

MEDICAL CANNABIS AMENDMENTS

2019 FIRST SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals provisions related to the state central fill medical cannabis pharmacy and makes necessary resulting amendments;
- ▶ removes a procurement requirement for the licensing of cannabis processing facilities and independent testing laboratories;
- ▶ allows licensed cannabis cultivation facilities to cultivate both indoors and outdoors under Department of Agriculture and Food (UDAF) rules;
- ▶ exempts the following from a background check requirement:
 - certain agents re-applying for an agent registration card; and
 - certain guardians and designated caregivers re-applying for a medical cannabis card;
- ▶ clarifies that cannabis production establishments and medical cannabis pharmacies may use signage regardless of local ordinances;
- ▶ amends provisions regarding local government land use control, including ensuring that cannabis production establishments and medical cannabis pharmacies are treated the same as comparable businesses;
- ▶ allows UDAF to license research universities to conduct academic medical cannabis research;
- ▶ provides for electronic medical cannabis cards;
- ▶ amends the valid forms of identification accepted in relation to the distribution of medical cannabis;
- ▶ provides that use of medical cannabis may not be considered differently than lawful use of an opioid or opiate in certain circumstances;

- 33 ▶ amends a Department of Health (DoH) privacy notification requirement regarding
34 studies of cardholder data;
- 35 ▶ requires an applicant for a medical cannabis pharmacy license to describe a strategic
36 plan for opening, including the timing of the opening based on supply, in
37 consultation with UDAF, and demand, in consultation with DoH;
- 38 ▶ increases the number of licenses available for private medical cannabis pharmacies;
- 39 ▶ allows DoH to issue medical cannabis pharmacy licenses in two phases using one
40 procurement process;
- 41 ▶ allows for certain medical practitioners to be registered as medical cannabis
42 pharmacy agents as long as the provider is not registered as a qualified medical
43 provider;
- 44 ▶ amends allowable sale and possession amount to be uniform regardless of the
45 distance between an individual's residence and a medical cannabis pharmacy;
- 46 ▶ directs DoH to create a state central patient portal for patient safety, education, and
47 electronic access to home deliveries of medical cannabis shipments from home
48 delivery medical cannabis pharmacies;
- 49 ▶ allows DoH to designate certain private medical cannabis pharmacies as home
50 delivery medical cannabis pharmacies that fulfill electronic orders for medical
51 cannabis shipments:
- 52 • that medical cannabis cardholders access through the state central patient portal;
53 and
- 54 • for which a payment provider that the Division of Finance approves, in
55 consultation with the state treasurer, or a financial institution facilitates a
56 financial transaction;
- 57 ▶ narrows an existing requirement that DoH register certain medical providers to
58 consult with medical cannabis cardholders;
- 59 ▶ provides for licensing of medical cannabis couriers and registration of medical
60 cannabis courier agents to facilitate delivery of medical cannabis shipments from
61 home delivery medical cannabis pharmacies;
- 62 ▶ repeals a DoH rulemaking and reporting requirement regarding data on cannabinoid
63 product recommendations;

- 64 ▶ prohibits a judicial factfinder from considering lawful possession or use of medical
- 65 cannabis differently from lawful possession or use of an opioid or opiate;
- 66 ▶ enacts provisions regarding judicial consideration of an individual's use or
- 67 possession of medical cannabis, including prohibitions on certain judicial findings
- 68 and orders; and
- 69 ▶ makes technical and conforming changes.

70 **Money Appropriated in this Bill:**

71 None

72 **Other Special Clauses:**

73 This bill provides a special effective date.

74 **Utah Code Sections Affected:**

75 AMENDS:

76 **4-41a-102**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
77 Chapter 1

78 **4-41a-103**, as last amended by Laws of Utah 2019, Chapter 136

79 **4-41a-201**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
80 Chapter 1

81 **4-41a-204**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
82 Chapter 1

83 **4-41a-301**, as last amended by Laws of Utah 2019, Chapter 136

84 **4-41a-302**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
85 Chapter 1

86 **4-41a-403**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
87 Chapter 1

88 **4-41a-404**, as last amended by Laws of Utah 2019, Chapter 341

89 **4-41a-406**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
90 Chapter 1

91 **4-41a-501**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
92 Chapter 1

93 **4-41a-701**, as last amended by Laws of Utah 2019, Chapter 341

- 94 **26-61a-102**, as last amended by Laws of Utah 2019, Chapter 341
- 95 **26-61a-103**, as last amended by Laws of Utah 2019, Chapters 136 and 341
- 96 **26-61a-106**, as last amended by Laws of Utah 2019, Chapters 136 and 341
- 97 **26-61a-107**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
98 Chapter 1
- 99 **26-61a-109**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
100 Chapter 1
- 101 **26-61a-201**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
102 Chapter 1
- 103 **26-61a-202**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
104 Chapter 1
- 105 **26-61a-203**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
106 Chapter 1
- 107 **26-61a-204**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
108 Chapter 1
- 109 **26-61a-301**, Utah Code Annotated 1953
- 110 **26-61a-304**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
111 Chapter 1
- 112 **26-61a-305**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
113 Chapter 1
- 114 **26-61a-401**, as last amended by Laws of Utah 2019, Chapter 136
- 115 **26-61a-403**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 116 **26-61a-502**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
117 Chapter 1
- 118 **26-61a-503**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 119 **26-61a-505**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
120 Chapter 1
- 121 **26-61a-506**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
122 Chapter 1
- 123 **26-61a-507**, as last amended by Laws of Utah 2019, Chapter 136
- 124 **26-61a-605**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

- 125 **26-61a-606**, as last amended by Laws of Utah 2019, Chapter 136
- 126 **26-61a-607**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 127 **26-61a-702**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 128 Chapter 1
- 129 **26-61a-703**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 130 Chapter 1
- 131 **30-3-10**, as last amended by Laws of Utah 2019, Chapters 136, 188, and 341
- 132 **58-17b-302**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 133 **58-17b-310**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 134 **58-17b-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 135 **58-37-3.7**, as last amended by Laws of Utah 2019, Chapter 341
- 136 **58-37-3.8**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 137 **58-37-3.9**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 138 **58-67-304**, as last amended by Laws of Utah 2019, Chapter 136
- 139 **58-67-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 140 **58-68-304**, as last amended by Laws of Utah 2019, Chapter 136
- 141 **58-68-502**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 142 **59-12-104.10**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

143 ENACTS:

- 144 **4-41a-901**, Utah Code Annotated 1953
- 145 **4-41a-902**, Utah Code Annotated 1953
- 146 **4-41a-903**, Utah Code Annotated 1953
- 147 **26-61a-115**, Utah Code Annotated 1953
- 148 **78A-2-231**, Utah Code Annotated 1953

149 REPEALS AND REENACTS:

- 150 **26-61a-601**, as last amended by Laws of Utah 2019, Chapter 136
- 151 **26-61a-602**, as last amended by Laws of Utah 2019, Chapter 136
- 152 **26-61a-603**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 153 **26-61a-604**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

154 REPEALS:

155 **26-61a-110**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 156 **26-61a-205**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 157 **26-61a-608**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 158 **26-61a-609**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 159 **26-61a-610**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 160 **26-61a-611**, as last amended by Laws of Utah 2019, Chapter 136
 161 **26-65-101**, as enacted by Laws of Utah 2018, Chapter 452
 162 **26-65-102**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
 163 **26-65-103**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
 164 **26-65-201**, as enacted by Laws of Utah 2018, Chapter 452
 165 **26-65-202**, as enacted by Laws of Utah 2018, Chapter 452

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

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

169 **4-41a-102. Definitions.**

170 As used in this chapter:

171 (1) "Cannabis" means the same as that term is defined in Section 26-61a-102.

