

1 **CONSUMER PROTECTION FOR CANNABIS PATIENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Escamilla**

5 House Sponsor: Raymond P. Ward

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to patient access to medical cannabis
10 recommendations from medical providers.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ amends a labeling requirement for consistency;
- 15 ▶ allows a licensed podiatrist to recommend medical cannabis within the course and
16 scope of a practice of podiatry;
- 17 ▶ requires the state electronic verification system to allow a medical cannabis
18 pharmacy to record a medical cannabis recommendation from a limited medical
19 provider;
- 20 ▶ allows certain medical providers to operate as limited medical providers to
21 recommend cannabis to a limited number of the provider's patients without
22 registering with the Department of Health (department) as a qualified medical
23 provider (QMP);
- 24 ▶ requires QMPs, entities that employ QMPs, and applicants for a QMP registration
25 to provide certain information to the department regarding fees charged to a patient
26 for a medical cannabis recommendation;
- 27 ▶ requires the department to provide certain information, in coordination with a health
28 care transparency tool that the state auditor maintains, regarding fees charged to a

- 29 patient for a medical cannabis recommendation;
- 30 ▶ amends provisions to accommodate the allowance for limited medical providers;
- 31 ▶ allows a licensed podiatrist to become a qualified medical provider;
- 32 ▶ requires the department to issue an electronic conditional medical cannabis card to
- 33 allow certain medical cannabis card applicants access to medical cannabis;
- 34 ▶ requires medical cannabis pharmacies to record information in an order from a
- 35 limited medical provider in the state electronic verification system;
- 36 ▶ imposes certain verification requirements on a medical cannabis pharmacy before
- 37 entering certain orders from a limited medical provider or processing a transaction
- 38 for certain conditional medical cannabis cardholders;
- 39 ▶ requires a medical cannabis component in required continuing education for
- 40 controlled substance prescribers;
- 41 ▶ extends a deadline that imposes a limitation on an individual's use or possession of
- 42 medical cannabis from outside the state; and
- 43 ▶ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 This bill provides revisor instructions.

49 **Utah Code Sections Affected:**

50 AMENDS:

51 **4-41a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended

52 by Coordination Clause, Laws of Utah 2020, Chapter 148

53 **4-41a-602**, as last amended by Laws of Utah 2020, Chapter 12

54 **26-61a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended

55 by Coordination Clause, Laws of Utah 2020, Chapter 148

- 56 **26-61a-103**, as last amended by Laws of Utah 2020, Chapter 12
- 57 **26-61a-106**, as last amended by Laws of Utah 2020, Chapter 12
- 58 **26-61a-107**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 59 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 60 **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 61 **26-61a-202**, as last amended by Laws of Utah 2020, Chapter 12
- 62 **26-61a-401**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 63 **26-61a-403**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 64 **26-61a-501**, as last amended by Laws of Utah 2020, Chapter 12
- 65 **26-61a-502**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 66 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 67 **26-61a-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 68 **26-61a-601**, as last amended by Laws of Utah 2020, Chapter 12
- 69 **58-5a-102**, as last amended by Laws of Utah 2020, Chapter 25
- 70 **58-31b-502**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 71 **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12
- 72 **58-37-6.5**, as last amended by Laws of Utah 2018, Chapter 318
- 73 **58-67-502**, as last amended by Laws of Utah 2020, Chapter 25
- 74 **58-68-502**, as last amended by Laws of Utah 2020, Chapter 25
- 75 **58-70a-503**, as last amended by Laws of Utah 2020, Chapter 25
- 76 **62A-4a-404**, as last amended by Laws of Utah 2020, Chapter 193
- 77 **67-3-11**, as enacted by Laws of Utah 2019, Chapter 370
- 78 **78A-2-231**, as last amended by Laws of Utah 2020, Chapter 12
- 79 **78A-6-115**, as last amended by Laws of Utah 2020, Chapters 12, 132, 250, and 354

Utah Code Sections Affected by Revisor Instructions:

- 81 **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 82 **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12

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

Section 1. Section **4-41a-102** is amended to read:

4-41a-102. Definitions.

As used in this chapter:

- (1) "Active tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid.
- (2) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- (3) "Cannabis cultivation facility" means a person that:
 - (a) possesses cannabis;
 - (b) grows or intends to grow cannabis; and
 - (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.
- (4) "Cannabis cultivation facility agent" means an individual who:
 - (a) is an employee of a cannabis cultivation facility; and
 - (b) holds a valid cannabis production establishment agent registration card.
- (5) "Cannabis processing facility" means a person that:
 - (a) acquires or intends to acquire cannabis from a cannabis production establishment;
 - (b) possesses cannabis with the intent to manufacture a cannabis product;
 - (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.
- (6) "Cannabis processing facility agent" means an individual who:
 - (a) is an employee of a cannabis processing facility; and
 - (b) holds a valid cannabis production establishment agent registration card.
- (7) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

110 (8) "Cannabis production establishment" means a cannabis cultivation facility, a
111 cannabis processing facility, or an independent cannabis testing laboratory.

112 (9) "Cannabis production establishment agent" means a cannabis cultivation facility
113 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

114 (10) "Cannabis production establishment agent registration card" means a registration
115 card that the department issues that:

116 (a) authorizes an individual to act as a cannabis production establishment agent; and

117 (b) designates the type of cannabis production establishment for which an individual is
118 authorized to act as an agent.

119 (11) "Community location" means a public or private elementary or secondary school,
120 a church, a public library, a public playground, or a public park.

121 (12) "Cultivation space" means, quantified in square feet, the horizontal area in which
122 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the
123 cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other
124 plants in multiple levels.

125 (13) "Department" means the Department of Agriculture and Food.

126 (14) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
127 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
128 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

129 (15) (a) "Independent cannabis testing laboratory" means a person that:

130 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

131 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
132 conduct a chemical or other analysis of the cannabis or cannabis product.

133 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
134 operates in accordance with Subsection 4-41a-201(14).

135 (16) "Independent cannabis testing laboratory agent" means an individual who:

136 (a) is an employee of an independent cannabis testing laboratory; and

- 137 (b) holds a valid cannabis production establishment agent registration card.
- 138 (17) "Inventory control system" means a system described in Section [4-41a-103](#).
- 139 (18) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 140 (19) "Medical cannabis card" means the same as that term is defined in Section
- 141 [26-61a-102](#).
- 142 (20) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 143 [26-61a-102](#).
- 144 (21) "Medical cannabis pharmacy agent" means the same as that term is defined in
- 145 Section [26-61a-102](#).
- 146 (22) "Medical cannabis research license" means a license that the department issues to
- 147 a research university for the purpose of obtaining and possessing medical cannabis for
- 148 academic research.
- 149 (23) "Medical cannabis research licensee" means a research university that the
- 150 department licenses to obtain and possess medical cannabis for academic research, in
- 151 accordance with Section [4-41a-901](#).
- 152 (24) "Medical cannabis treatment" means the same as that term is defined in Section
- 153 [26-61a-102](#).
- 154 (25) "Medicinal dosage form" means the same as that term is defined in Section
- 155 [26-61a-102](#).
- 156 (26) "Qualified medical provider" means the same as that term is defined in Section
- 157 [26-61a-102](#).
- 158 (27) "Qualified Production Enterprise Fund" means the fund created in Section
- 159 [4-41a-104](#).
- 160 (28) "Recommending medical provider" means the same as that term is defined in
- 161 Section [26-61a-102](#).
- 162 [~~(28)~~] (29) "Research university" means the same as that term is defined in Section
- 163 [53B-7-702](#) and a private, nonprofit college or university in the state that:

- 164 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 165 (b) grants doctoral degrees; and
- 166 (c) has a laboratory containing or a program researching a schedule I controlled
- 167 substance described in Section 58-37-4.

168 [~~(29)~~] (30) "State electronic verification system" means the system described in Section

169 26-61a-103.

170 [~~(30)~~] (31) "Tetrahydrocannabinol" means a substance derived from cannabis or a

171 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

172 [~~(31)~~] (32) "Total composite tetrahydrocannabinol" means all detectable forms of

173 tetrahydrocannabinol.

174 Section 2. Section 4-41a-602 is amended to read:

175 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

176 (1) For any cannabis product that a cannabis processing facility processes or produces

177 and for any raw cannabis that the facility packages, the facility shall:

178 (a) label the cannabis or cannabis product with a label that:

179 (i) clearly and unambiguously states that the cannabis product or package contains

180 cannabis;

181 (ii) clearly displays the amount of total composite tetrahydrocannabinol and

182 cannabidiol in the labeled container;

183 (iii) has a unique identification number that:

184 (A) is connected to the inventory control system; and

185 (B) identifies the unique cannabis product manufacturing process the cannabis

186 processing facility used to manufacture the cannabis product;

187 (iv) identifies the cannabinoid extraction process that the cannabis processing facility

188 used to create the cannabis product;

189 (v) does not display an image, word, or phrase that the facility knows or should know

190 appeals to children; and

191 (vi) discloses each active or potentially active ingredient, in order of prominence, and
192 possible allergen; and

193 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
194 container that:

195 (i) is tamper evident and tamper resistant;

196 (ii) does not appeal to children;

197 (iii) does not mimic a candy container;

198 (iv) is opaque;

199 (v) complies with child-resistant effectiveness standards that the United States
200 Consumer Product Safety Commission establishes; and

201 (vi) includes a warning label that states:

202 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has
203 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
204 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
205 only as directed by a qualified medical provider."; or

206 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has
207 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
208 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
209 only as directed by a recommending medical provider."

210 (2) For any cannabis or cannabis product that the cannabis processing facility processes
211 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
212 cuboid shape, the facility shall:

213 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
214 other image of the content of the container; and

215 (b) include on the label described in Subsection (1)(a) a warning about the risks of
216 over-consumption.

217 (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

218 Administrative Rulemaking Act to establish:

219 (a) a standard labeling format that:

220 (i) complies with the requirements of this section; and

221 (ii) ensures inclusion of a pharmacy label; and

222 (b) additional requirements on packaging for cannabis and cannabis products to ensure
223 safety and product quality.

224 Section 3. Section **26-61a-102** is amended to read:

225 **26-61a-102. Definitions.**

226 As used in this chapter:

227 (1) "Cannabis" means marijuana.

228 (2) "Cannabis cultivation facility" means the same as that term is defined in Section
229 [4-41a-102](#).

230 (3) "Cannabis processing facility" means the same as that term is defined in Section
231 [4-41a-102](#).

232 (4) "Cannabis product" means a product that:

233 (a) is intended for human use; and

234 (b) contains cannabis or tetrahydrocannabinol.

235 (5) "Cannabis production establishment" means the same as that term is defined in
236 Section [4-41a-102](#).

237 (6) "Cannabis production establishment agent" means the same as that term is defined
238 in Section [4-41a-102](#).

239 (7) "Cannabis production establishment agent registration card" means the same as that
240 term is defined in Section [4-41a-102](#).

241 (8) "Community location" means a public or private elementary or secondary school, a
242 church, a public library, a public playground, or a public park.

243 (9) "Conditional medical cannabis card" means an electronic medical cannabis card
244 that the department issues in accordance with Subsection [26-61a-201\(1\)\(b\)](#) to allow an

245 applicant for a medical cannabis card to access medical cannabis during the department's
246 review of the application.

247 ~~[(9)]~~ (10) "Department" means the Department of Health.

248 ~~[(10)]~~ (11) "Designated caregiver" means:

249 (a) an individual:

250 (i) whom an individual with a medical cannabis patient card or a medical cannabis
251 guardian card designates as the patient's caregiver; and

252 (ii) who registers with the department under Section 26-61a-202; or

253 (b) (i) a facility that an individual designates as a designated caregiver in accordance
254 with Subsection 26-61a-202(1)(b); or

255 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

256 ~~[(11)]~~ (12) "Directions of use" means recommended routes of administration for a
257 medical cannabis treatment and suggested usage guidelines.

258 ~~[(12)]~~ (13) "Dosing guidelines" means a quantity range and frequency of administration
259 for a recommended treatment of medical cannabis.

260 ~~[(13)]~~ (14) "Financial institution" means a bank, trust company, savings institution, or
261 credit union, chartered and supervised under state or federal law.

262 ~~[(14)]~~ (15) "Home delivery medical cannabis pharmacy" means a medical cannabis
263 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
264 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
265 that the state central patient portal facilitates.

266 ~~[(15)]~~ (16) "Inventory control system" means the system described in Section
267 4-41a-103.

268 ~~[(16)]~~ (17) "Legal dosage limit" means an amount that:

269 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
270 relevant ~~[qualified]~~ recommending medical provider or the pharmacy medical provider, in
271 accordance with Subsection 26-61a-201(4) or (5), recommends; and

272 (b) may not exceed:
273 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
274 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
275 greater than 20 grams of active tetrahydrocannabinol.

276 ~~[(17)]~~ (18) "Legal use termination date" means a date on the label of a container of
277 unprocessed cannabis flower:

- 278 (a) that is 60 days after the date of purchase of the cannabis; and
- 279 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
280 primary residence of the relevant medical cannabis patient cardholder.

281 (19) "Limited medical provider" means an individual who:

- 282 (a) meets the recommending qualifications; and
- 283 (b) has no more than 15 patients with a valid medical cannabis patient card or
284 provisional patient card as a result of the individual's recommendation, in accordance with
285 Subsection 26-61a-106(1)(b).

286 ~~[(18)]~~ (20) "Marijuana" means the same as that term is defined in Section 58-37-2.

287 ~~[(19)]~~ (21) "Medical cannabis" means cannabis in a medicinal dosage form or a
288 cannabis product in a medicinal dosage form.

289 ~~[(20)]~~ (22) "Medical cannabis card" means a medical cannabis patient card, a medical
290 cannabis guardian card, ~~[or]~~ a medical cannabis caregiver card, or a conditional medical
291 cannabis card.

292 ~~[(21)]~~ (23) "Medical cannabis cardholder" means:

- 293 (a) a holder of a medical cannabis card; or
- 294 (b) a facility or assigned employee, described in Subsection ~~[(10)]~~ (11)(b), only:
 - 295 (i) within the scope of the facility's or assigned employee's performance of the role of a
296 medical cannabis patient cardholder's caregiver designation under Subsection
297 26-61a-202(1)(b); and
 - 298 (ii) while in possession of documentation that establishes:

- 299 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);
- 300 (B) the identity of the individual presenting the documentation; and
- 301 (C) the relation of the individual presenting the documentation to the caregiver
- 302 designation.

