1023:*

1023 ~~{cannabis or}~~ a cannabis product Subsection (5); or

30. Page 35, Line 1052:

1052 individual is unable to obtain ~~{cannabis or}~~ a cannabis product from a cannabis dispensary.

31. Page 35, Lines 1056 through 1058:

1056 designating patient in administering the ~~{cannabis or}~~ cannabis product; and
1057 (b) purchase and possess, in accordance with this chapter ~~{, cannabis}~~ , a cannabis
1058 product ~~{,}~~ or a medical cannabis device on behalf of the designating patient.

32. Page 36, Line 1104:

1104 (1) An individual who has a medical cannabis card and who possesses ~~{cannabis or}~~ a

33. Page 36, Lines 1107 through 1108:

1107 (b) carry, with the ~~{cannabis or}~~ cannabis product, a label that identifies that the
~~{cannabis}~~
1108 {or} cannabis product was originally sold from a department licensed cannabis dispensary.

34. Page 37, Lines 1111 through 1112:

1111 (2) If an individual possesses ~~{cannabis or}~~ a cannabis product in compliance with
1112 Subsection (1), or a medical cannabis device that corresponds with the ~~{cannabis or}~~ cannabis

35. Page 37, Lines 1114 through 1115:

1114 (a) there is a rebuttable presumption that the individual possesses the ~~{cannabis,}~~
1115 cannabis product ~~{,}~~ or medical cannabis device legally; and

36. Page 37, Line 1117:

1117 individual's possession of the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical cannabis device, to

37. Page 37, Lines 1119 through 1120:

1119 (3) (a) If a law enforcement officer stops an individual who possesses ~~{cannabis,}~~ a
1120 cannabis product ~~{,}~~ or a medical cannabis device, and the individual represents to the law

38. Page 37, Lines 1130 through 1131:

1130 individual is in possession of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis device; and
1131 (ii) may not seize the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical cannabis device.

39. Page 37, Line 1134:

1134 (a) possesses ~~{cannabis}~~ a cannabis product ~~{,}~~ or a medical cannabis device; and

40. Page 37, Line 1139:

1139 cannabis card is guilty of an infraction if the individual uses ~~{cannabis}~~ a cannabis product ~~{,}~~ or a

41. Page 37, Line 1141:

1141 (b) An individual may use ~~{cannabis}~~ a cannabis product ~~{,}~~ or a medical cannabis device

42. Page 40, Lines 1221 through 1222:

1221 purchase with ~~{a cannabis cultivation facility in the state or}~~ a cannabis processing facility in the
1222 state to purchase the ~~{cannabis or}~~ a cannabis product that the cannabis dispensary intends to sell.

43. Page 41, Line 1238:

1238 (c) the extent to which the applicant can reduce the cost of ~~{cannabis or}~~ cannabis

44. Page 44, Lines 1353 through 1357:

1353 ~~{(a) cannabis}~~
1354 ~~{(b)}~~ (a) a cannabis product;
1355 ~~{(c)}~~ (b) a medical cannabis device; or
1356 ~~{(d)}~~ (c) educational materials related to the medical use of cannabis.
1357 (2) A cannabis dispensary may only sell ~~{cannabis}~~ a cannabis product ~~{,}~~ or a medical

45. Page 45, Lines 1359 through 1382:

1359 (3) A cannabis dispensary may not dispense on behalf of any one individual with a
1360 medical cannabis card, in any one 30-day period ~~{,}~~
1361 ~~{(a) an amount of unprocessed cannabis flower that exceeds 60 grams by weight; or}~~
1362 ~~{(b)}~~ an amount of cannabis products that contains, in total, greater than 10 grams of
1363 cannabinoids by weight.
1364 (4) An individual with a medical cannabis card may not purchase more ~~{cannabis or}~~
1365 cannabis products than the ~~{amounts}~~ amount designated in Subsection (3).
1366 (5) A designated caregiver designated by any individual with a medical cannabis card
1367 may not purchase, for the individual, an amount of ~~{cannabis or}~~ cannabis products that exceeds
1368 the ~~{amounts}~~ amount designated in Subsection (3).
1369 (6) A cannabis dispensary shall:
1370 (a) access the electronic verification system before dispensing ~~{cannabis or}~~ a cannabis
1371 product to an individual with a medical cannabis card in order to determine if the individual
1372 has already met the maximum amount of ~~{cannabis or}~~ cannabis products described in
1373 Subsection (3); and

1374 (b) submit a record to the electronic verification system each time the cannabis
1375 dispensary dispenses ~~{cannabis or}~~ a cannabis product to an individual with a medical cannabis
1376 card.

1377 (7)(a) Except as provided in Subsection (7)(b), a cannabis dispensary may not sell a
1378 cannabis product that is intentionally designed or fabricated to resemble a cigarette, or made to
1379 resemble or be mistaken for a cigarette.