172 (2) "Cannabis cultivation facility" means a person that:

173 (a) possesses cannabis;

174 (b) grows or intends to grow cannabis; and

175 (c) sells or intends to sell cannabis to a cannabis cultivation facility [~~or to~~], a cannabis
 176 processing facility, or a medical cannabis research licensee.

177 (3) "Cannabis cultivation facility agent" means an individual who:

178 (a) is an employee of a cannabis cultivation facility; and

179 (b) holds a valid cannabis production establishment agent registration card.

180 (4) "Cannabis processing facility" means a person that:

181 (a) acquires or intends to acquire cannabis from a cannabis production establishment or
 182 a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and
 183 Cannabinoid Act;

184 (b) possesses cannabis with the intent to manufacture a cannabis product;

185 (c) manufactures or intends to manufacture a cannabis product from unprocessed

186 cannabis or a cannabis extract; and

187 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or [the
188 ~~state central fill~~] a medical cannabis [~~pharmacy~~] research licensee.

189 (5) "Cannabis processing facility agent" means an individual who:

190 (a) is an employee of a cannabis processing facility; and

191 (b) holds a valid cannabis production establishment agent registration card.

192 (6) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

193 (7) "Cannabis production establishment" means a cannabis cultivation facility, a
194 cannabis processing facility, or an independent cannabis testing laboratory.

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

197 (9) "Cannabis production establishment agent registration card" means a registration
198 card that the department issues that:

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

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

202 (10) "Community location" means a public or private school, a church, a public library,
203 a public playground, or a public park.

204 (11) "Department" means the Department of Agriculture and Food.

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

208 (13) "Independent cannabis testing laboratory" means a person that:

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

210 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to
211 conduct a chemical or other analysis of the cannabis or cannabis product.

212 (14) "Independent cannabis testing laboratory agent" means an individual who:

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

214 (b) holds a valid cannabis production establishment agent registration card.

215 (15) "Inventory control system" means a system described in Section 4-41a-103.

216 (16) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

217 (17) "Medical cannabis card" means the same as that term is defined in Section
218 26-61a-102.

219 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section
220 26-61a-102.

221 (19) "Medical cannabis pharmacy agent" means the same as that term is defined in
222 Section 26-61a-102.

223 (20) "Medical cannabis research license" means a license that the department issues to
224 a research university for the purpose of obtaining and possessing medical cannabis for
225 academic research.

226 (21) "Medical cannabis research licensee" means a research university that the
227 department licenses to obtain and possess medical cannabis for academic research, in
228 accordance with Section 4-41a-901.

229 ~~[(20)]~~ (22) "Medical cannabis treatment" means the same as that term is defined in
230 Section 26-61a-102.

231 ~~[(21)]~~ (23) "Medicinal dosage form" means the same as that term is defined in Section
232 26-61a-102.

233 ~~[(22)]~~ (24) "Qualified medical provider" means the same as that term is defined in
234 Section 26-61a-102.

235 ~~[(23)]~~ (25) "Qualified Production Enterprise Fund" means the fund created in Section
236 4-41a-104.

237 ~~[(24) "State central fill agent" means the same as that term is defined in Section~~
238 ~~26-61a-102.]~~

239 ~~[(25) "State central fill medical cannabis pharmacy" means the same as that term is~~
240 ~~defined in Section 26-61a-102.]~~

241 ~~[(26) "State central fill shipment" means the same as that term is defined in Section~~
242 ~~26-61a-102.]~~

243 (26) "Research university" means the same as that term is defined in Section
244 53B-7-702.

245 (27) "State electronic verification system" means the system described in Section
246 26-61a-103.

247 (28) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic

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

249 (29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and
250 tetrahydrocannabinolic acid.

251 Section 2. Section **4-41a-103** is amended to read:

252 **4-41a-103. Inventory control system.**

253 (1) Each cannabis production establishment[;] and each medical cannabis pharmacy[;
254 ~~and the state central fill medical cannabis pharmacy]~~ shall maintain an inventory control system
255 that meets the requirements of this section.

256 (2) A cannabis production establishment[;] and a medical cannabis pharmacy[;~~and the~~
257 ~~state central fill medical cannabis pharmacy]~~ shall ensure that the inventory control system
258 maintained by the establishment or pharmacy:

259 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis
260 plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form
261 of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;

262 (b) maintains in real time a record of the amount of cannabis and cannabis products in
263 the possession of the establishment or pharmacy;

264 (c) includes a video recording system that:

265 (i) tracks all handling and processing of cannabis or a cannabis product in the
266 establishment or pharmacy;

267 (ii) is tamper proof; and

268 (iii) stores a video record for at least 45 days; and

269 (d) preserves compatibility with the state electronic verification system described in
270 Section 26-61a-103.

271 (3) A cannabis production establishment[;] and a medical cannabis pharmacy[;~~and the~~
272 ~~state central fill medical cannabis pharmacy]~~ shall allow the department or the Department of
273 Health access to the cannabis production establishment's[;] or the medical cannabis
274 pharmacy's[;~~or state central fill medical cannabis pharmacy's]~~ inventory control system at any
275 time.

276 (4) The department may establish compatibility standards for an inventory control
277 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
278 Rulemaking Act.

279 (5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
280 Administrative Rulemaking Act, establishing requirements for aggregate or batch records
281 regarding the planting and propagation of cannabis before being tracked in an inventory control
282 system described in this section.

283 (b) The department shall ensure that the rules described in Subsection (5)(a) address
284 record-keeping for the amount of planted seed, number of cuttings taken, date and time of
285 cutting and planting, number of plants established, and number of plants culled or dead.

286 Section 3. Section **4-41a-201** is amended to read:

287 **4-41a-201. Cannabis production establishment -- License.**

288 (1) A person may not operate a cannabis production establishment without a license
289 that the department issues under this chapter.

290 (2) (a) Subject to Subsections (6), (7), and (8), and to Section 4-41a-205, the
291 department shall~~[-, in accordance with Title 63G, Chapter 6a, Utah Procurement Code,];~~

292 (i) except as provided in Subsection (2)(a)(ii), issue a license to operate a cannabis
293 production establishment to an applicant who is eligible for a license under this section[-]; and

294 (ii) issue a license to operate a cannabis cultivation facility in accordance with Title
295 63G, Chapter 6a, Utah Procurement Code.