303 ~~[(22)]~~ (24) "Medical cannabis caregiver card" means an electronic document that a

304 cardholder may print or store on an electronic device or a physical card or document that:

- 305 (a) the department issues to an individual whom a medical cannabis patient cardholder
- 306 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 307 (b) is connected to the electronic verification system.

308 (25) "Medical cannabis courier agent" means an individual who:

- 309 (a) is an employee of a medical cannabis courier; and
- 310 (b) who holds a valid medical cannabis courier agent registration card.

311 ~~[(23)]~~ (26) "Medical cannabis courier" means a courier that:

- 312 (a) the department licenses in accordance with Section 26-61a-604; and
- 313 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 314 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

315 ~~[(24)]~~ (27) (a) "Medical cannabis device" means a device that an individual uses to

316 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal

317 dosage form.

318 (b) "Medical cannabis device" does not include a device that:

- 319 (i) facilitates cannabis combustion; or
- 320 (ii) an individual uses to ingest substances other than cannabis.

321 ~~[(25)]~~ (28) "Medical cannabis guardian card" means an electronic document that a

322 cardholder may print or store on an electronic device or a physical card or document that:

- 323 (a) the department issues to the parent or legal guardian of a minor with a qualifying
- 324 condition; and
- 325 (b) is connected to the electronic verification system.

326 [~~(26)~~] (29) "Medical cannabis patient card" means an electronic document that a
327 cardholder may print or store on an electronic device or a physical card or document that:

- 328 (a) the department issues to an individual with a qualifying condition; and
- 329 (b) is connected to the electronic verification system.

330 [~~(27)~~] (30) "Medical cannabis pharmacy" means a person that:

- 331 (a) (i) acquires or intends to acquire:
 - 332 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
 - 333 form from a cannabis processing facility; or

- 334 (B) a medical cannabis device; or

- 335 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
- 336 dosage form, or a medical cannabis device; and

- 337 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
- 338 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

339 [~~(28)~~] (31) "Medical cannabis pharmacy agent" means an individual who:

- 340 (a) is an employee of a medical cannabis pharmacy; and
- 341 (b) who holds a valid medical cannabis pharmacy agent registration card.

342 [~~(29)~~] (32) "Medical cannabis pharmacy agent registration card" means a registration
343 card issued by the department that authorizes an individual to act as a medical cannabis
344 pharmacy agent.

345 [~~(30)~~] (33) "Medical cannabis shipment" means a shipment of medical cannabis or a
346 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
347 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an
348 electronic medical cannabis order that the state central patient portal facilitates.

349 [~~(31)~~] (34) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
350 cannabis product in a medicinal dosage form, or a medical cannabis device.

351 [~~(32)~~] (35) (a) "Medicinal dosage form" means:

- 352 (i) for processed medical cannabis or a medical cannabis product, the following with a

353 specific and consistent cannabinoid content:

354 (A) a tablet;

355 (B) a capsule;

356 (C) a concentrated liquid or viscous oil;

357 (D) a liquid suspension;

358 (E) a topical preparation;

359 (F) a transdermal preparation;

360 (G) a sublingual preparation;

361 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

362 rectangular cuboid shape; or

363 (I) a resin or wax;

364 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

365 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the

366 stated weight at the time of packaging;

367 (B) at any time the medical cannabis cardholder transports or possesses the container in

368 public, is contained within an opaque, child-resistant bag that the medical cannabis pharmacy

369 provides; and

370 (C) is labeled with the container's content and weight, the date of purchase, the legal

371 use termination date, and after December 31, 2020, a barcode that provides information

372 connected to an inventory control system; and

373 (iii) a form measured in grams, milligrams, or milliliters.

374 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

375 (i) the medical cannabis cardholder has recently removed from the container described

376 in Subsection [~~(32)~~] (35)(a)(ii) for use; and

377 (ii) does not exceed the quantity described in Subsection [~~(32)~~] (35)(a)(ii).

378 (c) "Medicinal dosage form" does not include:

379 (i) any unprocessed cannabis flower outside of the container described in Subsection

380 [~~(32)~~] (35)(a)(ii), except as provided in Subsection [~~(32)~~] (35)(b);

381 (ii) any unprocessed cannabis flower in a container described in Subsection [~~(32)~~]

382 (35)(a)(ii) after the legal use termination date; or

383 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
384 on a nail or other metal object that is heated by a flame, including a blowtorch.

385 [~~(33)~~] (36) "Nonresident patient" means an individual who:

386 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

387 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
388 card under the laws of another state, district, territory, commonwealth, or insular possession of
389 the United States; and

390 (c) has been diagnosed with a qualifying condition as described in Section [26-61a-104](#).

391 [~~(34)~~] (37) "Payment provider" means an entity that contracts with a cannabis
392 production establishment or medical cannabis pharmacy to facilitate transfers of funds between
393 the establishment or pharmacy and other businesses or individuals.

394 [~~(35)~~] (38) "Pharmacy medical provider" means the medical provider required to be on
395 site at a medical cannabis pharmacy under Section [26-61a-403](#).

396 [~~(36)~~] (39) "Provisional patient card" means a card that:

397 (a) the department issues to a minor with a qualifying condition for whom:

398 (i) a [~~qualified~~] recommending medical provider has recommended a medical cannabis
399 treatment; and

400 (ii) the department issues a medical cannabis guardian card to the minor's parent or
401 legal guardian; and

402 (b) is connected to the electronic verification system.

403 [~~(37)~~] (40) "Qualified medical provider" means an individual [~~who is qualified~~]:

404 (a) who meets the recommending qualifications; and

405 (b) whom the department registers to recommend treatment with cannabis in a
406 medicinal dosage form under Section [26-61a-106](#).

407 ~~[(38)]~~ (41) "Qualified Patient Enterprise Fund" means the enterprise fund created in
408 Section [26-61a-109](#).

409 ~~[(39)]~~ (42) "Qualifying condition" means a condition described in Section [26-61a-104](#).

410 ~~[(40)]~~ (43) "Recommend" or "recommendation" means, for a ~~[qualified]~~
411 recommending medical provider, the act of suggesting the use of medical cannabis treatment,
412 which:

413 (a) certifies the patient's eligibility for a medical cannabis card; and

414 (b) may include, at the ~~[qualified]~~ recommending medical provider's discretion,
415 directions of use, with or without dosing guidelines.

416 (44) "Recommending medical provider" means a qualified medical provider or a
417 limited medical provider.

418 (45) "Recommending qualifications" means that an individual:

419 (a) (i) has the authority to write a prescription;

420 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
421 Controlled Substances Act; and

422 (iii) possesses the authority, in accordance with the individual's scope of practice, to
423 prescribe a Schedule II controlled substance; and

424 (b) is licensed as:

425 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

426 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
427 Act;

428 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
429 Chapter 68, Utah Osteopathic Medical Practice Act; or

430 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

431 ~~[(41)]~~ (46) "State central patient portal" means the website the department creates, in
432 accordance with Section [26-61a-601](#), to facilitate patient safety, education, and an electronic
433 medical cannabis order.

434 ~~[(42)]~~ (47) "State central patient portal medical provider" means a physician or
435 pharmacist that the department employs in relation to the state central patient portal to consult
436 with medical cannabis cardholders in accordance with Section [26-61a-602](#).

437 ~~[(43)]~~ (48) "State electronic verification system" means the system described in Section
438 [26-61a-103](#).

439 ~~[(44)]~~ (49) "Valid form of photo identification" means any of the following forms of
440 identification that is either current or has expired within the previous six months:

441 (a) a valid state-issued driver license or identification card;

442 (b) a valid United States ~~[federal- or state-issued]~~ federal-issued photo identification,
443 including:

444 ~~[(a) a driver license;]~~

445 ~~[(b)]~~ (i) a United States passport;

446 ~~[(c)]~~ (ii) a United States passport card; ~~[(or)]~~

447 ~~[(d)]~~ (iii) a United States military identification card~~[-];~~ or

448 (iv) a permanent resident card or alien registration receipt card; or

449 (c) a passport that another country issued.

450 Section 4. Section **26-61a-103** is amended to read:

451 **26-61a-103. Electronic verification system.**

452 (1) The Department of Agriculture and Food, the department, the Department of Public
453 Safety, and the Department of Technology Services shall:

454 (a) enter into a memorandum of understanding in order to determine the function and
455 operation of the state electronic verification system in accordance with Subsection (2);

456 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
457 Procurement Code, to develop a request for proposals for a third-party provider to develop and
458 maintain the state electronic verification system in coordination with the Department of
459 Technology Services; and

460 (c) select a third-party provider who:

461 (i) meets the requirements contained in the request for proposals issued under
462 Subsection (1)(b); and

463 (ii) may not have any commercial or ownership interest in a cannabis production
464 establishment or a medical cannabis pharmacy.

465 (2) The Department of Agriculture and Food, the department, the Department of Public
466 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
467 2020, the state electronic verification system described in Subsection (1):

468 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
469 medical cannabis guardian card, provided that the card may not become active until:

470 (i) the relevant qualified medical provider completes the associated medical cannabis
471 recommendation; or

472 (ii) for a medical cannabis card related to a limited medical provider's
473 recommendation, the medical cannabis pharmacy completes the recording described in
474 Subsection (2)(d);

475 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
476 cannabis guardian card in accordance with Section 26-61a-201;

477 (c) allows a qualified medical provider, or an employee described in Subsection (3)
478 acting on behalf of the qualified medical provider, to:

479 (i) access dispensing and card status information regarding a patient:

480 (A) with whom the qualified medical provider has a provider-patient relationship; and
481 (B) for whom the qualified medical provider has recommended or is considering
482 recommending a medical cannabis card;

483 (ii) electronically recommend, after an initial face-to-face visit with a patient described
484 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a
485 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

486 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
487 medical cannabis guardian cardholder:

488 (A) using telehealth services, for the qualified medical provider who originally
489 recommended a medical cannabis treatment during a face-to-face visit with the patient; or
490 (B) during a face-to-face visit with the patient, for a qualified medical provider who
491 did not originally recommend the medical cannabis treatment during a face-to-face visit; and
492 (iv) notate a determination of physical difficulty or undue hardship, described in
493 Subsection [26-61a-202](#)(1), to qualify a patient to designate a caregiver;
494 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
495 verification system is functionally capable of facility medical cannabis pharmacy recording,
496 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
497 accordance with Subsection [26-61a-501](#)(11)(a), to record:
498 (i) a patient's recommendation from a limited medical provider, including any
499 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
500 and
501 (ii) a limited medical provider's renewal of the provider's previous recommendation;
502 ~~(e)~~ (e) connects with:
503 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
504 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
505 medicinal dosage form, or a medical cannabis device, including:
506 (A) the time and date of each purchase;
507 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
508 purchased;
509 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
510 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
511 device; and
512 (D) the personally identifiable information of the medical cannabis cardholder who
513 made the purchase; and
514 (ii) any commercially available inventory control system that a cannabis production

515 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
516 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
517 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
518 track and confirm compliance;

519 ~~(e)~~ (f) provides access to:

520 (i) the department to the extent necessary to carry out the department's functions and
521 responsibilities under this chapter;

522 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
523 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
524 41a, Cannabis Production Establishments; and

525 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
526 carry out the functions and responsibilities related to the participation of the following in the
527 recommendation and dispensing of medical cannabis:

528 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

529 ~~(A)~~ (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

530 ~~(B)~~ (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
531 Nurse Practice Act;

532 ~~(C)~~ (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
533 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

534 ~~(D)~~ (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
535 Assistant Act;

536 ~~(E)~~ (g) provides access to and interaction with the state central patient portal;

537 ~~(g)~~ (h) provides access to state or local law enforcement:

538 (i) during a law enforcement encounter, without a warrant, using the individual's driver
539 license or state ID, only for the purpose of determining if the individual subject to the law
540 enforcement encounter has a valid medical cannabis card; or

541 (ii) after obtaining a warrant; and

542 ~~(h)~~ (i) creates a record each time a person accesses the database that identifies the
543 person who accesses the database and the individual whose records the person accesses.

544 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic
545 verification system is functionally capable of allowing employee access under this Subsection
546 (3), an employee of a qualified medical provider may access the electronic verification system
547 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

548 (i) the qualified medical provider has designated the employee as an individual
549 authorized to access the electronic verification system on behalf of the qualified medical
550 provider;

551 (ii) the qualified medical provider provides written notice to the department of the
552 employee's identity and the designation described in Subsection (3)(a)(i); and

553 (iii) the department grants to the employee access to the electronic verification system.

554 (b) An employee of a business that employs a qualified medical provider may access
555 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
556 qualified medical provider if:

557 (i) the qualified medical provider has designated the employee as an individual
558 authorized to access the electronic verification system on behalf of the qualified medical
559 provider;

560 (ii) the qualified medical provider and the employing business jointly provide written
561 notice to the department of the employee's identity and the designation described in Subsection
562 (3)(b)(i); and

563 (iii) the department grants to the employee access to the electronic verification system.

564 (4) (a) As used in this Subsection (4), "prescribing provider" means:

565 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

566 ~~(i)~~ (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
567 Nurse Practice Act;

568 ~~(i)~~ (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,

569 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

570 ~~[(iii)]~~ (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
571 Assistant Act.

572 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic
573 verification system is functionally capable of allowing provider access under this Subsection
574 (4), a prescribing provider may access information in the electronic verification system
575 regarding a patient the prescribing provider treats.

576 (5) The department may release limited data that the system collects for the purpose of:

577 (a) conducting medical and other department approved research;

578 (b) providing the report required by Section 26-61a-703; and

579 (c) other official department purposes.

580 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
581 Administrative Rulemaking Act, to establish:

582 (a) the limitations on access to the data in the state electronic verification system as
583 described in this section; and

584 (b) standards and procedures to ensure accurate identification of an individual
585 requesting information or receiving information in this section.

586 (7) (a) Any person who knowingly and intentionally releases any information in the
587 state electronic verification system in violation of this section is guilty of a third degree felony.

588 (b) Any person who negligently or recklessly releases any information in the state
589 electronic verification system in violation of this section is guilty of a class C misdemeanor.