1380 (b) A cannabis dispensary may sell a cannabis product with a thin, cylindrical
1381 configuration that warms ~~{cannabis or}~~ - ~~{cannabis extract}~~ **a cannabis product** into a vapor
that is ingested into an
1382 individual's respiratory system.

46. Page 51, Line 1549:

1549 because of the parent's possession or consumption of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a

47. Page 51, Line 1566:

1566 (c) ~~{cannabis or}~~ a cannabis product that was:

48. Page 51, Line 1570:

1570 (B) ingested by the accused in another state in which the use of ~~{cannabis or}~~ a cannabis

49. Page 55, Lines 1678 through 1680:

1678 (c) "Cannabis product" means a product that:
1679 (i) is intended for human ingestion; ~~{and}~~
1680 (ii) contains cannabis or extracted cannabinoids, including tetrahydrocannabinol ~~{,}~~ **and**
(iii) is prepared in a medical dosage form.

50. Page 55, Line 1699 through Page 56, Line 1703:

1699 (b) an individual who possesses, sells, or offers to sell ~~{cannabis,}~~ a cannabis product ~~{,}~~ or
1700 a medical cannabis device is not subject to the penalties described in this title for the
1701 possession, sale, or offer for sale of marijuana or tetrahydrocannabinol to the extent that the
1702 individual's possession, sale, or offer for sale of the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical
1703 cannabis device complies with:

51. Page 56, Lines 1706 through 1721:

1706 (c) an individual who possesses, sells, or offers to sell a medical cannabis device is not
1707 subject to the penalties described in this title for the possession, sale, or offer for sale of
1708 marijuana or tetrahydrocannabinol drug paraphernalia to the extent that the individual's
1709 possession, sale, or offer for sale of the medical cannabis device complies with:

1710 (i) Title 4, Chapter 42, Cannabis Production Establishment; and
1711 (ii) Title 26, Chapter 58, Medical Cannabis Act.
1712 ~~{(iii) Title 58, Chapter 86, Cannabis Dispensary License.}~~
1713 (3) An individual with a medical cannabis card is guilty of an infraction if the
1714 individual ~~{:~~
1715 ~~{(a) uses cannabis through a means involving combustion of cannabis flower at a }~~
1716 ~~{temperature greater than 500 degrees Fahrenheit; }~~
1717 ~~{(b) uses a device that is designed for cannabis combustion of cannabis flower at a }~~
1718 ~~{temperature greater than 500 degrees Fahrenheit; or }~~
1719 ~~{(c) }~~ uses or possesses drug paraphernalia that is not a medical cannabis device.
1720 (4) An individual who is guilty of an infraction under Subsection (3) is subject to a
1721 \$100 fine.

52. Page 56, Lines 1724 through 1729:

1724 (1) Before the day on which the Department of Health is issuing medical cannabis
1725 cards and a cannabis dispensary in the state is licensed and selling ~~{cannabis or}~~ a cannabis
1726 product, it is an affirmative defense to criminal charges against an individual for the use or
1727 possession of marijuana, tetrahydrocannabinol, or marijuana or tetrahydrocannabinol drug
1728 paraphernalia under this chapter that the individual's conduct would have been lawful after the
1729 individual obtains a medical cannabis card under Title 26, Chapter 58, Medical Cannabis Act.

53. Page 57, Lines 1741 through 1743:

1741 (2) In addition to the exemptions described in Section 59-12-104, the sale, by a
1742 licensed cannabis dispensary, of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis device, is
1743 not subject to the taxes imposed by this chapter.

54. Page 57, Line 1761 through Page 58, Line 1763:

1761 There is imposed a tax on the retail purchaser of ~~{cannabis,}~~ a cannabis product, or a
1762 medical cannabis device at a cannabis dispensary in the state, in an amount equal to 4.70% of
1763 amounts paid or charged for the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical cannabis device.

55. Page 58, Lines 1766 through 1768:

1766 A cannabis dispensary shall:
1767 (1) collect the tax imposed by Section 59-28-103 from a ~~{cannabis,}~~ cannabis product ~~{,}~~ or
1768 medical cannabis device purchaser; and

56. Page 59, Lines 1813 through 1819:

1813 (b) remove a child from the child's home or take a child into custody under this section

1814 solely on the basis of;
1815 (i) educational neglect, truancy, or failure to comply with a court order to attend
1816 school[-]; or
1817 (ii) the possession or use of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a medical cannabis device
1818 in the home, if the use and possession of the ~~{cannabis,}~~ cannabis product ~~{,}~~ or medical cannabis
1819 device is in compliance with Title 26, Chapter 58, Medical Cannabis Act.

57. Page 63, Lines 1924 through 1926:

1924 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
1925 because of the parent's possession or consumption of ~~{cannabis,}~~ a cannabis product ~~{,}~~ or a
1926 medical cannabis device, in accordance with Title 26, Chapter 58, Medical Cannabis Act.