296 (b) An applicant is eligible for a license under this section if the applicant submits to
297 the department:

298 (i) a proposed name and address, located in a zone described in Subsection
299 4-41a-406(1)(a) or (b), where the applicant will operate the cannabis production establishment
300 that is not within 1,000 feet of a community location or within 600 feet of an area zoned
301 primarily for residential use, as measured from the nearest entrance to the cannabis production
302 establishment by following the shortest route of ordinary pedestrian travel to the property
303 boundary of the community location or residential area, unless the relevant county or
304 municipality recommends in writing that the department waive the community location
305 proximity limit;

306 (ii) the name and address of any individual who has:

307 (A) a financial or voting interest of 2% or greater in the proposed cannabis production
308 establishment; or

309 (B) the power to direct or cause the management or control of a proposed cannabis

310 production establishment;

311 (iii) an operating plan that:

312 (A) complies with Section 4-41a-204;

313 (B) includes operating procedures that comply with this chapter and any law the

314 municipality or county in which the person is located adopts that is consistent with Section

315 4-41a-406; and

316 (C) the department approves;

317 (iv) evidence that the applicant has obtained and maintains a performance bond that a

318 surety authorized to transact surety business in the state issues in an amount of at least:

319 (A) \$250,000 for each cannabis cultivation facility for which the applicant applies; or

320 (B) \$50,000 for each cannabis processing facility or independent cannabis testing

321 laboratory for which the applicant applies;

322 (v) if the municipality or county where the proposed cannabis production establishment

323 would be located requires a local land use permit, a copy of the applicant's approved

324 application for the local land use permit; and

325 (vi) an application fee in an amount that, subject to Subsection 4-41a-104(5), the

326 department sets in accordance with Section 63J-1-504.

327 (3) If the department approves an application for a license under this section:

328 (a) the applicant shall pay the department an initial license fee in an amount that,

329 subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

330 and

331 (b) the department shall notify the Department of Public Safety of the license approval

332 and the names of each individual described in Subsection (2)(b)(ii).

333 (4) (a) Except as provided in Subsection (4)(b), the department shall require a separate

334 license for each type of cannabis production establishment and each location of a cannabis

335 production establishment.

336 (b) The department may issue a cannabis cultivation facility license and a cannabis

337 processing facility license to a person to operate at the same physical location or at separate

338 physical locations.

339 (5) If the department receives more than one application for a cannabis production

340 establishment within the same city or town, the department shall consult with the local land use

341 authority before approving any of the applications pertaining to that city or town.

342 (6) The department may not issue a license to operate an independent cannabis testing
343 laboratory to a person who:

344 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
345 cannabis processing facility, or a cannabis cultivation facility;

346 (b) has an owner, officer, director, or employee whose family member holds a license or
347 has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a
348 cannabis cultivation facility; or

349 (c) proposes to operate the independent cannabis testing laboratory at the same physical
350 location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
351 cultivation facility.

352 (7) The department may not issue a license to operate a cannabis production
353 establishment to an applicant if any individual described in Subsection (2)(b)(ii):

354 (a) has been convicted under state or federal law of:

355 (i) a felony; or

356 (ii) after December 3, 2018, a misdemeanor for drug distribution; or

357 (b) is younger than 21 years old.

358 (8) If an applicant for a cannabis production establishment license under this section
359 holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, or Title 26, Chapter 61a,
360 Utah Medical Cannabis Act, the department:

361 (a) shall consult with the Department of Health regarding the applicant if the license
362 the applicant holds is a license under Title 26, Chapter 61a, Utah Medical Cannabis Act; and

363 (b) may not give preference to the applicant based on the applicant's status as a holder
364 of a license described in this Subsection (8).

365 (9) The department may revoke a license under this part:

366 (a) if the cannabis production establishment does not begin cannabis production
367 operations within one year after the day on which the department issues the initial license;

368 (b) after the cannabis production establishment makes the same violation of this
369 chapter three times; or

370 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
371 active, under state or federal law of:

372 (i) a felony; or

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

374 (10) The department shall deposit the proceeds of a fee that the department imposes
375 under this section into the Qualified Production Enterprise Fund.

376 (11) The department shall begin accepting applications under this part on or before
377 January 1, 2020.

378 (12) The department's authority to issue a license under this section is plenary and is
379 not subject to review.

380 Section 4. Section **4-41a-204** is amended to read:

381 **4-41a-204. Operating plan.**

382 (1) A person applying for a cannabis production establishment license or license
383 renewal shall submit to the department for the department's review a proposed operating plan
384 that complies with this section and that includes:

385 (a) a description of the physical characteristics of the proposed facility, including a
386 floor plan and an architectural elevation;

387 (b) a description of the credentials and experience of:

388 (i) each officer, director, and owner of the proposed cannabis production
389 establishment; and

390 (ii) any highly skilled or experienced prospective employee;

391 (c) the cannabis production establishment's employee training standards;

392 (d) a security plan;

393 (e) a description of the cannabis production establishment's inventory control system,
394 including a description of how the inventory control system is compatible with the state
395 electronic verification system described in Section 26-61a-103;

396 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
397 manner that is sanitary and preserves the integrity of the cannabis;

398 (g) for a cannabis cultivation facility, the information described in Subsection (2);

399 (h) for a cannabis processing facility, the information described in Subsection (3); and

400 (i) for an independent cannabis testing laboratory, the information described in
401 Subsection (4).

402 (2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan

403 includes the facility's intended:

404 (i) cannabis cultivation practices, including the facility's intended pesticide use and
405 fertilizer use; and

406 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and
407 anticipated cannabis yield.

408 (b) Except as provided in Subsection [~~(2)(c) or (d)(i)~~] (2)(c)(i) or (d)(ii), a cannabis
409 cultivation facility [~~that cultivates cannabis indoors~~] may not:

410 (i) for a facility that cultivates cannabis only indoors:

411 (A) use more than 100,000 square feet for cultivation; or

412 (B) hang, suspend, stack or otherwise position plants above other plants to cultivate
413 more plants through use of vertical space; [~~and~~]

414 (ii) [~~a cannabis cultivation~~] for a facility that cultivates cannabis only outdoors [~~may~~
415 ~~not~~], use more than four acres for cultivation[~~;~~]; and

416 (iii) for a facility that cultivates cannabis through a combination of indoor and outdoor
417 cultivation, use more combined indoor square footage and outdoor acreage than allowed under
418 the department's formula described in Subsection (2)(e).

419 (c) (i) Each licensee may annually apply to the department for authorization to exceed
420 the cannabis cultivation facility's current cultivation size limitation by up to 20%.

421 (ii) The department may, after conducting a review as described in Subsection
422 4-41a-205(2)(a), grant the authorization described in Subsection (2)(c)(i).