590 (8) (a) Any person who obtains or attempts to obtain information from the state
591 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

592 (b) Any person who obtains or attempts to obtain information from the state electronic
593 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
594 degree felony.

595 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and

596 intentionally use, release, publish, or otherwise make available to any other person information
 597 obtained from the state electronic verification system for any purpose other than a purpose
 598 specified in this section.

599 (b) Each separate violation of this Subsection (9) is:

600 (i) a third degree felony; and

601 (ii) subject to a civil penalty not to exceed \$5,000.

602 (c) The department shall determine a civil violation of this Subsection (9) in
 603 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

604 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
 605 General Fund.

606 (e) This Subsection (9) does not prohibit a person who obtains information from the
 607 state electronic verification system under Subsection (2)(a), (c), or (f) from:

608 (i) including the information in the person's medical chart or file for access by a person
 609 authorized to review the medical chart or file;

610 (ii) providing the information to a person in accordance with the requirements of the
 611 Health Insurance Portability and Accountability Act of 1996; or

612 (iii) discussing or sharing that information about the patient with the patient.

613 Section 5. Section **26-61a-106** is amended to read:

614 **26-61a-106. Qualified medical provider registration -- Continuing education --**
 615 **Treatment recommendation -- Limited medical provider.**

616 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
 617 medical cannabis treatment unless the department registers the individual as a qualified
 618 medical provider in accordance with this section.

619 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
 620 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
 621 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
 622 term is defined in Section [58-5a-102](#).

623 (b) ~~[An]~~ Beginning on the earlier of September 1, 2021, or the date on which the
624 department gives notice that the electronic verification system is functionally capable as
625 described in Subsection 26-61a-103(2)(d), an individual who meets the recommending
626 qualifications [in Subsections 26-61a-106(2)(a)(iii) and (iv)] may recommend a medical
627 cannabis treatment as a limited medical provider without registering under Subsection (1)(a)
628 [until January 1, 2021:] if:

629 (i) the individual recommends the use of medical cannabis to the patient through an
630 order described in Subsection (1)(c) after:

631 (A) a face-to-face visit for an initial recommendation or the renewal of a
632 recommendation for a patient for whom the limited medical provider did not make the patient's
633 original recommendation; or

634 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
635 whom the limited medical provider made the patient's original recommendation; and

636 (ii) the individual's recommendation or renewal would not cause the total number of
637 the individual's patients who have a valid medical cannabis patient card or provisional patient
638 card resulting from the individual's recommendation to exceed 15.

639 (c) The individual described in Subsection (1)(b) shall communicate the individual's
640 recommendation through an order for the medical cannabis pharmacy to record the individual's
641 recommendation or renewal in the state electronic verification system under the individual's
642 recommendation that:

643 (i) (A) that the individual or the individual's employee sends electronically to a medical
644 cannabis pharmacy; or

645 (B) that the individual gives to the patient in writing for the patient to deliver to a
646 medical cannabis pharmacy; and

647 (ii) may include:

648 (A) directions of use or dosing guidelines; and

649 (B) an indication of a need for a caregiver in accordance with Subsection

650 [26-61a-201\(3\)\(c\)](#).

651 (d) If the limited medical provider gives the patient a written recommendation to
652 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
653 provider shall ensure that the document includes all of the information that is included on a
654 prescription the provider would issue for a controlled substance, including:

655 (i) the date of issuance;

656 (ii) the provider's name, address and contact information, controlled substance license
657 information, and signature; and

658 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
659 condition.

660 (e) In considering making a recommendation as a limited medical provider, an
661 individual may consult information that the department makes available on the department's
662 website for recommending providers.

663 (2) (a) The department shall, within 15 days after the day on which the department
664 receives an application from an individual, register and issue a qualified medical provider
665 registration card to the individual if the individual:

666 (i) provides to the department the individual's name and address;

667 (ii) provides to the department a report detailing the individual's completion of the
668 applicable continuing education requirement described in Subsection (3);

669 (iii) provides to the department evidence that the individual~~[-]~~ meets the
670 recommending qualifications;

671 ~~[(A) has the authority to write a prescription;]~~

672 ~~[(B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah~~
673 ~~Controlled Substances Act; and]~~

674 ~~[(C) possesses the authority, in accordance with the individual's scope of practice, to~~
675 ~~prescribe a Schedule II controlled substance;]~~

676 ~~[(iv) provides to the department evidence that the individual is:]~~

677 ~~[(A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
678 ~~Practice Act;]~~

679 ~~[(B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or~~
680 ~~Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or]~~

681 ~~[(C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~
682 ~~Assistant Act, whose declaration of services agreement, as that term is defined in Section~~
683 ~~58-70a-102, includes the recommending of medical cannabis, and whose supervising physician~~
684 ~~is a qualified medical provider; and]~~

685 (iv) for an applicant on or after November 1, 2021, provides to the department the
686 information described in Subsection (10)(a); and

687 (v) pays the department a fee in an amount that:

688 (A) the department sets, in accordance with Section 63J-1-504; and

689 (B) does not exceed \$300 for an initial registration.

690 (b) The department may not register an individual as a qualified medical provider if the
691 individual is:

692 (i) a pharmacy medical provider; or

693 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
694 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

695 (3) (a) An individual shall complete the continuing education described in this
696 Subsection (3) in the following amounts:

697 (i) for an individual as a condition precedent to registration, four hours; and

698 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
699 every two years.

700 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

701 (i) complete continuing education:

702 (A) regarding the topics described in Subsection (3)(d); and

703 (B) offered by the department under Subsection (3)(c) or an accredited or approved

704 continuing education provider that the department recognizes as offering continuing education
705 appropriate for the recommendation of cannabis to patients; and

706 (ii) make a continuing education report to the department in accordance with a process
707 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
708 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
709 Professional Licensing and:

710 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
711 Act, the Podiatric Physician Board;

712 [~~(A)~~] (B) for an advanced practice registered nurse licensed under Title 58, Chapter
713 31b, Nurse Practice Act, the Board of Nursing;

714 [~~(B)~~] (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah
715 Medical Practice Act, the Physicians Licensing Board;

716 [~~(C)~~] (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
717 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
718 and

719 [~~(D)~~] (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
720 Assistant Act, the Physician Assistant Licensing Board.

721 (c) The department may, in consultation with the Division of Occupational and
722 Professional Licensing, develop the continuing education described in this Subsection (3).

723 (d) The continuing education described in this Subsection (3) may discuss:

724 (i) the provisions of this chapter;

725 (ii) general information about medical cannabis under federal and state law;

726 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
727 including risks and benefits;

728 (iv) recommendations for medical cannabis as it relates to the continuing care of a
729 patient in pain management, risk management, potential addiction, or palliative care; and

730 (v) best practices for recommending the form and dosage of medical cannabis products

731 based on the qualifying condition underlying a medical cannabis recommendation.

732 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
733 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
734 patients at the same time, as determined by the number of medical cannabis cards under the
735 qualified medical provider's name in the state electronic verification system.

736 (b) A qualified medical provider may recommend a medical cannabis treatment to up to
737 600 of the qualified medical provider's patients at any given time, as determined by the number
738 of medical cannabis cards under the qualified medical provider's name in the state electronic
739 verification system, if:

740 (i) the appropriate American medical board has certified the qualified medical provider
741 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
742 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
743 psychiatry; or

744 (ii) a licensed business employs or contracts with the qualified medical provider for the
745 specific purpose of providing hospice and palliative care.

746 (5) A ~~[qualified]~~ recommending medical provider may recommend medical cannabis to
747 an individual under this chapter only in the course of a ~~[qualified medical]~~ provider-patient
748 relationship after the ~~[qualifying]~~ recommending medical provider has completed and
749 documented in the patient's medical record a thorough assessment of the patient's condition and
750 medical history based on the appropriate standard of care for the patient's condition.

751 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
752 individual recommends medical cannabis treatment in accordance with this chapter.

753 (b) For purposes of Subsection (6)(a), the communication of the following, through a
754 website, by ~~[an individual described in Subsection (6)(c)]~~ a qualified medical provider, does
755 not constitute advertising:

756 (i) a green cross;

757 (ii) a qualifying condition that the qualified medical provider treats; or

758 (iii) a scientific study regarding medical cannabis use.
759 [~~(c) The following are subject to Subsection (6)(b):~~]
760 [~~(i) before the department begins registering qualified medical providers:~~]
761 [~~(A) an advanced practice registered nurse described in Subsection (2)(a)(iv)(A);~~]
762 [~~(B) a physician described in Subsection (2)(a)(iv)(B); or~~]
763 [~~(C) a physician assistant described in Subsection (2)(a)(iv)(C); and~~]
764 [~~(ii) after the department begins registering qualified medical providers, a qualified~~
765 ~~medical provider.~~]
766 (7) (a) A qualified medical provider registration card expires two years after the day on
767 which the department issues the card.
768 (b) The department shall renew a qualified medical provider's registration card if the
769 provider:
770 (i) applies for renewal;
771 (ii) is eligible for a qualified medical provider registration card under this section,
772 including maintaining an unrestricted license [~~as described in Subsection (2)(a)(iii)~~] under the
773 recommending qualifications;
774 (iii) certifies to the department in a renewal application that the information in
775 Subsection (2)(a) is accurate or updates the information;
776 (iv) submits a report detailing the completion of the continuing education requirement
777 described in Subsection (3); and
778 (v) pays the department a fee in an amount that:
779 (A) the department sets, in accordance with Section 63J-1-504; and
780 (B) does not exceed \$50 for a registration renewal.
781 (8) The department may revoke the registration of a qualified medical provider who
782 fails to maintain compliance with the requirements of this section.
783 (9) A [~~qualified~~] recommending medical provider may not receive any compensation
784 or benefit for the qualified medical provider's medical cannabis treatment recommendation

785 from:

786 (a) a cannabis production establishment or an owner, officer, director, board member,
787 employee, or agent of a cannabis production establishment;

788 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
789 employee, or agent of a medical cannabis pharmacy; or

790 (c) a ~~[qualified]~~ recommending medical provider or pharmacy medical provider.

791 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
792 the department, in a manner designated by the department:

793 (i) if applicable, that the qualified medical provider or the entity that employs the
794 qualified medical provider represents online or on printed material that the qualified medical
795 provider is a qualified medical provider or offers medical cannabis recommendations to
796 patients; and

797 (ii) the fee amount that the qualified medical provider or the entity that employs the
798 qualified medical provider charges a patient for a medical cannabis recommendation, either as
799 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

800 (b) The department shall:

801 (i) ensure that the following information related to qualified medical providers and
802 entities described in Subsection (10)(a)(i) is available on the department's website or on the
803 health care price transparency tool under Subsection (10)(b)(ii):

804 (A) the name of the qualified medical provider and, if applicable, the name of the
805 entity that employs the qualified medical provider;

806 (B) the address of the qualified medical provider's office or, if applicable, the entity
807 that employs the qualified medical provider; and

808 (C) the fee amount described in Subsection (10)(a)(ii); and

809 (ii) share data collected under this Subsection (10) with the state auditor for use in the
810 health care price transparency tool described in Section [67-3-11](#).

811 Section 6. Section **26-61a-107** is amended to read:

812 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**
813 **private right of action.**

814 (1) An individual described in Subsection (2) is not subject to the following solely for
815 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
816 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
817 United States Food and Drug Administration has not approved:

818 (a) civil or criminal liability; or

819 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
820 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
821 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
822 Assistant Act.

823 (2) The limitations of liability described in Subsection (1) apply to:

824 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
825 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,
826 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
827 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
828 Title 58, Chapter 70a, Utah Physician Assistant Act:

829 (i) (A) whom the department has registered as a qualified medical provider; ~~[and]~~ or

830 (B) who makes a recommendation as a limited medical provider; and

831 ~~[(B)]~~ (ii) who recommends treatment with cannabis in a medicinal dosage form or a
832 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; ~~[or]~~
833 and

834 ~~[(ii) before January 1, 2021, who:]~~

835 ~~[(A) has the authority to write a prescription; and]~~

836 ~~[(B) recommends a medical cannabis treatment to a patient who has a qualifying~~
837 ~~condition; and]~~

838 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

839 (i) whom the department has registered as a pharmacy medical provider; and
840 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
841 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
842 cardholder in accordance with this chapter.

843 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
844 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
845 patient:

846 (a) who may have a qualifying condition; and

847 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
848 recommended or might consider recommending a treatment with cannabis or a cannabis
849 product; or

850 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
851 dosing or dispensing of cannabis or a cannabis product.

852 (4) (a) As used in this Subsection (4), "healthcare facility" means the same as that term
853 is defined in Section [26-21-2](#).

854 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
855 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder
856 who resides at or is actively receiving treatment or care at the healthcare facility.

857 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
858 subject to civil or criminal liability for carrying out employment duties, including:

859 (i) providing or supervising care to a medical cannabis cardholder; or

860 (ii) in accordance with a caregiver designation under Section [~~26-61a-201~~] [26-61a-202](#)
861 for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting,
862 or possessing medical cannabis for the relevant patient and in accordance with the designation.

863 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
864 Subsection (4)(b).

865 Section 7. Section **26-61a-201** is amended to read:

866 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
867 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

868 (1) ~~(a) [On or before March 1, 2020, the]~~ The department shall, within 15 days after the
869 day on which an individual who satisfies the eligibility criteria in this section or Section
870 **26-61a-202** submits an application in accordance with this section or Section **26-61a-202**:

871 ~~(a)~~ (i) issue a medical cannabis patient card to an individual described in Subsection
872 (2)(a);

873 ~~(b)~~ (ii) issue a medical cannabis guardian card to an individual described in
874 Subsection (2)(b);

875 ~~(c)~~ (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

876 ~~(d)~~ (iv) issue a medical cannabis caregiver card to an individual described in
877 Subsection **26-61a-202**(4).

878 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
879 electronic verification system is functionally capable of facilitating a conditional medical
880 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
881 provider's medical cannabis recommendation for a patient in the state electronic verification
882 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
883 medical provider or medical cannabis pharmacy in accordance with Subsection
884 **26-61a-501**(11)(a), the department shall issue to the patient an electronic conditional medical
885 cannabis card, in accordance with this Subsection (1)(b).

886 (ii) A conditional medical cannabis card is valid for the lesser of:

887 (A) 60 days; or

888 (B) the day on which the department completes the department's review and issues a
889 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
890 application, or revokes the conditional medical cannabis card under Subsection (8).

891 (iii) The department may issue a conditional medical cannabis card to an individual
892 applying for a medical cannabis patient card for which approval of the Compassionate Use

893 Board is not required.

894 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
895 obligations under law applicable to a holder of the medical cannabis card for which the
896 individual applies and for which the department issues the conditional medical cannabis card.

897 (2) (a) An individual is eligible for a medical cannabis patient card if:

898 (i) (A) the individual is at least 21 years old; or

899 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
900 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
901 department approval of the petition;

902 (ii) the individual is a Utah resident;

903 (iii) the individual's [~~qualified~~] recommending medical provider recommends treatment
904 with medical cannabis in accordance with Subsection (4);

905 (iv) the individual signs an acknowledgment stating that the individual received the
906 information described in Subsection (8); and

907 (v) the individual pays to the department a fee in an amount that, subject to Subsection
908 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

909 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

910 (A) is at least 18 years old;

911 (B) is a Utah resident;

912 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
913 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
914 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
915 department approval of the petition;

916 (D) the individual signs an acknowledgment stating that the individual received the
917 information described in Subsection [~~(8)~~] (9);

918 (E) pays to the department a fee in an amount that, subject to Subsection

919 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the

920 criminal background check described in Section 26-61a-203; and

921 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
922 offense under either state or federal law, unless the individual completed any imposed sentence
923 six months or more before the day on which the individual applies for a medical cannabis
924 guardian card.

925 (ii) The department shall notify the Department of Public Safety of each individual that
926 the department registers for a medical cannabis guardian card.

927 (c) (i) A minor is eligible for a provisional patient card if:

928 (A) the minor has a qualifying condition;

929 (B) the minor's qualified medical provider recommends a medical cannabis treatment
930 to address the minor's qualifying condition;

931 (C) the minor's parent or legal guardian petitions the Compassionate Use Board under
932 Section 26-61a-105, and the Compassionate Use Board recommends department approval of
933 the petition; and

934 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
935 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
936 medical cannabis caregiver card under Section 26-61a-202.

937 (ii) The department shall automatically issue a provisional patient card to the minor
938 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
939 guardian card to the minor's parent or legal guardian.

940 (d) Beginning on the earlier of January 1, 2021, or the date on which the electronic
941 verification system is functionally capable of servicing the designation, if the parent or legal
942 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
943 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
944 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
945 the minor has adequate and safe access to the recommended medical cannabis treatment.

946 (3) (a) An individual who is eligible for a medical cannabis card described in

947 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
948 department:

949 (i) through an electronic application connected to the state electronic verification
950 system;

951 (ii) with the recommending ~~qualified~~ medical provider; and

952 (iii) with information including:

953 (A) the applicant's name, gender, age, and address;

954 (B) the number of the applicant's valid form of photo identification;

955 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
956 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
957 and

958 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
959 holds the associated medical cannabis guardian card.

960 (b) The department shall ensure that a medical cannabis card the department issues
961 under this section contains the information described in Subsection (3)(a)(iii).

962 (c) (i) If a ~~qualified~~ recommending medical provider determines that, because of age,
963 illness, or disability, a medical cannabis patient cardholder requires assistance in administering
964 the medical cannabis treatment that the ~~qualified~~ recommending medical provider
965 recommends, the ~~qualified~~ recommending medical provider may indicate the cardholder's
966 need in the state electronic verification system, either directly or, for a limited medical
967 provider, through the order described in Subsections 26-61a-106(1)(c) and (d).

968 (ii) If a ~~qualified~~ recommending medical provider makes the indication described in
969 Subsection (3)(c)(i):

970 (A) the department shall add a label to the relevant medical cannabis patient card
971 indicating the cardholder's need for assistance; and

972 (B) any adult who is 18 years old or older and who is physically present with the
973 cardholder at the time the cardholder needs to use the recommended medical cannabis

974 treatment may handle the medical cannabis treatment and any associated medical cannabis
975 device as needed to assist the cardholder in administering the recommended medical cannabis
976 treatment; and

977 (C) an individual of any age who is physically present with the cardholder in the event
978 of an emergency medical condition, as that term is defined in Section 31A-22-627, may handle
979 the medical cannabis treatment and any associated medical cannabis device as needed to assist
980 the cardholder in administering the recommended medical cannabis treatment.

981 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

982 (A) ingest or inhale medical cannabis;

983 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
984 of the immediate area where the cardholder is present or with an intent other than to provide
985 assistance to the cardholder; or

986 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
987 the cardholder is not in the process of being dosed with medical cannabis.

988 (4) To recommend a medical cannabis treatment to a patient or to renew a
989 recommendation, a ~~qualified~~ recommending medical provider shall:

990 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
991 a medicinal dosage form:

992 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
993 guardian's valid form of identification described in Subsection (3)(a);

994 (ii) review any record related to the patient and, for a minor patient, the patient's parent
995 or legal guardian in:

996 (A) for a qualified medical provider, the state electronic verification system; and

997 (B) the controlled substance database created in Section 58-37f-201; and

998 (iii) consider the recommendation in light of the patient's qualifying condition and
999 history of medical cannabis and controlled substance use during an initial face-to-face visit
1000 with the patient; and

1001 (b) state in the ~~[qualified]~~ recommending medical provider's recommendation that the
1002 patient:

1003 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1004 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1005 product in a medicinal dosage form.

1006 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
1007 department issues under this section is valid for the lesser of:

1008 (i) an amount of time that the ~~[qualified]~~ recommending medical provider determines;
1009 or

1010 (ii) (A) six months for the first issuance, ~~[90 days; (B)]~~ and, except as provided in
1011 Subsection (5)(a)(ii)~~[(C)]~~(B), for a renewal~~[- six months]~~; or

1012 ~~[(C)]~~ (B) for a renewal, one year if, after at least one year following the issuance of the
1013 original medical cannabis card, the ~~[qualified]~~ recommending medical provider determines that
1014 the patient has been stabilized on the medical cannabis treatment and a one-year renewal period
1015 is justified.

1016 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1017 illness described in Section [26-61a-104](#) does not expire.

1018 (ii) The recommending ~~[qualified]~~ medical provider may revoke a recommendation
1019 that the provider made in relation to a terminal illness described in Section [26-61a-104](#) if the
1020 medical cannabis cardholder no longer has the terminal illness.

1021 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1022 renewable if:

1023 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
1024 (b); or

1025 (ii) the cardholder received the medical cannabis card through the recommendation of
1026 the Compassionate Use Board under Section [26-61a-105](#).

1027 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

1028 (i) using the application process described in Subsection (3); or
1029 (ii) through phone or video conference with the [qualified] recommending medical
1030 provider who made the recommendation underlying the card, at the qualifying medical
1031 provider's discretion.

1032 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1033 pay to the department a renewal fee in an amount that:

1034 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1035 63J-1-504; and

1036 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1037 comparison to the original application process.

1038 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1039 patient card renews automatically at the time the minor's parent or legal guardian renews the
1040 parent or legal guardian's associated medical cannabis guardian card.

1041 (e) The department may revoke a medical cannabis guardian card if the cardholder
1042 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
1043 under either state or federal law.

1044 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
1045 cannabis card with the patient's name.

1046 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1047 purchase, in accordance with this chapter and the recommendation underlying the card,
1048 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1049 medical cannabis device.

1050 (ii) A cardholder under this section may possess or transport, in accordance with this
1051 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1052 cannabis product in a medicinal dosage form, or a medical cannabis device.

1053 (iii) To address the qualifying condition underlying the medical cannabis treatment
1054 recommendation:

1055 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1056 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1057 or a medical cannabis device; and

1058 (B) a medical cannabis guardian cardholder may assist the associated provisional
1059 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1060 product in a medicinal dosage form, or a medical cannabis device.

1061 (c) If a licensed medical cannabis pharmacy is not operating within the state after
1062 January 1, 2021, a cardholder under this section:

1063 (i) may possess:

1064 (A) up to the legal dosage limit of unprocessed cannabis in a medicinal dosage form;

1065 (B) up to the legal dosage limit of a cannabis product in a medicinal dosage form; and

1066 (C) marijuana drug paraphernalia; and

1067 (ii) is not subject to prosecution for the possession described in Subsection (7)(c)(i).

1068 (8) The department may revoke a medical cannabis card that the department issues
1069 under this section if the cardholder:

1070 (a) violates this chapter; or

1071 (b) is convicted under state or federal law of:

1072 (i) a felony; or

1073 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

1074 [~~8~~] (9) The department shall establish by rule, in accordance with Title 63G, Chapter
1075 3, Utah Administrative Rulemaking Act, a process to provide information regarding the
1076 following to an individual receiving a medical cannabis card:

1077 (a) risks associated with medical cannabis treatment;

1078 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1079 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1080 Subsection [26-61a-104](#)(1); and

1081 (c) other relevant warnings and safety information that the department determines.

1082 ~~[(9)]~~ (10) The department may establish procedures by rule, in accordance with Title
1083 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
1084 issuance provisions of this section.

1085 ~~[(10)]~~ (11) (a) On or before January 1, 2021, the department shall establish by rule, in
1086 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
1087 an individual from another state to register with the Department of Health in order to purchase
1088 medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the
1089 individual is visiting the state.

1090 (b) The department may only provide the registration process described in Subsection
1091 ~~[(10)]~~ (11)(a):

1092 (i) to a nonresident patient; and

1093 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
1094 per visitation period.

1095 ~~[(11)]~~ (12) (a) A person may submit to the department a request to conduct a research
1096 study using medical cannabis cardholder data that the state electronic verification system
1097 contains.

1098 (b) The department shall review a request described in Subsection ~~[(11)]~~ (12)(a) to
1099 determine whether an institutional review board, as that term is defined in Section 26-61-102,
1100 could approve the research study.

1101 (c) At the time an individual applies for a medical cannabis card, the department shall
1102 notify the individual:

1103 (i) of how the individual's information will be used as a cardholder;

1104 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1105 consent under Subsection ~~[(11)]~~ (12)(d), the individual consents to the use of the individual's
1106 information for external research; and

1107 (iii) that the individual may withdraw consent for the use of the individual's
1108 information for external research at any time, including at the time of application.

1109 (d) An applicant may, through the medical cannabis card application, and a medical
1110 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1111 cardholder's consent to participate in external research at any time.

1112 (e) The department may release, for the purposes of a study described in this
1113 Subsection ~~[(11)]~~ (12), information about a cardholder under this section who consents to
1114 participate under Subsection ~~[(11)]~~ (12)(c).

1115 (f) If an individual withdraws consent under Subsection ~~[(11)]~~ (12)(d), the withdrawal
1116 of consent:

1117 (i) applies to external research that is initiated after the withdrawal of consent; and

1118 (ii) does not apply to research that was initiated before the withdrawal of consent.

1119 (g) The department may establish standards for a medical research study's validity, by
1120 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1121 Section 8. Section **26-61a-202** is amended to read:

1122 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1123 **Revocation.**

1124 (1) (a) (i) A cardholder described in Section 26-61a-201 may designate, through the
1125 state central patient portal, up to two individuals, or an individual and a facility in accordance
1126 with Subsection (1)(b), to serve as a designated caregiver for the cardholder ~~[if a qualified~~
1127 ~~medical provider notates in].~~

1128 (ii) The designation described in Subsection (1)(a)(i) takes effect if the state electronic
1129 verification system reflects a recommending medical provider's indication that the provider
1130 determines that, due to physical difficulty or undue hardship, including concerns of distance to
1131 a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical cannabis
1132 treatment that the ~~[qualified]~~ recommending medical provider recommends.

1133 (b) (i) Beginning on the earlier of January 1, 2021, or the date on which the electronic
1134 verification system is functionally capable of servicing the designation, a cardholder described
1135 in Section 26-61a-201 who is a patient in one of the following types of facilities may designate

1136 the facility as one of the caregivers described in Subsection (1)(a):

1137 (A) an assisted living facility, as that term is defined in Section 26-21-2;

1138 (B) a nursing care facility, as that term is defined in Section 26-21-2; or

1139 (C) a general acute hospital, as that term is defined in Section 26-21-2.

1140 (ii) A facility may assign one or more employees to assist patients with medical

1141 cannabis treatment under the caregiver designation described in this Subsection (1)(b).

1142 (iii) The department shall make rules to regulate the practice of facilities and facility

1143 employees serving as designated caregivers under this Subsection (1)(b).

1144 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in

1145 consultation with the minor and the minor's qualified medical provider, may designate, through

1146 the state central patient portal, up to two individuals to serve as a designated caregiver for the

1147 minor, if the department determines that the parent or legal guardian is not eligible for a

1148 medical cannabis guardian card under Section 26-61a-201.

1149 (2) An individual that the department registers as a designated caregiver under this

1150 section and a facility described in Subsection (1)(b):

1151 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver

1152 card;

1153 (b) in accordance with this chapter, may purchase, possess, transport, or assist the

1154 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal

1155 dosage form, or a medical cannabis device on behalf of the designating medical cannabis

1156 cardholder;

1157 (c) may not charge a fee to an individual to act as the individual's designated caregiver

1158 or for a service that the designated caregiver provides in relation to the role as a designated

1159 caregiver;

1160 (d) may accept reimbursement from the designating medical cannabis cardholder for

1161 direct costs the designated caregiver incurs for assisting with the designating cardholder's

1162 medicinal use of cannabis; and

1163 (e) if a licensed medical cannabis pharmacy is not operating within the state after
1164 January 1, 2021:

1165 (i) may possess up to the legal dosage limit of:

1166 (A) unprocessed medical cannabis in a medicinal dosage form; and
1167 (B) a cannabis product in a medicinal dosage form; [~~and~~]

1168 (ii) may possess marijuana drug paraphernalia; and
1169 (iii) is not subject to prosecution for the possession described in Subsection (2)(e)(i).

1170 (3) (a) The department shall:

1171 (i) within 15 days after the day on which an individual submits an application in
1172 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1173 (A) is designated as a caregiver under Subsection (1);
1174 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1175 (C) complies with this section; and
1176 (ii) notify the Department of Public Safety of each individual that the department
1177 registers as a designated caregiver.