423 (d) If a licensee describes an intended acreage or square footage under cultivation
424 under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):

425 (i) the licensee may not cultivate more than the licensee's identified intended acreage or
426 square footage under cultivation; and

427 (ii) notwithstanding Subsection (2)(b), the department may allocate the remaining
428 difference in acreage or square footage under cultivation to another licensee.

429 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah
430 Administrative Rulemaking Act, establish a formula for combined usage of indoor and outdoor
431 cultivation that:

432 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described
433 in Subsection (2)(b)(i) or (ii); and

434 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.

435 (3) A cannabis processing facility's operating plan shall include the facility's intended
436 cannabis processing practices, including the cannabis processing facility's intended:

437 (a) offered variety of cannabis product;

438 (b) cannabinoid extraction method;

439 (c) cannabinoid extraction equipment;

440 (d) processing equipment;

441 (e) processing techniques; and

442 (f) sanitation and manufacturing safety procedures for items for human consumption.

443 (4) An independent cannabis testing laboratory's operating plan shall include the
444 laboratory's intended:

445 (a) cannabis and cannabis product testing capability;

446 (b) cannabis and cannabis product testing equipment; and

447 (c) testing methods, standards, practices, and procedures for testing cannabis and
448 cannabis products.

449 Section 5. Section **4-41a-301** is amended to read:

450 **4-41a-301. Cannabis production establishment agent -- Registration.**

451 (1) An individual may not act as a cannabis production establishment agent unless the
452 department registers the individual as a cannabis production establishment agent.

453 (2) The following individuals, regardless of the individual's status as a qualified
454 medical provider, may not serve as a cannabis production establishment agent, have a financial
455 or voting interest of 2% or greater in a cannabis production establishment, or have the power to
456 direct or cause the management or control of a cannabis production establishment:

457 (a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

458 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
459 Practice Act;

460 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
461 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

462 (d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
463 Act.

464 (3) An independent cannabis testing laboratory agent may not act as an agent for a

465 medical cannabis pharmacy, ~~[the state central fill medical cannabis pharmacy]~~ a medical
466 cannabis courier, a cannabis processing facility, or a cannabis cultivation facility.

467 (4) (a) The department shall, within 15 business days after the day on which the
468 department receives a complete application from a cannabis production establishment on
469 behalf of a prospective cannabis production establishment agent, register and issue a cannabis
470 production establishment agent registration card to the prospective agent if the cannabis
471 production establishment:

472 (i) provides to the department:

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

474 (B) the name and location of a licensed cannabis production establishment where the
475 prospective agent will act as the cannabis production establishment's agent; and

476 (C) the submission required under Subsection (4)(b); and

477 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),
478 the department sets in accordance with Section 63J-1-504.

479 (b) ~~[Each]~~ Except for an applicant reapplying for a cannabis production establishment
480 agent registration card within less than one year after the expiration of the applicant's previous
481 cannabis production establishment agent registration card, each prospective agent described in
482 Subsection (4)(a) shall:

483 (i) submit to the department:

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

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

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

489 (A) the Bureau of Criminal Identification; and

490 (B) the Federal Bureau of Investigation.

491 (c) The Bureau of Criminal Identification shall:

492 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against
493 the applicable state, regional, and national criminal records databases, including the Federal
494 Bureau of Investigation Next Generation Identification System;

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

496 (iii) maintain a separate file of fingerprints that prospective agents submit under
497 Subsection (4)(b) for search by future submissions to the local and regional criminal records
498 databases, including latent prints;

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

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

506 (d) The department shall:

507 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
508 amount that the department sets in accordance with Section 63J-1-504 for the services that the
509 Bureau of Criminal Identification or another authorized agency provides under this section; and

510 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal
511 Identification.

512 (5) The department shall designate, on an individual's cannabis production
513 establishment agent registration card:

514 (a) the name of the cannabis production establishment where the individual is
515 registered as an agent; and

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

518 (6) A cannabis production establishment agent shall comply with:

519 (a) a certification standard that the department develops; or

520 (b) a third-party certification standard that the department designates by rule, in
521 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

522 (7) The department shall ensure that the certification standard described in Subsection
523 (6) includes training:

524 (a) in Utah medical cannabis law;

525 (b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

526 (c) for a cannabis processing facility agent, in cannabis processing, manufacturing

527 safety procedures for items for human consumption, and sanitation best practices; and

528 (d) for an independent cannabis testing laboratory agent, in cannabis testing best
529 practices.

530 (8) For an individual who holds or applies for a cannabis production establishment
531 agent registration card:

532 (a) the department may revoke or refuse to issue the card if the individual violates the
533 requirements of this chapter; and

534 (b) the department shall revoke or refuse to issue the card if the individual is convicted
535 under state or federal law of:

536 (i) a felony; or

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

538 (9) (a) A cannabis production establishment agent registration card expires two years
539 after the day on which the department issues the card.

540 (b) A cannabis production establishment agent may renew the agent's registration card
541 if the agent:

542 (i) is eligible for a cannabis production establishment registration card under this
543 section;

544 (ii) certifies to the department in a renewal application that the information in
545 Subsection (4)(a) is accurate or updates the information; and

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

547 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section
548 63J-1-504; and

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

551 Section 6. Section **4-41a-302** is amended to read:

552 **4-41a-302. Cannabis production establishment agent registration card --**
553 **Rebuttable presumption.**

554 (1) A cannabis production establishment agent whom the department registers under
555 Section 4-41a-301 shall carry the individual's cannabis production establishment agent
556 registration card with the agent at all times when:

557 (a) the agent is on the premises of a cannabis production establishment where the agent

558 is registered;

559 (b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in
560 a medicinal dosage form, or a medical cannabis device between:

561 (i) two cannabis production establishments; or

562 (ii) a cannabis production establishment and~~[(A)]~~ a medical cannabis pharmacy; ~~[or]~~

563 and

564 ~~[(B) the state central fill medical cannabis pharmacy, and]~~

565 (c) if the cannabis production establishment agent is an agent of a cannabis

566 ~~[cultivating]~~ cultivation facility, the agent is transporting raw cannabis plants to a cannabis
567 processing facility or an independent cannabis testing laboratory.

568 (2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage
569 form, a cannabis product in a medicinal dosage form, or a medical cannabis device and

570 produces the registration card in the agent's possession in compliance with Subsection (1)

571 while handling, at a cannabis production establishment, or transporting the cannabis, cannabis

572 product, or medical cannabis device in compliance with Subsection (1):

573 (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis
574 product, or medical cannabis device legally; and

575 (b) a law enforcement officer does not have probable cause, based solely on the agent's

576 possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage

577 form, or medical cannabis device in compliance with Subsection (1), to believe that the

578 individual is engaging in illegal activity.

579 (3) (a) A cannabis production establishment agent who fails to carry the agent's

580 cannabis production establishment agent registration card in accordance with Subsection (1) is:

581 (i) for a first or second offense in a two-year period:

582 (A) guilty of an infraction; and

583 (B) subject to a \$100 fine; or

584 (ii) for a third or subsequent offense in a two-year period:

585 (A) guilty of a class C misdemeanor; and

586 (B) subject to a \$750 fine.