1178 (b) The department shall ensure that a medical cannabis caregiver card contains the
1179 information described in Subsection (5)(b).

1180 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1181 (a) is at least 21 years old;
1182 (b) is a Utah resident;
1183 (c) pays to the department a fee in an amount that, subject to Subsection
1184 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1185 criminal background check described in Section 26-61a-203;

1186 (d) signs an acknowledgment stating that the applicant received the information
1187 described in Subsection 26-61a-201[~~(8)~~](9); and
1188 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1189 a felony under either state or federal law, unless the individual completes any imposed sentence

- 1190 two or more years before the day on which the individual submits the application.
- 1191 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1192 (a) submit an application for a medical cannabis caregiver card to the department
- 1193 through an electronic application connected to the state electronic verification system; and
- 1194 (b) submit the following information in the application described in Subsection (5)(a):
- 1195 (i) the applicant's name, gender, age, and address;
- 1196 (ii) the name, gender, age, and address of the cardholder described in Section
- 1197 26-61a-201 who designated the applicant; and
- 1198 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1199 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
- 1200 cannabis guardian cardholder.
- 1201 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
- 1202 department issues under this section is valid for the lesser of:
- 1203 (a) an amount of time that the cardholder described in Section 26-61a-201 who
- 1204 designated the caregiver determines; or
- 1205 (b) the amount of time remaining before the card of the cardholder described in Section
- 1206 26-61a-201 expires.
- 1207 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
- 1208 designated caregiver's medical cannabis caregiver card renews automatically at the time the
- 1209 cardholder described in Section 26-61a-201 who designated the caregiver:
- 1210 (i) renews the cardholder's card; and
- 1211 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1212 (b) The department shall provide a method in the card renewal process to allow a
- 1213 cardholder described in Section 26-61a-201 who has designated a caregiver to:
- 1214 (i) signify that the cardholder renews the caregiver's designation;
- 1215 (ii) remove a caregiver's designation; or
- 1216 (iii) designate a new caregiver.

1217 (8) The department may revoke a medical cannabis caregiver card if the designated
1218 caregiver:

1219 (a) violates this chapter; or

1220 (b) is convicted under state or federal law of:

1221 (i) a felony; or

1222 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1223 Section 9. Section **26-61a-401** is amended to read:

1224 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

1225 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1226 cannabis pharmacy unless the department registers the individual as a medical cannabis
1227 pharmacy agent.

1228 (2) [~~Except as provided in Section 26-61a-403, a qualified~~] A recommending medical
1229 provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest
1230 of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the
1231 management or control of a medical cannabis pharmacy.

1232 (3) (a) The department shall, within 15 days after the day on which the department
1233 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1234 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1235 registration card to the prospective agent if the medical cannabis pharmacy:

1236 (i) provides to the department:

1237 (A) the prospective agent's name and address;

1238 (B) the name and location of the licensed medical cannabis pharmacy where the
1239 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1240 (C) the submission required under Subsection (3)(b); and

1241 (ii) pays a fee to the department in an amount that, subject to Subsection

1242 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1243 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent

1244 registration card within less than one year after the expiration of the applicant's previous
1245 medical cannabis pharmacy agent registration card, each prospective agent described in
1246 Subsection (3)(a) shall:

1247 (i) submit to the department:

1248 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1249 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1250 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1251 Generation Identification System's Rap Back Service; and

1252 (ii) consent to a fingerprint background check by:

1253 (A) the Bureau of Criminal Identification; and

1254 (B) the Federal Bureau of Investigation.

1255 (c) The Bureau of Criminal Identification shall:

1256 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1257 the applicable state, regional, and national criminal records databases, including the Federal
1258 Bureau of Investigation Next Generation Identification System;

1259 (ii) report the results of the background check to the department;

1260 (iii) maintain a separate file of fingerprints that prospective agents submit under
1261 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1262 databases, including latent prints;

1263 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1264 Generation Identification System's Rap Back Service for search by future submissions to
1265 national criminal records databases, including the Next Generation Identification System and
1266 latent prints; and

1267 (v) establish a privacy risk mitigation strategy to ensure that the department only
1268 receives notifications for an individual with whom the department maintains an authorizing
1269 relationship.

1270 (d) The department shall:

1271 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1272 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1273 Bureau of Criminal Identification or another authorized agency provides under this section; and

1274 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1275 Identification.

1276 (4) The department shall designate, on an individual's medical cannabis pharmacy
1277 agent registration card the name of the medical cannabis pharmacy where the individual is
1278 registered as an agent.

1279 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1280 the department develops in collaboration with the Division of Occupational and Professional
1281 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
1282 designates by rule, in collaboration with the Division of Occupational and Professional
1283 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1284 Administrative Rulemaking Act.

1285 (6) The department shall ensure that the certification standard described in Subsection
1286 (5) includes training in:

- 1287 (a) Utah medical cannabis law; and
- 1288 (b) medical cannabis pharmacy best practices.

1289 (7) The department may revoke the medical cannabis pharmacy agent registration card
1290 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1291 who:

- 1292 (a) violates the requirements of this chapter; or
- 1293 (b) is convicted under state or federal law of:
 - 1294 (i) a felony; or
 - 1295 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1296 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1297 day on which the department issues or renews the card.

1298 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1299 agent:

1300 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1301 section;

1302 (ii) certifies to the department in a renewal application that the information in
1303 Subsection (3)(a) is accurate or updates the information; and

1304 (iii) pays to the department a renewal fee in an amount that:

1305 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1306 Section 63J-1-504; and

1307 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1308 comparison to the original application process.

1309 Section 10. Section 26-61a-403 is amended to read:

1310 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1311 (1) (a) A medical cannabis pharmacy:

1312 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1313 Practice Act, as a pharmacy medical provider;

1314 (ii) may employ a physician who has the authority to write a prescription and is
1315 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1316 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1317 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1318 works onsite during all business hours; and

1319 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1320 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1321 cannabis pharmacy.

1322 (b) An individual may not serve as a pharmacy medical provider unless the department
1323 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1324 (2) (a) The department shall, within 15 days after the day on which the department

1325 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1326 medical provider, register and issue a pharmacy medical provider registration card to the
1327 prospective pharmacy medical provider if the medical cannabis pharmacy:

1328 (i) provides to the department:

1329 (A) the prospective pharmacy medical provider's name and address;

1330 (B) the name and location of the licensed medical cannabis pharmacy where the
1331 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1332 (C) a report detailing the completion of the continuing education requirement described
1333 in Subsection (3); and

1334 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1335 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1336 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
1337 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1338 (ii) pays a fee to the department in an amount that, subject to Subsection
1339 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1340 (b) The department may not register a [~~qualified~~] recommending medical provider or a
1341 state central patient portal medical provider as a pharmacy medical provider.

1342 (3) (a) A pharmacy medical provider shall complete the continuing education described
1343 in this Subsection (3) in the following amounts:

1344 (i) as a condition precedent to registration, four hours; and

1345 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1346 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1347 (i) complete continuing education:

1348 (A) regarding the topics described in Subsection (3)(d); and

1349 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1350 continuing education provider that the department recognizes as offering continuing education
1351 appropriate for the medical cannabis pharmacy practice; and

1352 (ii) make a continuing education report to the department in accordance with a process
1353 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1354 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1355 Professional Licensing and:

1356 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
1357 Pharmacy Practice Act, the Board of Pharmacy;

1358 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
1359 Practice Act, the Physicians Licensing Board; and

1360 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
1361 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

1362 (c) The department may, in consultation with the Division of Occupational and
1363 Professional Licensing, develop the continuing education described in this Subsection (3).

1364 (d) The continuing education described in this Subsection (3) may discuss:

1365 (i) the provisions of this chapter;

1366 (ii) general information about medical cannabis under federal and state law;

1367 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1368 including risks and benefits;

1369 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1370 patient in pain management, risk management, potential addiction, and palliative care; or

1371 (v) best practices for recommending the form and dosage of a medical cannabis
1372 product based on the qualifying condition underlying a medical cannabis recommendation.

1373 (4) (a) A pharmacy medical provider registration card expires two years after the day
1374 on which the department issues or renews the card.

1375 (b) A pharmacy medical provider may renew the provider's registration card if the
1376 provider:

1377 (i) is eligible for a pharmacy medical provider registration card under this section;

1378 (ii) certifies to the department in a renewal application that the information in

1379 Subsection (2)(a) is accurate or updates the information;
1380 (iii) submits a report detailing the completion of the continuing education requirement
1381 described in Subsection (3); and
1382 (iv) pays to the department a renewal fee in an amount that:
1383 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1384 Section 63J-1-504; and
1385 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1386 comparison to the original application process.
1387 Section 11. Section 26-61a-501 is amended to read:
1388 **26-61a-501. Operating requirements -- General.**
1389 (1) (a) A medical cannabis pharmacy shall operate:
1390 (i) at the physical address provided to the department under Section 26-61a-301; and
1391 (ii) in accordance with the operating plan provided to the department under Section
1392 26-61a-301 and, if applicable, 26-61a-304.
1393 (b) A medical cannabis pharmacy shall notify the department before a change in the
1394 medical cannabis pharmacy's physical address or operating plan.
1395 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
1396 (a) is at least 18 years old; and
1397 (b) except as provided in Subsection (5), possesses a valid:
1398 (i) medical cannabis pharmacy agent registration card;
1399 (ii) pharmacy medical provider registration card; or
1400 (iii) medical cannabis card.
1401 (3) A medical cannabis pharmacy may not employ an individual who is younger than
1402 21 years old.
1403 (4) A medical cannabis pharmacy may not employ an individual who has been
1404 convicted of a felony under state or federal law.
1405 (5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an

1406 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
1407 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
1408 the individual at all times while the individual is at the medical cannabis pharmacy and
1409 maintains a record of the individual's access.

1410 (6) A medical cannabis pharmacy shall operate in a facility that has:

1411 (a) a single, secure public entrance;

1412 (b) a security system with a backup power source that:

1413 (i) detects and records entry into the medical cannabis pharmacy; and

1414 (ii) provides notice of an unauthorized entry to law enforcement when the medical
1415 cannabis pharmacy is closed; and

1416 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
1417 cannabis product.

1418 (7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
1419 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
1420 [26-61a-502\(2\)](#).

1421 (8) A medical cannabis pharmacy may not allow any individual to consume cannabis
1422 on the property or premises of the medical cannabis pharmacy.

1423 (9) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
1424 first indicating on the cannabis or cannabis product label the name of the medical cannabis
1425 pharmacy.

1426 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
1427 following information regarding each recommendation underlying a transaction:

1428 (i) the [qualified] recommending medical provider's name, address, and telephone
1429 number;

1430 (ii) the patient's name and address;

1431 (iii) the date of issuance;

1432 (iv) directions of use and dosing guidelines or an indication that the [qualified]

1433 recommending medical provider did not recommend specific directions of use or dosing
1434 guidelines; and

1435 (v) if the patient did not complete the transaction, the name of the medical cannabis
1436 cardholder who completed the transaction.

1437 (b) (i) Except as provided in Subsection (10)(b)(ii), a medical cannabis pharmacy may
1438 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
1439 container indicating the following minimum information:

1440 (A) the name, address, and telephone number of the medical cannabis pharmacy;

1441 (B) the unique identification number that the medical cannabis pharmacy assigns;

1442 (C) the date of the sale;

1443 (D) the name of the patient;

1444 (E) the name of the [~~qualified~~] recommending medical provider who recommended the
1445 medical cannabis treatment;

1446 (F) directions for use and cautionary statements, if any;

1447 (G) the amount dispensed and the cannabinoid content;

1448 (H) the suggested use date;

1449 (I) for unprocessed cannabis flower, the legal use termination date; and

1450 (J) any other requirements that the department determines, in consultation with the
1451 Division of Occupational and Professional Licensing and the Board of Pharmacy.

1452 (ii) A medical cannabis pharmacy may sell medical cannabis to another medical
1453 cannabis pharmacy without a label described in Subsection (10)(b)(i).

1454 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1455 (a) upon receipt of an order from a limited medical provider in accordance with
1456 Subsections 26-61a-106(1)(b) and (c):

1457 (i) for a written order, contact the limited medical provider or the limited medical
1458 provider's office to verify the validity of the recommendation; and

1459 (ii) for a written order that the pharmacy medical provider or medical cannabis

1460 pharmacy agent verifies under Subsection (11)(a)(i) or an electronic order, enter the limited
1461 medical provider's recommendation or renewal, including any associated directions of use,
1462 dosing guidelines, or caregiver indication, in the state electronic verification system;

1463 (b) in processing an order for a holder of a conditional medical cannabis card described
1464 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the
1465 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1466 medical provider or the recommending medical provider's office to verify the validity of the
1467 recommendation before processing the cardholder's order;

1468 ~~(a)~~ (c) unless the medical cannabis cardholder has had a consultation under
1469 Subsection 26-61a-502(4) or (5), verbally offer to a medical cannabis cardholder at the time of
1470 a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling
1471 with the pharmacy medical provider; and

1472 ~~(b)~~ (d) provide a telephone number or website by which the cardholder may contact a
1473 pharmacy medical provider for counseling.

1474 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1475 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
1476 medical cannabis device, or medical cannabis product in a locked box or other secure
1477 receptacle within the medical cannabis pharmacy.

1478 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1479 (12)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1480 can access deposited medical cannabis or medical cannabis products.

1481 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1482 medical cannabis products by:

1483 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1484 and unrecognizable before transporting deposited medical cannabis or medical cannabis
1485 products from the medical cannabis pharmacy; and

1486 (ii) disposing of the deposited medical cannabis or medical cannabis products in

1487 accordance with:

- 1488 (A) federal and state law, rules, and regulations related to hazardous waste;
- 1489 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1490 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 1491 (D) other regulations that the department makes in accordance with Title 63G, Chapter
- 1492 3, Utah Administrative Rulemaking Act.

1493 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1494 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
1495 by a medical cannabis pharmacy.

1496 Section 12. Section **26-61a-502** is amended to read:

1497 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
1498 **Reporting -- Form of cannabis or cannabis product.**

1499 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
1500 chapter:

- 1501 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
- 1502 from a cannabis processing facility that is licensed under Section [4-41a-201](#);
- 1503 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
- 1504 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);
- 1505 (iii) a medical cannabis device; or
- 1506 (iv) educational material related to the medical use of cannabis.