587 (b) (i) The prosecuting entity shall notify the department and the relevant cannabis

588 production establishment of each conviction under Subsection (3)(a).

589 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
590 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine
591 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
592 Administrative Rulemaking Act.

593 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
594 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
595 underlying the violation described in Subsection (3)(a).

596 Section 7. Section ~~4-41a-403~~ is amended to read:

597 **4-41a-403. Advertising.**

598 (1) ~~[A]~~ Except as provided in Subsection (2) or (3), a cannabis production
599 establishment may not advertise to the general public in any medium.

600 (2) ~~[Notwithstanding Subsection (1), a]~~ A cannabis production establishment may
601 advertise an employment opportunity at the cannabis production [facility] establishment.

602 (3) Notwithstanding any municipal or county ordinance, a cannabis production
603 establishment may use signage on the outside of the cannabis production establishment that
604 includes only:

605 (a) the cannabis production establishment's name and hours of operation; and

606 (b) a green cross.

607 Section 8. Section ~~4-41a-404~~ is amended to read:

608 **4-41a-404. Cannabis, cannabis product, or medical cannabis device**
609 **transportation.**

610 (1) (a) Only the following individuals may transport cannabis in a medicinal dosage
611 form, a cannabis product in a medicinal dosage form, or a medical cannabis device under this
612 chapter:

613 (i) a registered cannabis production establishment agent; or

614 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
615 that the cardholder is authorized to possess under this chapter.

616 (b) Only an agent of a cannabis ~~[cultivating]~~ cultivation facility, when the agent is
617 transporting cannabis plants to a cannabis processing facility or an independent cannabis
618 testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.

619 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter

620 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment shall
621 possess a transportation manifest that:

622 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
623 cannabis device to a relevant inventory control system;

624 (b) includes origin and destination information for any cannabis, cannabis product, or
625 medical cannabis device that the individual is transporting; and

626 (c) identifies the departure and arrival times and locations of the individual
627 transporting the cannabis, cannabis product, or medical cannabis device.

628 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
629 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
630 Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a
631 medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis
632 product, or medical cannabis device remains safe for human consumption.

633 (b) The transportation described in Subsection (3)(a) is limited to transportation:

634 (i) between a cannabis cultivation facility and:

635 (A) another cannabis cultivation facility; or

636 (B) a cannabis processing facility; and

637 (ii) between a cannabis processing facility and:

638 (A) another cannabis processing facility;

639 (B) an independent cannabis testing laboratory; or

640 (C) a medical cannabis pharmacy[; ~~or~~].

641 [~~(D) the state central fill medical cannabis pharmacy.~~]

642 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a
643 transport described in this section with a manifest that does not meet the requirements of this
644 section.

645 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

646 (i) guilty of an infraction; and

647 (ii) subject to a \$100 fine.

648 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
649 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
650 underlying the violation described in Subsection (4)(b).

651 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis
652 product, or medical cannabis devices than the manifest identifies, except for a de minimis
653 administrative error:

654 (i) the penalty described in Subsection (4)(b) does not apply; and

655 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled
656 Substances Act.

657 (5) Nothing in this section prevents the department from taking administrative
658 enforcement action against a cannabis production establishment or another person for failing to
659 make a transport in compliance with the requirements of this section.

660 Section 9. Section ~~4-41a-406~~ is amended to read:

661 **4-41a-406. Local control.**

662 (1) (a) If a municipality's or county's zoning ordinances provide for an industrial
663 zone~~[-]~~:

664 (i) the municipality or county shall ensure that the ordinances allow for cannabis
665 production establishments in at least one type of industrial zone~~[-]~~; and

666 (ii) if the ordinances do not allow for cannabis production establishments in at least
667 one type of industrial zone at the time a prospective cannabis production establishment licensee
668 applies for a land use permit, the municipality or county may not prohibit a cannabis
669 production establishment in any industrial zone.

670 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone~~[-]~~:

671 (i) the municipality or county shall ensure that the ordinances allow for cannabis
672 production establishments in at least one type of agricultural zone~~[-]~~; and

673 (ii) if the ordinances do not allow for cannabis production establishments in at least
674 one type of agricultural zone at the time a prospective cannabis production establishment
675 licensee applies for a land use permit, the municipality or county may not prohibit a cannabis
676 production establishment in any agricultural zone.

677 (2) ~~[(a)]~~ A municipality or county may not:

678 (a) deny or revoke a land use permit to operate a cannabis production [facility]
679 establishment on the sole basis that the applicant or cannabis production establishment violates
680 federal law regarding the legal status of cannabis~~[-]~~;

681 (b) ~~[A municipality or county may not]~~ deny or revoke a business license to operate a

682 cannabis production [~~facility~~] establishment on the sole basis that the applicant or cannabis
683 production establishment violates federal law regarding the legal status of cannabis[-];

684 (c) create a new zone or new type of zone to accommodate a cannabis production
685 establishment or cannabis-related business;

686 (d) enforce a land use regulation or land use decision, as those terms are defined in
687 Sections 10-9a-103 and 17-27a-103, against or impose a land use restriction on a cannabis
688 production establishment if the county or municipality does not also enforce the land use
689 regulation or land use decision against or impose the land use restriction on:

690 (i) for a cannabis cultivation facility, each other agricultural operation within the same
691 zone; or

692 (ii) for a cannabis processing facility or an independent testing laboratory, other
693 manufacturing operation within the same zone; or

694 (e) require a certain distance between a cannabis production establishment and another
695 cannabis production establishment or cannabis-related business.

696 (3) The operation of a cannabis production establishment is a permitted use on land
697 that the municipality or county has not zoned.

698 Section 10. Section **4-41a-501** is amended to read:

699 **4-41a-501. Cannabis cultivation facility -- Operating requirements.**

700 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the
701 cannabis cultivation facility is not visible from the ground level of the cannabis cultivation
702 facility perimeter.

703 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
704 cannabis cultivation facility's inventory control system to identify:

705 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
706 cannabis plant;

707 (b) each unique harvest of cannabis plants;

708 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, [~~the~~
709 ~~state central fill medical cannabis pharmacy,~~] a cannabis processing facility, or an independent
710 cannabis testing laboratory; and

711 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
712 facility disposes.

713 Section 11. Section ~~4-41a-701~~ is amended to read:

714 **4-41a-701. Cannabis and cannabis product testing.**

715 (1) A cannabis cultivation facility may not offer any cannabis for sale to a cannabis
716 processing facility unless an independent cannabis testing laboratory has tested a representative
717 sample of the cannabis or cannabis product to determine that the presence of contaminants,
718 including mold, fungus, pesticides, microbial contaminants, heavy metals, or foreign material,
719 does not exceed an amount that is safe for human consumption.

720 (2) A cannabis processing facility may not offer any cannabis or cannabis products for
721 sale to a medical cannabis pharmacy [~~or the state central fill medical cannabis pharmacy,~~] and a
722 medical cannabis pharmacy [~~and the state central fill medical cannabis pharmacy~~] may not
723 offer any cannabis or cannabis product for sale unless an independent cannabis testing
724 laboratory has tested a representative sample of the cannabis or cannabis product to determine:

725 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the
726 cannabis or cannabis product; and

727 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the
728 label claims the cannabis or cannabis product contains;

729 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial
730 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for
731 human consumption; and

732 (c) for a cannabis product that is manufactured using a process that involves extraction
733 using hydrocarbons, that the cannabis product does not contain a level of a residual solvent that
734 is not safe for human consumption.

735 (3) By rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
736 Act, the department:

737 (a) may determine the amount of any substance described in Subsections (2)(b) and (c)
738 that is safe for human consumption; and

739 (b) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis
740 production establishment.

741 (4) The department may require testing for a toxin if:

742 (a) the department receives information indicating the potential presence of a toxin; or

743 (b) the department's inspector has reason to believe a toxin may be present based on the

744 inspection of a facility.

745 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
746 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the
747 testing of cannabis and cannabis products by independent cannabis testing laboratories.

748 (6) The department may require an independent cannabis testing laboratory to
749 participate in a proficiency evaluation that the department conducts or that an organization that
750 the department approves conducts.

751 Section 12. Section **4-41a-901** is enacted to read:

752 **4-41a-901. Academic medical cannabis research -- License.**

753 (1) A medical cannabis research licensee may, subject to department rules described in
754 Subsection (4), obtain from a cannabis production establishment, and possess, cannabis for
755 academic medical cannabis research.

756 (2) The department shall license a research university to obtain and possess cannabis
757 for the purpose of academic medical cannabis research if the research university submits to the
758 department:

759 (a) the location where the research university intends to conduct the research;

760 (b) the research university's research plan; and

761 (c) the name of the employee of the research university who will:

762 (i) supervise the obtaining of cannabis;

763 (ii) be responsible to possess and secure the cannabis; and

764 (iii) oversee the academic research.

765 (3) The department shall maintain a list of each medical cannabis research licensee.

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

767 Administrative Rulemaking Act, to:

768 (a) establish requirements for a licensee to:

769 (i) participate in academic medical cannabis research;

770 (ii) obtain from a cannabis production establishment, and possess, cannabis for

771 academic medical cannabis research; and

772 (b) set sampling and testing procedures.

773 (5) A medical cannabis research licensee shall provide to the department written

774 consent allowing a representative of the department and local law enforcement to enter all

775 premises where the licensee possesses or stores cannabis for the purpose of:

776 (a) conducting a physical inspection; or

777 (b) ensuring compliance with the requirements of this chapter.

778 (6) An individual who has been convicted of a drug related felony within the last 10
779 years may not obtain, possess, or conduct any research on cannabis under a medical cannabis
780 research licensee's license under this part.

781 (7) The department may set a fee, in accordance with Subsection 4-2-103(2), for the
782 application for a medical cannabis research license.

783 Section 13. Section **4-41a-902** is enacted to read:

784 **4-41a-902. Cannabis production establishment product for academic research.**

785 A cannabis production establishment may sell cannabis and cannabis products to a
786 medical cannabis research licensee for the purpose of academic research.

787 Section 14. Section **4-41a-903** is enacted to read:

788 **4-41a-903. Unlawful acts.**

789 (1) It is unlawful for a person who is not operating under the license of a medical
790 cannabis research licensee to obtain or possess cannabis for academic medical cannabis
791 research.

792 (2) It is unlawful for a cannabis production establishment to offer, sell, or otherwise
793 provide cannabis or cannabis products for the purpose of academic research to an entity that is
794 not a medical cannabis research licensee.

795 (3) The department may seize from a medical cannabis research licensee and destroy
796 cannabis or cannabis products that do not comply with this chapter.

797 Section 15. Section **26-61a-102** is amended to read:

798 **26-61a-102. Definitions.**

799 As used in this chapter:

800 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single
801 dose of cannabis or a cannabis product in a blister pack.

802 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each
803 containing no more than a single dose of cannabis or a cannabis product.

804 (3) "Cannabis" means marijuana.

805 (4) "Cannabis cultivation facility" means the same as that term is defined in Section

806 4-41a-102.

807 (5) "Cannabis processing facility" means the same as that term is defined in Section
808 4-41a-102.

809 (6) "Cannabis product" means a product that:

810 (a) is intended for human use; and

811 (b) contains cannabis or tetrahydrocannabinol.

812 (7) "Cannabis production establishment" means the same as that term is defined in
813 Section 4-41a-102.

814 [~~(7)~~] (8) "Cannabis production establishment agent" means the same as that term is
815 defined in Section 4-41a-102.

816 [~~(8)~~] (9) "Cannabis production establishment agent registration card" means the same
817 as that term is defined in Section 4-41a-102.

818 [~~(9)~~] (10) "Community location" means a public or private school, a church, a public
819 library, a public playground, or a public park.

820 [~~(10)~~] (11) "Department" means the Department of Health.

821 [~~(11)~~] (12) "Designated caregiver" means an individual:

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

824 (b) who registers with the department under Section 26-61a-202.

825 [~~(12)~~] (13) "Dosing parameters" means quantity, routes, and frequency of
826 administration for a recommended treatment of cannabis in a medicinal dosage form or a
827 cannabis product in a medicinal dosage form.

828 (14) "Financial institution" means a bank, trust company, savings institution, or credit
829 union, chartered and supervised under state or federal law.

830 (15) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
831 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
832 shipments to a medical cannabis cardholder's home address to fulfill electronic orders that the
833 state central patient portal facilitates.

834 [~~(13)~~] (16) "Independent cannabis testing laboratory" means the same as that term is
835 defined in Section 4-41a-102.

836 [~~(14)~~] (17) "Inventory control system" means the system described in Section

837 4-41a-103.

838 ~~[(15) "Local health department" means the same as that term is defined in Section~~
839 ~~26A-1-102.]~~

840 ~~[(16) "Local health department distribution agent" means an agent designated and~~
841 ~~registered to distribute state central fill shipments under Sections 26-61a-606 and 26-61a-607.]~~

842 ~~[(17)]~~ (18) "Marijuana" means the same as that term is defined in Section 58-37-2.

843 ~~[(18)]~~ (19) "Medical cannabis" means cannabis in a medicinal dosage form or a
844 cannabis product in a medicinal dosage form.

845 ~~[(19)]~~ (20) "Medical cannabis card" means a medical cannabis patient card, a medical
846 cannabis guardian card, or a medical cannabis caregiver card.

847 ~~[(20)]~~ (21) "Medical cannabis cardholder" means a holder of a medical cannabis card.