1507 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
1508 an individual with:

- 1509 (i) (A) a medical cannabis card;
- 1510 (B) a department registration described in [~~Subsection 26-61a-202(10)~~] Section
- 1511 [26-61a-201](#); or

1512 (C) until December 31, 2020, a letter from a medical provider in accordance with
1513 Subsection (10); and

- 1514 (ii) a corresponding valid form of photo identification.
- 1515 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
- 1516 cannabis-based drug that the United States Food and Drug Administration has approved.
- 1517 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
- 1518 medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a
- 1519 minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the
- 1520 approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).
- 1521 (2) A medical cannabis pharmacy:
- 1522 (a) may dispense to a medical cannabis cardholder or to an individual described in
- 1523 Subsection (10)(b), in any one 28-day period, up to the legal dosage limit of:
- 1524 (i) unprocessed cannabis that:
- 1525 (A) is in a medicinal dosage form; and
- 1526 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
- 1527 cannabidiol in the cannabis; and
- 1528 (ii) a cannabis product that is in a medicinal dosage form; and
- 1529 (b) may not dispense:
- 1530 (i) more medical cannabis than described in Subsection (2)(a); or
- 1531 (ii) to an individual whose qualified recommending medical provider~~[, or for an~~
- 1532 ~~individual described in Subsection (10)(a), the medical professional described in Subsection~~
- 1533 ~~(10)(a)(i);]~~ did not recommend directions of use and dosing guidelines, until the individual
- 1534 consults with the pharmacy medical provider in accordance with Subsection (4), any medical
- 1535 cannabis.
- 1536 (3) An individual with a medical cannabis card ~~[or an individual described in~~
- 1537 ~~Subsection (10)(a)]:~~
- 1538 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1539 (i) unprocessed cannabis in a medicinal dosage form; and
- 1540 (ii) a cannabis product in a medicinal dosage form;

1541 (b) may not purchase:

1542 (i) more medical cannabis than described in Subsection (3)(a); or

1543 (ii) if the relevant [qualified] recommending medical provider did not recommend

1544 directions of use and dosing guidelines, until the individual consults with the pharmacy

1545 medical provider in accordance with Subsection (4), any medical cannabis; and

1546 (c) may not use a route of administration that the relevant [qualified] recommending

1547 medical provider or the pharmacy medical provider, in accordance with Subsection (4) or (5),

1548 has not recommended.

1549 (4) If a [qualified] recommending medical provider recommends treatment with

1550 medical cannabis but does not provide directions of use and dosing guidelines:

1551 (a) the qualified medical provider or the medical cannabis pharmacy recording a

1552 recommendation under the order of a limited medical provider, shall document in the

1553 recommendation:

1554 (i) an evaluation of the qualifying condition underlying the recommendation;

1555 (ii) prior treatment attempts with medical cannabis; and

1556 (iii) the patient's current medication list; and

1557 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the

1558 pharmacy medical provider shall:

1559 (i) review pertinent medical records, including the [qualified] recommending medical

1560 provider documentation described in Subsection (4)(a); and

1561 (ii) unless the pertinent medical records show directions of use and dosing guidelines

1562 from a state central patient portal medical provider in accordance with Subsection (5), after

1563 completing the review described in Subsection (4)(b)(i) and consulting with the recommending

1564 [qualified] medical provider as needed, determine the best course of treatment through

1565 consultation with the cardholder regarding:

1566 (A) the patient's qualifying condition underlying the recommendation from the

1567 [qualified] recommending medical provider;

- 1568 (B) indications for available treatments;
- 1569 (C) directions of use and dosing guidelines; and
- 1570 (D) potential adverse reactions.
- 1571 (5) (a) A state central patient portal medical provider may provide the consultation and
- 1572 make the determination described in Subsection (4)(b) for a medical cannabis patient
- 1573 cardholder regarding an electronic order that the state central patient portal facilitates.
- 1574 (b) The state central patient portal medical provider described in Subsection (5)(a)
- 1575 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
- 1576 in the pertinent medical records.
- 1577 (6) A medical cannabis pharmacy shall:
- 1578 (a) (i) access the state electronic verification system before dispensing cannabis or a
- 1579 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
- 1580 where applicable, the associated patient has met the maximum amount of medical cannabis
- 1581 described in Subsection (2); and
- 1582 (ii) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
- 1583 maximum amount described in Subsection (2):
- 1584 (A) decline the sale; and
- 1585 (B) notify the [~~qualified~~] recommending medical provider who made the underlying
- 1586 recommendation;
- 1587 (b) submit a record to the state electronic verification system each time the medical
- 1588 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
- 1589 (c) package any medical cannabis that is in a container that:
- 1590 (i) complies with Subsection 4-41a-602(2) or, if applicable, [~~26-61a-102(32)~~](a)(ii)]
- 1591 provisions related to a container for unprocessed cannabis flower in the definition of
- 1592 "medicinal dosage form" in Section 26-61a-102;
- 1593 (ii) is tamper-resistant and tamper-evident; and
- 1594 (iii) opaque; and

1595 (d) for a product that is a cube that is designed for ingestion through chewing or
1596 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
1597 of over-consumption.

1598 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
1599 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
1600 intentionally designed or constructed to resemble a cigarette.

1601 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1602 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1603 individual's respiratory system.

1604 (8) A medical cannabis pharmacy may not give, at no cost, a product that the medical
1605 cannabis pharmacy is allowed to sell under Subsection (1).

1606 (9) The department may impose a uniform fee on each medical cannabis transaction in
1607 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
1608 department sets in accordance with Section 63J-1-504.

1609 ~~[(10)(a) Except as provided in Subsection (10)(b), until December 31, 2020, an
1610 individual may purchase up to the legal dosage limit of an item listed in Subsection (1)(a) from
1611 a licensed medical cannabis pharmacy if:]~~

1612 ~~[(i) the individual presents to the medical cannabis pharmacy a letter from the medical
1613 professional described in Subsection 58-37-3.7(2)(a)(i)(B) that indicates the medical
1614 professional's medical cannabis recommendation for the individual;]~~

1615 ~~[(ii) the medical cannabis pharmacy receives independent confirmation from the
1616 medical professional described in Subsection (10)(a)(i) or an employee of the medical
1617 professional that the letter is valid;]~~

1618 ~~[(iii) the medical cannabis pharmacy:]~~

1619 ~~[(A) scans or photocopies the individual's letter and the individual's valid form of
1620 photo identification;]~~

1621 ~~[(B) creates a record of the transaction, including the documents described in~~

1622 Subsection (10)(a)(iii)(A), the date of purchase, and the type and quantity of medical cannabis
1623 the individual purchased; and]

1624 [~~(C) provides information to the individual about obtaining a medical cannabis card;~~
1625 and]

1626 [~~(iv) unless the medical professional recommends specific directions of using and~~
1627 dosing guidelines in the letter, the pharmacy medical provider determines the best course of
1628 treatment through consultation with the individual regarding:]

1629 [~~(A) the individual's qualifying condition underlying the recommendation from the~~
1630 medical professional;]

1631 [~~(B) indications for available treatments;]~~

1632 [~~(C) directions of use and dosing guidelines; and]~~

1633 [~~(D) potential adverse reactions.]~~

1634 [~~(b) (i) An individual who purchases medical cannabis from a medical cannabis~~
1635 pharmacy under Subsection (10)(a) may not purchase medical cannabis from a different
1636 medical cannabis pharmacy under Subsection (10)(a).]

1637 [~~(ii) If the department notifies a medical cannabis pharmacy, in accordance with~~
1638 Subsection (10)(c), of an individual purchasing medical cannabis under Subsection (10)(a)
1639 from more than one medical cannabis pharmacy, a medical cannabis pharmacy may not sell an
1640 item listed in Subsection (1)(a) to the individual under Subsection (10)(a).]

1641 [~~(iii) An individual may not purchase medical cannabis under Subsection (10)(a) if the~~
1642 individual is a medical cannabis cardholder.]

1643 [~~(c) (i) Until December 31, 2020, on or before the first day of each month, each~~
1644 medical cannabis pharmacy shall provide to the department, in a secure manner, information
1645 identifying each individual who has purchased medical cannabis from the medical cannabis
1646 pharmacy under Subsection (10)(a).]

1647 [~~(ii) The department shall review information the department receives under~~
1648 Subsection (10)(c)(i) to identify any individuals who:]

1649 ~~[(A) have purchased medical cannabis under Subsection (10)(a) from more than one~~
1650 ~~pharmacy; or]~~

1651 ~~[(B) hold a medical cannabis card.]~~

1652 ~~[(iii) If the department identifies an individual described in Subsection (10)(c)(ii), the~~
1653 ~~department shall notify each medical cannabis pharmacy regarding:]~~

1654 ~~[(A) the identification of the individual; and]~~

1655 ~~[(B) the individual's ineligibility to purchase medical cannabis for a reason described in~~
1656 ~~Subsection (10)(b).]~~

1657 ~~[(H)]~~ (10) A medical cannabis pharmacy may purchase and store medical cannabis
1658 devices regardless of whether the seller has a cannabis-related license under this title or Title 4,
1659 Chapter 41a, Cannabis Production Establishments.

1660 Section 13. Section **26-61a-503** is amended to read:

1661 **26-61a-503. Partial filling.**

1662 (1) As used in this section, "partially fill" means to provide less than the full amount of
1663 cannabis or cannabis product that the ~~[qualified]~~ recommending medical provider recommends,
1664 if the ~~[qualified]~~ recommending medical provider recommended specific dosing parameters.

1665 (2) A pharmacy medical provider may partially fill a recommendation for a medical
1666 cannabis treatment at the request of the ~~[qualified]~~ recommending medical provider who issued
1667 the medical cannabis treatment recommendation or the medical cannabis cardholder.

1668 (3) The department shall make rules, in collaboration with the Division of
1669 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
1670 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
1671 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
1672 recommendation.

1673 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
1674 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
1675 limits in Subsection [26-61a-502\(2\)](#), to fill the quantity remaining of a partially filled medical

1676 cannabis treatment recommendation if:

1677 (a) the pharmacy medical provider determined dosing parameters for the partial fill
1678 under Subsection 26-61a-502(4) or (5); and

1679 (b) the medical cannabis cardholder reports that:

1680 (i) the partial fill did not substantially affect the qualifying condition underlying the
1681 medical cannabis recommendation; or

1682 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
1683 unable to successfully use the partial fill.

1684 Section 14. Section 26-61a-601 is amended to read:

1685 **26-61a-601. State central patient portal -- Department duties.**

1686 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
1687 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
1688 described in this section.

1689 (2) The state central patient portal shall:

1690 (a) authenticate each user to ensure the user is a valid medical cannabis patient
1691 cardholder;

1692 (b) allow a medical cannabis patient cardholder to:

1693 (i) obtain and download the cardholder's medical cannabis card;

1694 (ii) review the cardholder's medical cannabis purchase history; and

1695 (iii) manage the cardholder's personal information, including withdrawing consent for
1696 the use of the cardholder's information for a study described in Subsection

1697 26-61a-201[~~(11)~~](12);

1698 (c) if the cardholder's ~~qualified~~ recommending medical provider recommended the
1699 use of medical cannabis without providing directions of use and dosing guidelines and the
1700 cardholder has not yet received the counseling or consultation required in Subsection

1701 26-61a-502(4):

1702 (i) alert the cardholder of the outstanding need for consultation; and

1703 (ii) provide the cardholder with access to the contact information for each state central
1704 patient portal medical provider and each pharmacy medical provider;

1705 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
1706 order:

1707 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

1708 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
1709 person from the pharmacy;

1710 (e) prohibit a patient from completing an electronic medical cannabis order described
1711 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
1712 26-61a-502(2)(a) or (b);

1713 (f) provide educational information to medical cannabis patient cardholders regarding
1714 the state's medical cannabis laws and regulatory programs and other relevant information
1715 regarding medical cannabis; and

1716 (g) allow the patient to designate up to two caregivers who may receive a medical
1717 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
1718 accordance with this chapter.

1719 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
1720 Administrative Rulemaking Act, to implement the state central patient portal.

1721 Section 15. Section **58-5a-102** is amended to read:

1722 **58-5a-102. Definitions.**

1723 In addition to the definitions under Section 58-1-102, as used in this chapter:

1724 (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.

1725 (2) "Indirect supervision" means the same as that term is defined by the division by
1726 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1727 (3) "Medical assistant" means an unlicensed individual working under the indirect
1728 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the
1729 licensed podiatric physician in accordance with the standards and ethics of the podiatry

1730 profession.

1731 (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the
1732 human foot and ankle and their manifestations of systemic conditions by all appropriate and
1733 lawful means, subject to Section 58-5a-103.

1734 (5) "Unlawful conduct" includes:

1735 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and

1736 (b) for an individual who is not licensed under this chapter:

1737 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,
1738 foot specialist, or D.P.M.; or

1739 (ii) implying or representing that the individual is qualified to practice podiatry.

1740 (6) (a) "Unprofessional conduct" includes, for an individual licensed under this
1741 chapter:

1742 [~~(a)~~] (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;

1743 [~~(b)~~] (ii) communicating to a third party, without the consent of the patient, information
1744 the individual acquires in treating the patient, except as necessary for professional consultation
1745 regarding treatment of the patient;

1746 [~~(c)~~] (iii) allowing the individual's name or license to be used by an individual who is
1747 not licensed to practice podiatry under this chapter;

1748 [~~(d)~~] (iv) except as described in Section 58-5a-306, employing, directly or indirectly,
1749 any unlicensed individual to practice podiatry;

1750 [~~(e)~~] (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
1751 impairs the individual's ability to practice podiatry;

1752 [~~(f)~~] (vi) unlawfully prescribing, selling, or giving away any prescription drug,
1753 including controlled substances, as defined in Section 58-37-2;

1754 [~~(g)~~] (vii) gross incompetency in the practice of podiatry;

1755 [~~(h)~~] (viii) willfully and intentionally making a false statement or entry in hospital
1756 records, medical records, or reports;

1757 ~~[(†)]~~ (ix) willfully making a false statement in reports or claim forms to governmental
1758 agencies or insurance companies with the intent to secure payment not rightfully due;

1759 ~~[(†)]~~ (x) willfully using false or fraudulent advertising;

1760 ~~[(†)]~~ (xi) conduct the division defines as unprofessional conduct by rule made in
1761 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1762 ~~[(†)]~~ (xii) falsely making an entry in, or altering, a medical record with the intent to
1763 conceal:

1764 ~~[(†)]~~ (A) a wrongful or negligent act or omission of an individual licensed under this
1765 chapter or an individual under the direction or control of an individual licensed under this
1766 chapter; or

1767 ~~[(†)]~~ (B) conduct described in Subsections (6)(a)~~(i)~~ through ~~[(†)]~~ (xi) or Subsection
1768 [58-1-501\(1\)](#).