848 ~~[(21)]~~ (22) "Medical cannabis caregiver card" means an ~~[official]~~ electronic document
849 that a cardholder may print or store on an electronic device or a physical card or document that:

850 (a) the department issues to an individual whom a medical cannabis patient cardholder
851 or a medical cannabis guardian cardholder designates as a designated caregiver; and

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

853 (23) "Medical cannabis courier" means a courier that:

854 (a) the department licenses in accordance with Section 26-61a-604; and

855 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
856 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

857 ~~[(22)]~~ (24) (a) "Medical cannabis device" means a device that an individual uses to
858 ingest cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

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

860 (i) facilitates cannabis combustion; or

861 (ii) an individual uses to ingest substances other than cannabis.

862 ~~[(23)]~~ (25) "Medical cannabis guardian card" means an ~~[official]~~ electronic document
863 that a cardholder may print or store on an electronic device or a physical card or document that:

864 (a) the department issues to the parent or legal guardian of a minor with a qualifying
865 condition; and

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

867 ~~[(24)]~~ (26) "Medical cannabis patient card" means an ~~[official]~~ electronic document

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

869 (a) the department issues to an individual with a qualifying condition; and

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

871 [~~(25)~~] (27) "Medical cannabis pharmacy" means a person that:

872 (a) (i) acquires or intends to acquire:

873 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
874 form from a cannabis processing facility; or

875 (B) a medical cannabis device; or

876 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
877 dosage form, or a medical cannabis device; and

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

880 [~~(26)~~] (28) "Medical cannabis pharmacy agent" means an individual who:

881 (a) is an employee of a medical cannabis pharmacy; and

882 (b) who holds a valid medical cannabis pharmacy agent registration card.

883 [~~(27)~~] (29) "Medical cannabis pharmacy agent registration card" means a registration
884 card issued by the department that authorizes an individual to act as a medical cannabis
885 pharmacy agent.

886 (30) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
887 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
888 courier delivers to a medical cannabis cardholder's home address to fulfill an electronic medical
889 cannabis order that the state central patient portal facilitates.

890 [~~(28)~~] (31) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
891 cannabis product in a medicinal dosage form, or a medical cannabis device.

892 [~~(29)~~] (32) (a) "Medicinal dosage form" means:

893 (i) for processed medical cannabis or a medical cannabis product, the following with a
894 specific and consistent cannabinoid content:

895 (A) a tablet;

896 (B) a capsule;

897 (C) a concentrated oil;

898 (D) a liquid suspension;

- 899 (E) a topical preparation;
- 900 (F) a transdermal preparation;
- 901 (G) a sublingual preparation;
- 902 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
903 rectangular cuboid shape; or
- 904 (I) for use only after the individual's qualifying condition has failed to substantially
905 respond to at least two other forms described in this Subsection [~~(29)~~] (32)(a)(i), a resin or
906 wax;
- 907 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:
- 908 (A) containing a specific and consistent weight that does not exceed one gram and that
909 varies by no more than 10% from the stated weight; and
- 910 (B) after December 31, 2020, labeled with a barcode that provides information
911 connected to an inventory control system and the individual blister's content and weight; and
- 912 (iii) a form measured in grams, milligrams, or milliliters.
- 913 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 914 (i) the medical cannabis cardholder has recently removed from the blister pack
915 described in Subsection [~~(29)~~] (32)(a)(ii) for use; and
- 916 (ii) does not exceed the quantity described in Subsection [~~(29)~~] (32)(a)(ii).
- 917 (c) "Medicinal dosage form" does not include:
- 918 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
919 Subsection [~~(29)~~] (32)(b); or
- 920 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
921 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 922 (33) "Payment provider" means an entity that contracts with a cannabis production
923 establishment or medical cannabis pharmacy to facilitate transfers of funds between the
924 establishment or pharmacy and other businesses or individuals.
- 925 [~~(30)~~] (34) "Pharmacy medical provider" means the medical provider required to be on
926 site at a medical cannabis pharmacy under Section 26-61a-403.
- 927 [~~(31)~~] (35) "Provisional patient card" means a card that:
- 928 (a) the department issues to a minor with a qualifying condition for whom:
- 929 (i) a qualified medical provider has recommended a medical cannabis treatment; and

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

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

933 ~~[(32)]~~ (36) "Qualified medical provider" means an individual who is qualified to
934 recommend treatment with cannabis in a medicinal dosage form under Section 26-61a-106.

935 ~~[(33) "Qualified Distribution Enterprise Fund" means the enterprise fund created in
936 Section 26-61a-110.]~~

937 ~~[(34)]~~ (37) "Qualified Patient Enterprise Fund" means the enterprise fund created in
938 Section 26-61a-109.

939 ~~[(35)]~~ (38) "Qualifying condition" means a condition described in Section 26-61a-104.

940 ~~[(36) "State central fill agent" means an employee of the state central fill medical
941 cannabis pharmacy that the department registers in accordance with Section 26-61a-602.]~~

942 ~~[(37) "State central fill medical cannabis pharmacy" means the central fill pharmacy
943 that the department creates in accordance with Section 26-61a-601.]~~

944 (39) "State central patient portal" means the website the department creates, in
945 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic
946 medical cannabis order.

947 ~~[(38)]~~ (40) "State central ~~[fill medical provider]~~ patient portal pharmacist" means a
948 ~~[physician or]~~ pharmacist that the ~~[state central fill medical cannabis pharmacy]~~ department
949 employs in relation to the state central patient portal to consult with medical cannabis
950 cardholders in accordance with Section ~~[26-61a-601]~~ 26-61a-602.

951 ~~[(39) "State central fill shipment" means a shipment of cannabis in a medicinal dosage
952 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state
953 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis
954 cardholder in a local health department.]~~

955 ~~[(40)]~~ (41) "State electronic verification system" means the system described in Section
956 26-61a-103.

957 (42) "Valid form of photo identification" means one of the following forms of photo
958 identification that the Driver License Division of the Department of Public Safety issues:

959 (a) a current class D license, as that term is defined in Section 53-3-102;

960 (b) a current commercial driver license, as that term is defined in Section 53-3-102;

961 (c) a current driving privilege card, as that term is defined in Section 53-3-102; or

962 (d) a current identification card, as that term is defined in Section 53-3-102.