1769 (b) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
1770 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
1771 limited medical provider, as those terms are defined in Section [26-61a-102](#), recommending the
1772 use of medical cannabis within the scope of a practice of podiatry.

1773 Section 16. Section **58-31b-502** is amended to read:

1774 **58-31b-502. Unprofessional conduct.**

1775 (1) "Unprofessional conduct" includes:

1776 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
1777 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
1778 because of the licensee's or person with a certification's position or practice as a nurse or
1779 practice as a medication aide certified;

1780 (b) failure to provide nursing service or service as a medication aide certified in a
1781 manner that demonstrates respect for the patient's human dignity and unique personal character
1782 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
1783 status, age, sex, or the nature of the patient's health problem;

- 1784 (c) engaging in sexual relations with a patient during any:
- 1785 (i) period when a generally recognized professional relationship exists between the
- 1786 person licensed or certified under this chapter and the patient; or
- 1787 (ii) extended period when a patient has reasonable cause to believe a professional
- 1788 relationship exists between the person licensed or certified under the provisions of this chapter
- 1789 and the patient;
- 1790 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
- 1791 information about a patient or exploiting the licensee's or the person with a certification's
- 1792 professional relationship between the licensee or holder of a certification under this chapter and
- 1793 the patient; or
- 1794 (ii) exploiting the patient by use of the licensee's or person with a certification's
- 1795 knowledge of the patient obtained while acting as a nurse or a medication aide certified;
- 1796 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
- 1797 (f) unauthorized taking or personal use of nursing supplies from an employer;
- 1798 (g) unauthorized taking or personal use of a patient's personal property;
- 1799 (h) unlawful or inappropriate delegation of nursing care;
- 1800 (i) failure to exercise appropriate supervision of persons providing patient care services
- 1801 under supervision of the licensed nurse;
- 1802 (j) employing or aiding and abetting the employment of an unqualified or unlicensed
- 1803 person to practice as a nurse;
- 1804 (k) failure to file or record any medical report as required by law, impeding or
- 1805 obstructing the filing or recording of such a report, or inducing another to fail to file or record
- 1806 such a report;
- 1807 (l) breach of a statutory, common law, regulatory, or ethical requirement of
- 1808 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 1809 (m) failure to pay a penalty imposed by the division;
- 1810 (n) prescribing a Schedule II controlled substance without complying with the

- 1811 requirements in Section 58-31b-803, if applicable;
- 1812 (o) violating Section 58-31b-801;
- 1813 (p) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part
- 1814 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if
- 1815 applicable;
- 1816 (q) establishing or operating a pain clinic without a consultation and referral plan for
- 1817 Schedule II or III controlled substances; or
- 1818 (r) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 1819 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
- 1820 or an individual under the direction or control of an individual licensed under this chapter; or
- 1821 (ii) conduct described in Subsections (1)(a) through (q) or Subsection 58-1-501(1).
- 1822 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 1823 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
- 1824 limited medical provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102,
- 1825 recommending the use of medical cannabis.
- 1826 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
- 1827 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
- 1828 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).
- 1829 Section 17. Section 58-37-3.7 is amended to read:
- 1830 **58-37-3.7. Medical cannabis decriminalization.**
- 1831 (1) As used in this section:
- 1832 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 1833 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 1834 (c) "Legal dosage limit" means the same as that term is defined in Section 26-61a-102.
- 1835 (d) "Medical cannabis card" means the same as that term is defined in Section
- 1836 26-61a-102.
- 1837 (e) "Medical cannabis device" means the same as that term is defined in Section

1838 26-61a-102.

1839 (f) "Medicinal dosage form" means the same as that term is defined in Section

1840 26-61a-102.

1841 (g) "Nonresident patient" means the same as that term is defined in Section

1842 26-61a-102.

1843 (h) "Qualifying condition" means the same as that term is defined in Section

1844 26-61a-102.

1845 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section

1846 58-37-3.9.

1847 (2) Before [~~January~~] July 1, 2021, including during the period between January 1,

1848 2021, and the effective date of this bill, an individual is not guilty under this chapter for the use

1849 or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

1850 (a) at the time of the arrest or citation, the individual:

1851 [~~(i) (A) had been diagnosed with a qualifying condition; and]~~

1852 [~~(B) had a pre-existing provider-patient relationship with an advanced practice~~
1853 ~~registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed~~
1854 ~~under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,~~
1855 ~~Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under~~
1856 ~~Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness~~
1857 ~~described in Subsection (2)(a)(i)(A) could benefit from the use in question;]~~

1858 [~~(ii) for possession, was:]~~

1859 [~~(A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who~~
1860 ~~is a minor; or]~~

1861 [~~(B) the spouse of an individual described in Subsection (2)(a)(i); or]~~

1862 [~~(iii) (A)] (i) for possession, was a medical cannabis cardholder; or~~

1863 [~~(B)] (ii) for use, was a medical cannabis patient cardholder or a minor with a~~

1864 [~~qualifying condition]~~ provisional patient card under the supervision of a medical cannabis

1865 guardian cardholder; and

1866 (b) (i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
1867 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal
1868 dosage limit:

1869 (A) unprocessed cannabis in a medicinal dosage form; or

1870 (B) a cannabis product in a medicinal dosage form; and

1871 (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a
1872 medical cannabis device.

1873 (3) A nonresident patient is not guilty under this chapter for the use or possession of
1874 marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

1875 (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or
1876 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal
1877 dosage limit:

1878 (i) unprocessed cannabis in a medicinal dosage form; or

1879 (ii) a cannabis product in a medicinal dosage form; and

1880 (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a
1881 medical cannabis device.

1882 (4) (a) There is a rebuttable presumption against an allegation of use or possession of
1883 marijuana or tetrahydrocannabinol if:

1884 (i) an individual fails a drug test based on the presence of [~~tetrahydrocannabinol~~]
1885 tetrahydrocannabinol in the sample; and

1886 (ii) the individual provides evidence that the individual possessed or used cannabidiol
1887 or a cannabidiol product.

1888 (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that
1889 the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized
1890 under:

1891 (i) Section [4-41-402](#); or

1892 (ii) Title 26, Chapter 61a, Utah Medical Cannabis Act.
1893 Section 18. Section **58-37-6.5** is amended to read:
1894 **58-37-6.5. Continuing education for controlled substance prescribers.**
1895 (1) For the purposes of this section:
1896 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
1897 who:
1898 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1899 Controlled Substances Act; and
1900 (ii) possesses the authority, in accordance with the individual's scope of practice, to
1901 prescribe schedule II controlled substances and schedule III controlled substances that are
1902 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.
1903 (b) "D.O." means an osteopathic physician and surgeon licensed under Title 58,
1904 Chapter 68, Utah Osteopathic Medical Practice Act.
1905 (c) "FDA" means the United States Food and Drug Administration.
1906 (d) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67, Utah
1907 Medical Practice Act.
1908 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment
1909 approach used by the federal Substance Abuse and Mental Health Services Administration or
1910 defined by the division, in consultation with the Division of Substance Abuse and Mental
1911 Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative
1912 Rulemaking Act.
1913 (2) (a) Beginning with the licensing period that begins after January 1, 2014, as a
1914 condition precedent for license renewal, each controlled substance prescriber shall complete at
1915 least 3.5 continuing education hours per licensing period that satisfy the requirements of
1916 Subsection (3).
1917 (b) (i) Beginning with the licensing period that begins after January 1, 2024, as a
1918 condition precedent for license renewal, each controlled substance prescriber shall complete at

1919 least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements
1920 of Subsection (4).

1921 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
1922 fulfills the continuing education hours requirement in Subsection (3) for the licensing period in
1923 which the class was completed.

1924 (iii) A controlled substance prescriber:

1925 (A) need only take the SBIRT-training class once during the controlled substance
1926 prescriber's licensure in the state; and

1927 (B) shall provide a completion record of the SBIRT-training class in order to be
1928 reimbursed for SBIRT services to patients, in accordance with ~~[Section]~~ Sections 26-18-22 and
1929 ~~[Section]~~ 49-20-416.

1930 (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing
1931 education in one or more controlled substance prescribing classes, except dentists who shall
1932 complete at least two hours, that satisfy the requirements of Subsections (4) and (6).

1933 (4) A controlled substance prescribing class shall:

1934 (a) satisfy the division's requirements for the continuing education required for the
1935 renewal of the controlled substance prescriber's respective license type;

1936 (b) be delivered by an accredited or approved continuing education provider
1937 recognized by the division as offering continuing education appropriate for the controlled
1938 substance prescriber's respective license type; and

1939 (c) include a postcourse knowledge assessment.

1940 (5) An M.D. or D.O. completing continuing professional education hours under
1941 Subsection (4) shall complete those hours in classes that qualify for the American Medical
1942 Association Physician's Recognition Award Category 1 Credit.

1943 (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)
1944 shall include educational content covering the following:

1945 (a) the scope of the controlled substance abuse problem in Utah and the nation;

1946 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
1947 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation
1948 Strategy, as published July 9, 2012, or as it may be subsequently revised;

1949 (c) the national and Utah-specific resources available to prescribers to assist in
1950 appropriate controlled substance and opioid prescribing;

1951 (d) patient record documentation for controlled substance and opioid prescribing; ~~and~~

1952 (e) office policies, procedures, and implementation[-]; and

1953 (f) some training regarding medical cannabis, as that term is defined in Section
1954 26-61a-102.

1955 (7) (a) The division, in consultation with the Utah Medical Association Foundation,
1956 shall determine whether a particular controlled substance prescribing class satisfies the
1957 educational content requirements of Subsections (4) and (6) for an M.D. or D.O.

1958 (b) The division, in consultation with the applicable professional licensing boards,
1959 shall determine whether a particular controlled substance prescribing class satisfies the
1960 educational content requirements of Subsections (4) and (6) for a controlled substance
1961 prescriber other than an M.D. or D.O.

1962 (c) The division may by rule establish a committee that may audit compliance with the
1963 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project
1964 grant, that satisfies the educational content requirements of Subsections (4) and (6) for a
1965 controlled substance prescriber.

1966 (d) The division shall consult with the Department of Health regarding the medical
1967 cannabis training described in Subsection (6)(f).

1968 (8) A controlled substance prescribing class required under this section:

1969 (a) may be held:

1970 (i) in conjunction with other continuing professional education programs; and

1971 (ii) online; and

1972 (b) does not increase the total number of state-required continuing professional

1973 education hours required for prescriber licensing.

1974 (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
1975 Administrative Rulemaking Act, to implement this section.

1976 (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver
1977 to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction
1978 Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours
1979 of the continuing education requirement under Subsection (3) for two consecutive licensing
1980 periods.

1981 Section 19. Section **58-67-502** is amended to read:

1982 **58-67-502. Unprofessional conduct.**

1983 (1) "Unprofessional conduct" includes, in addition to the definition in Section
1984 [58-1-501](#):

1985 (a) using or employing the services of any individual to assist a licensee in any manner
1986 not in accordance with the generally recognized practices, standards, or ethics of the
1987 profession, state law, or division rule;

1988 (b) making a material misrepresentation regarding the qualifications for licensure under
1989 Section [58-67-302.7](#) or Section [58-67-302.8](#);

1990 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
1991 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

1992 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

1993 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

1994 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
1995 or an individual under the direction or control of an individual licensed under this chapter; or
1996 (ii) conduct described in Subsections (1)(a) through (d) or Subsection [58-1-501\(1\)](#).

1997 (2) "Unprofessional conduct" does not include:

1998 (a) in compliance with Section [58-85-103](#):

1999 (i) obtaining an investigational drug or investigational device;

2000 (ii) administering the investigational drug to an eligible patient; or
2001 (iii) treating an eligible patient with the investigational drug or investigational device;

2002 or

2003 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2004 (i) when registered as a qualified medical provider or acting as a limited medical
2005 provider, as [~~that term is~~] those terms are defined in Section 26-61a-102, recommending the
2006 use of medical cannabis;

2007 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
2008 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2009 (iii) when registered as a state central patient portal medical provider, as that term is
2010 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2011 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
2012 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2013 unprofessional conduct for a physician described in Subsection (2)(b).

2014 Section 20. Section 58-68-502 is amended to read:

2015 **58-68-502. Unprofessional conduct.**

2016 (1) "Unprofessional conduct" includes, in addition to the definition in Section
2017 58-1-501:

2018 (a) using or employing the services of any individual to assist a licensee in any manner
2019 not in accordance with the generally recognized practices, standards, or ethics of the
2020 profession, state law, or division rule;

2021 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2022 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2023 (c) making a material misrepresentation regarding the qualifications for licensure under
2024 Section 58-68-302.5;

2025 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2026 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2027 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2028 or an individual under the direction or control of an individual licensed under this chapter; or

2029 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

2030 (2) "Unprofessional conduct" does not include:

2031 (a) in compliance with Section 58-85-103:

2032 (i) obtaining an investigational drug or investigational device;

2033 (ii) administering the investigational drug to an eligible patient; or

2034 (iii) treating an eligible patient with the investigational drug or investigational device;

2035 or

2036 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2037 (i) when registered as a qualified medical provider or acting as a limited medical
2038 provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102, recommending the
2039 use of medical cannabis;

2040 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
2041 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2042 (iii) when registered as a state central patient portal medical provider, as that term is
2043 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2044 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
2045 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2046 unprofessional conduct for a physician described in Subsection (2)(b).

2047 Section 21. Section 58-70a-503 is amended to read:

2048 **58-70a-503. Unprofessional conduct.**

2049 (1) "Unprofessional conduct" includes:

2050 (a) violation of a patient confidence to any person who does not have a legal right and a
2051 professional need to know the information concerning the patient;

2052 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
2053 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for

2054 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts
2055 prescribed or provided;

2056 (c) prescribing prescription drugs for oneself or administering prescription drugs to
2057 oneself, except those that have been legally prescribed for the physician assistant by a licensed
2058 practitioner and that are used in accordance with the prescription order for the condition
2059 diagnosed;

2060 (d) failure to maintain at the practice site a delegation of services agreement that
2061 accurately reflects current practices;

2062 (e) failure to make the delegation of services agreement available to the division for
2063 review upon request;

2064 (f) in a practice that has physician assistant ownership interests, failure to allow the
2065 supervising physician the independent final decision making authority on patient treatment
2066 decisions, as set forth in the delegation of services agreement or as defined by rule;

2067 (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2068 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or

2069 (h) falsely making an entry in, or altering, a medical record with the intent to conceal:

2070 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2071 or an individual under the direction or control of an individual licensed under this chapter; or

2072 (ii) conduct described in Subsections (1)(a) through (g) or Subsection 58-1-501(1).

2073 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2074 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
2075 limited medical provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102,
2076 recommending the use of medical cannabis.

2077 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
2078 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2079 unprofessional conduct for a physician assistant described in Subsection (2).

2080 Section 22. Section ~~62A-4a-404~~ is amended to read:

2081 **62A-4a-404. Fetal alcohol syndrome or spectrum disorder and drug dependency**

2082 -- **Reporting requirements.**

2083 (1) As used in this section:

2084 (a) "Health care provider" means:

2085 (i) an individual licensed under:

2086 (A) Title 58, Chapter 31b, Nurse Practice Act;

2087 (B) Title 58, Chapter 44a, Nurse Midwife Practice Act;

2088 (C) Title 58, Chapter 67, Utah Medical Practice Act;

2089 (D) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2090 (E) Title 58, Chapter 70a, Utah Physician Assistant Act; or

2091 (F) Title 58, Chapter 77, Direct-Entry Midwife Act; or

2092 (ii) an unlicensed individual who practices midwifery.

2093 (b) "Newborn child" means a child who is 30 days of age or younger.

2094 (c) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2095 defined in Section [26-61a-102](#).

2096 (d) (i) "Substance abuse" means the misuse or excessive use of alcohol or other drugs
2097 or substances.

2098 (ii) "Substance abuse" does not include use of drugs or other substances that are:

2099 (A) obtained by lawful prescription and used as prescribed; or

2100 (B) obtained in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act,
2101 and used as recommended by a [~~qualified~~] recommending medical provider.

2102 (2) A health care provider who attends the birth of a newborn child or cares for a
2103 newborn child and determines any of the following, shall report the determination to the
2104 division as soon as possible:

2105 (a) the newborn child:

2106 (i) is adversely affected by the child's mother's substance abuse during pregnancy;

2107 (ii) has fetal alcohol syndrome or fetal alcohol spectrum disorder; or

2108 (iii) demonstrates drug or alcohol withdrawal symptoms; or
2109 (b) the parent of the newborn child or a person responsible for the child's care
2110 demonstrates functional impairment or an inability to care for the child as a result of the
2111 parent's or person's substance abuse.

2112 Section 23. Section **67-3-11** is amended to read:

2113 **67-3-11. Health care price transparency tool -- Transparency tool requirements.**

2114 (1) The state auditor shall create a health care price transparency tool:

2115 (a) subject to appropriations from the Legislature and any available funding from
2116 third-party sources;

2117 (b) with technical support from the Public Employees' Benefit and Insurance Program
2118 created in Section [49-20-103](#), the Department of Health, and the Insurance Department; and

2119 (c) in accordance with the requirements in Subsection (2).

2120 (2) A health care price transparency tool created by the state auditor under this section
2121 shall:

2122 (a) present health care price information for consumers in a manner that is clear and
2123 accurate;

2124 (b) be available to the public in a user-friendly manner;

2125 (c) incorporate existing data collected under Section [26-33a-106.1](#);

2126 (d) incorporate data collected under Section [26-61a-106](#), regarding fees for qualified
2127 medical providers recommending medical cannabis, as those terms are defined in Section
2128 [26-61a-102](#);

2129 ~~(e)~~ (e) group billing codes for common health care procedures;

2130 ~~(f)~~ (f) be updated on a regular basis; and

2131 ~~(g)~~ (g) be created and operated in accordance with all applicable state and federal
2132 laws.

2133 (3) The state auditor may make the health care pricing data from the health care price
2134 transparency tool available to the public through an application program interface format if the

2135 data meets state and federal data privacy requirements.

2136 (4) (a) Before making a health care price transparency tool available to the public, the
2137 state auditor shall:

2138 (i) seek input from the Health Data Committee created in Section 26-1-7 on the overall
2139 accuracy and effectiveness of the reports provided by the health care price transparency tool;
2140 and

2141 (ii) establish procedures to give data providers a 30-day period to review pricing
2142 information before the state auditor publishes the information on the health care price
2143 transparency tool.

2144 (b) If the state auditor complies with the requirements of Subsection (4)(a), the health
2145 care price transparency tool is not subject to the requirements of Section 26-33a-107.

2146 (5) Each year in which a health care price transparency tool is operational, the state
2147 auditor shall report to the Health and Human Services Interim Committee before November 1
2148 of that year:

2149 (a) the utilization of the health care price transparency tool; and

2150 (b) policy options for improving access to health care price transparency data.

2151 Section 24. Section **78A-2-231** is amended to read:

2152 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

2153 (1) As used in this section:

2154 (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2155 (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2156 (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2157 (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2158 (e) "Medical cannabis card" means the same as that term is defined in Section
2159 26-61a-102.

2160 (f) "Medical cannabis device" means the same as that term is defined in Section
2161 26-61a-102.

2162 (g) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2163 defined in Section [26-61a-102](#).

2164 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
2165 makes a finding, determination, or otherwise considers an individual's possession or use of
2166 medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or
2167 court commissioner may not consider or treat the individual's possession or use any differently
2168 than the lawful possession or use of any prescribed controlled substance if:

2169 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
2170 Establishments;

2171 (b) the individual's possession or use complies with Subsection [58-37-3.7](#)(2) or (3); or

2172 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2173 Medical Cannabis Act; and

2174 (ii) the individual reasonably complies with the directions of use and dosing guidelines
2175 determined by the individual's [~~qualified~~] recommending medical provider or through a
2176 consultation described in Subsection [26-61a-502](#)(4) or (5).

2177 (3) Notwithstanding Sections [77-18-1](#) and [77-2a-3](#), for probation, release, a plea in
2178 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
2179 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
2180 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
2181 device, either directly or through a general prohibition on violating federal law, without an
2182 exception related to medical cannabis use, if the individual's use or possession complies with:

2183 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2184 (b) Subsection [58-37-3.7](#)(2) or (3).

2185 Section 25. Section **78A-6-115** is amended to read:

2186 **78A-6-115. Hearings -- Record -- County attorney or district attorney**
2187 **responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of**
2188 **evidence -- Cannabis.**

2189 (1) (a) A verbatim record of the proceedings shall be taken in all cases that might result
2190 in deprivation of custody as defined in this chapter. In all other cases a verbatim record shall
2191 also be made unless dispensed with by the court.

2192 (b) (i) For purposes of this Subsection (1)(b):

2193 (A) "Record of a proceeding" does not include documentary materials of any type
2194 submitted to the court as part of the proceeding, including items submitted under Subsection
2195 (4)(a).

2196 (B) "Subjects of the record" includes the child's guardian ad litem, the child's legal
2197 guardian, the Division of Child and Family Services, and any other party to the proceeding.

2198 (ii) Notwithstanding any other provision, including Title 63G, Chapter 2, Government
2199 Records Access and Management Act, the court shall release a record of a proceeding made
2200 under Subsection (1)(a) to any person upon a finding on the record for good cause.

2201 (iii) Following a petition for a record of a proceeding made under Subsection (1)(a),
2202 the court shall:

2203 (A) provide notice to all subjects of the record that a request for release of the record
2204 has been made; and

2205 (B) allow sufficient time for the subjects of the record to respond before making a
2206 finding on the petition.

2207 (iv) A record of a proceeding may not be released under this Subsection (1)(b) if the
2208 court's jurisdiction over the subjects of the proceeding ended more than 12 months before the
2209 day on which the request is made.

2210 (2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a
2211 prosecution district, the district attorney shall represent the state in any proceeding in a minor's
2212 case.

2213 (b) Subject to the attorney general's prosecutorial discretion in civil enforcement
2214 actions, the attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and
2215 Family Services, and this chapter, relating to:

2216 (i) protection or custody of an abused, neglected, or dependent child; and
2217 (ii) petitions for termination of parental rights.

2218 (3) The board may adopt special rules of procedure to govern proceedings involving
2219 violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings
2220 involving offenses under Section 78A-6-606 are governed by that section regarding suspension
2221 of driving privileges.

2222 (4) (a) For the purposes of determining proper disposition of the minor in dispositional
2223 hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and
2224 in hearings upon petitions for termination of parental rights, written reports and other material
2225 relating to the minor's mental, physical, and social history and condition may be received in
2226 evidence and may be considered by the court along with other evidence. The court may require
2227 that the individual who wrote the report or prepared the material appear as a witness if the
2228 individual is reasonably available.

2229 (b) For the purpose of determining proper disposition of a minor alleged to be or
2230 adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division
2231 under Section 78A-6-315 may be received in evidence and may be considered by the court
2232 along with other evidence. The court may require any individual who participated in preparing
2233 the dispositional report to appear as a witness, if the individual is reasonably available.

2234 (5) (a) Except as provided in Subsections (5)(c) through (e), in an abuse, neglect, or
2235 dependency proceeding occurring after the commencement of a shelter hearing under Section
2236 78A-6-306 or the filing of a petition under Section 78A-6-304, each party to the proceeding
2237 shall provide in writing to the other parties or their counsel any information which the party:

2238 (i) plans to report to the court at the proceeding; or
2239 (ii) could reasonably expect would be requested of the party by the court at the
2240 proceeding.

2241 (b) The disclosure required under Subsection (5)(a) shall be made:
2242 (i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than

- 2243 five days before the day on which the proceeding is held;
- 2244 (ii) for proceedings under Chapter 6, Part 5, Termination of Parental Rights Act, in
2245 accordance with Utah Rules of Civil Procedure; and
- 2246 (iii) for all other proceedings, no less than five days before the day on which the
2247 proceeding is held.
- 2248 (c) The division is not required to provide a court report or a child and family plan to
2249 each party to the proceeding if:
- 2250 (i) the information is electronically filed with the court; and
- 2251 (ii) each party to the proceeding has access to the electronically filed information.
- 2252 (d) If a party to a proceeding obtains information after the deadline in Subsection
2253 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the
2254 party certifies to the court that the information was obtained after the deadline.
- 2255 (e) Subsection (5)(a) does not apply to:
- 2256 (i) pretrial hearings; and
- 2257 (ii) the frequent, periodic review hearings held in a dependency drug court case to
2258 assess and promote the parent's progress in substance use disorder treatment.
- 2259 (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court
2260 may, in the court's discretion, consider evidence of statements made by a child under eight
2261 years of age to an individual in a trust relationship.
- 2262 (7) (a) As used in this Subsection (7):
- 2263 (i) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 2264 (ii) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 2265 (iii) (A) "Chronic" means repeated or patterned.
- 2266 (B) "Chronic" does not mean an isolated incident.
- 2267 (iv) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).
- 2268 (v) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).
- 2269 (vi) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

2270 (vii) "Medical cannabis cardholder" means the same as that term is defined in Section
2271 26-61a-102.

2272 (viii) "[~~Qualified~~] Recommending medical provider" means the same as that term is
2273 defined in Section 26-61a-102.

2274 (b) In any child welfare proceeding in which the court makes a finding, determination,
2275 or otherwise considers an individual's possession or use of medical cannabis, a cannabis
2276 product, or a medical cannabis device, the court may not consider or treat the individual's
2277 possession or use any differently than the lawful possession or use of any prescribed controlled
2278 substance if:

2279 (i) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
2280 Production Establishments;

2281 (ii) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

2282 (iii) (A) the individual's possession or use complies with Title 26, Chapter 61a, Utah
2283 Medical Cannabis Act; and

2284 (B) the individual reasonably complies with the directions of use and dosing guidelines
2285 determined by the individual's [~~qualified~~] recommending medical provider or through a
2286 consultation described in Subsection 26-61a-502(4) or (5).

2287 (c) In a child welfare proceeding, a parent's or guardian's use of cannabis or a cannabis
2288 product is not abuse or neglect of a child under Section 78A-6-105 unless there is evidence
2289 showing that:

2290 (i) the child is harmed because of the child's inhalation or ingestion of cannabis, or
2291 because of cannabis being introduced to the child's body in another manner; or

2292 (ii) the child is at an unreasonable risk of harm because of chronic inhalation or
2293 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

2294 (d) Unless there is harm or an unreasonable risk of harm to the child as described in
2295 Subsection (7)(c), in a child welfare proceeding a parent's or guardian's use of medical cannabis
2296 or a cannabis product is not contrary to the best interests of a child if:

2297 (i) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
2298 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
2299 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
2300 from the directions of use and dosing guidelines determined by the parent's or guardian's
2301 [qualified] recommending medical provider or through a consultation described in Subsection
2302 26-61a-502(4) or (5); or

2303 (ii) before January 1, 2021, the parent's or guardian's possession or use complies with
2304 Subsection 58-37-3.7(2) or (3).

2305 (e) Subsection (7)(c) does not prohibit a finding of abuse or neglect of a child under
2306 Section 78A-6-105, and Subsection (7)(d) does not prohibit a finding that a parent's or
2307 guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a
2308 child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or
2309 a cannabis product and behavior that would separately constitute abuse or neglect of the child.

2310 Section 26. **Effective date.**

2311 If approved by two-thirds of all the members elected to each house, this bill takes effect
2312 upon approval by the governor, or the day following the constitutional time limit of Utah
2313 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
2314 the date of veto override.

2315 Section 27. **Revisor instructions.**

2316 The Legislature intends that the Office of Legislative Research and General Counsel, in
2317 preparing the Utah Code database for publication, replace the language "the effective date of
2318 this bill" in Subsections 26-61a-201(8)(b)(ii) and 58-37-3.7(2) to the bill's actual effective date.