963 Section 16. Section **26-61a-103** is amended to read:

964 **26-61a-103. Electronic verification system.**

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

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

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

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

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

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

978 (2) The Department of Agriculture and Food, the department, the Department of Public
979 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
980 2020, the state electronic verification system described in Subsection (1):

981 (a) allows an individual, with the individual's qualified medical provider in the qualified
982 medical provider's office, to apply for a medical cannabis patient card or, if applicable, a
983 medical cannabis guardian card;

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

986 (c) allows a qualified medical provider to:

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

988 (A) with whom the qualified medical provider has a provider-patient relationship; and

989 (B) for whom the qualified medical provider has recommended or is considering
990 recommending a medical cannabis card;

991 (ii) electronically recommend, during a visit with a patient, treatment with cannabis in a

992 medicinal dosage form or a cannabis product in a medicinal dosage form and optionally
993 recommend dosing parameters;

994 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
995 medical cannabis guardian cardholder:

996 (A) for the qualified medical provider who originally recommended a medical cannabis
997 treatment, as that term is defined in Section 26-61a-102, using telehealth services; or
998 (B) for a qualified medical provider who did not originally recommend the medical
999 cannabis treatment, during a face-to-face visit with a patient; and

1000 ~~[(iv) at the request of a medical cannabis cardholder, initiate a state central fill~~
1001 ~~shipment in accordance with Section 26-61a-603;]~~

1002 (iv) notate a determination of physical difficulty or undue hardship, described in
1003 Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;

1004 (d) connects with:

1005 (i) an inventory control system that a medical cannabis pharmacy ~~[and the state central~~
1006 ~~fill medical cannabis pharmacy use]~~ uses to track in real time and archive purchases of any
1007 cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or a
1008 medical cannabis device, including:

1009 (A) the time and date of each purchase;

1010 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
1011 purchased;

1012 (C) any cannabis production establishment, any medical cannabis pharmacy, or ~~[the~~
1013 ~~state central fill]~~ any medical cannabis [pharmacy] courier associated with the cannabis,
1014 cannabis product, or medical cannabis device; and

1015 (D) the personally identifiable information of the medical cannabis cardholder who
1016 made the purchase; and

1017 (ii) any commercially available inventory control system that a cannabis production
1018 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
1019 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
1020 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
1021 track and confirm compliance;

1022 (e) provides access to:

1023 (i) the department to the extent necessary to carry out the department's functions and
1024 responsibilities under this chapter;

1025 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1026 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
1027 41a, Cannabis Production Establishments; and

1028 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
1029 carry out the functions and responsibilities related to the participation of the following in the
1030 recommendation and dispensing of medical cannabis:

1031 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1032 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1033 Practice Act;

1034 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1035 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1036 (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1037 Assistant Act;

1038 (f) provides access to and interaction with the state central [~~fill medical cannabis~~
1039 ~~pharmacy, state central fill agents, and local health department distribution agents, to facilitate~~
1040 ~~the state central fill shipment process~~] patient portal;

1041 (g) provides access to state or local law enforcement:

1042 (i) during a traffic stop for the purpose of determining if the individual subject to the
1043 traffic stop is in compliance with state medical cannabis law; or

1044 (ii) after obtaining a warrant; and

1045 (h) creates a record each time a person accesses the database that identifies the person
1046 who accesses the database and the individual whose records the person accesses.

1047 (3) The department may release de-identified data that the system collects for the
1048 purpose of:

1049 (a) conducting medical research; and

1050 (b) providing the report required by Section 26-61a-703.

1051 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1052 Administrative Rulemaking Act, to establish:

1053 (a) the limitations on access to the data in the state electronic verification system as

1054 described in this section; and

1055 (b) standards and procedures to ensure accurate identification of an individual
1056 requesting information or receiving information in this section.

1057 (5) (a) Any person who knowingly and intentionally releases any information in the
1058 state electronic verification system in violation of this section is guilty of a third degree felony.

1059 (b) Any person who negligently or recklessly releases any information in the state
1060 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1061 (6) (a) Any person who obtains or attempts to obtain information from the state
1062 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1063 (b) Any person who obtains or attempts to obtain information from the state electronic
1064 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
1065 degree felony.

1066 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and
1067 intentionally use, release, publish, or otherwise make available to any other person information
1068 obtained from the state electronic verification system for any purpose other than a purpose
1069 specified in this section.

1070 (b) Each separate violation of this Subsection (7) is:

1071 (i) a third degree felony; and

1072 (ii) subject to a civil penalty not to exceed \$5,000.

1073 (c) The department shall determine a civil violation of this Subsection (7) in
1074 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1075 (d) Civil penalties assessed under this Subsection (7) shall be deposited into the
1076 General Fund.

1077 (e) This Subsection (7) does not prohibit a person who obtains information from the
1078 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1079 (i) including the information in the person's medical chart or file for access by a person
1080 authorized to review the medical chart or file;

1081 (ii) providing the information to a person in accordance with the requirements of the
1082 Health Insurance Portability and Accountability Act of 1996; or

1083 (iii) discussing or sharing that information about the patient with the patient.

1084 Section 17. Section **26-61a-106** is amended to read:

1085 **26-61a-106. Qualified medical provider registration -- Continuing education --**
1086 **Treatment recommendation.**

1087 (1) (a) Except as provided in Subsection (1)(b), an individual may not recommend a
1088 medical cannabis treatment unless the department registers the individual as a qualified
1089 medical provider in accordance with this section.

1090 (b) An individual who meets the qualifications in Subsections 26-61a-106(2)(a)(iii)
1091 and (iv) may recommend a medical cannabis treatment without registering under Subsection
1092 (1)(a) until January 1, 2021.

1093 (2) (a) The department shall, within 15 days after the day on which the department
1094 receives an application from an individual, register and issue a qualified medical provider
1095 registration card to the individual if the individual:

1096 (i) provides to the department the individual's name and address;

1097 (ii) provides to the department a report detailing the individual's completion of the
1098 applicable continuing education requirement described in Subsection (3);

1099 (iii) provides to the department evidence that the individual:

1100 (A) has the authority to write a prescription;

1101 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1102 Controlled Substances Act; and

1103 (C) possesses the authority, in accordance with the individual's scope of practice, to
1104 prescribe a Schedule II controlled substance;

1105 (iv) provides to the department evidence that the individual is:

1106 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1107 Practice Act;

1108 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1109 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1110 (C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
1111 Act, whose declaration of services agreement, as that term is defined in Section 58-70a-102,
1112 includes the recommending of medical cannabis, and whose supervising physician is a
1113 qualified medical provider; and

1114 (v) pays the department a fee in an amount that:

1115 (A) the department sets, in accordance with Section 63J-1-504; and

- 1116 (B) does not exceed \$300 for an initial registration.
- 1117 (b) The department may not register an individual as a qualified medical provider if the
1118 individual is:
- 1119 (i) a pharmacy medical provider or a state central [fitt] patient portal medical provider;
1120 or
- 1121 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
1122 production establishment [or], a medical cannabis pharmacy, or a medical cannabis courier.
- 1123 (3) (a) An individual shall complete the continuing education described in this
1124 Subsection (3) in the following amounts:
- 1125 (i) for an individual as a condition precedent to registration, four hours; and
1126 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
1127 every two years.
- 1128 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:
- 1129 (i) complete continuing education:
- 1130 (A) regarding the topics described in Subsection (3)(d); and
1131 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1132 continuing education provider that the department recognizes as offering continuing education
1133 appropriate for the recommendation of cannabis to patients; and
- 1134 (ii) make a continuing education report to the department in accordance with a process
1135 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1136 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1137 Professional Licensing and:
- 1138 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1139 Nurse Practice Act, the Board of Nursing;
- 1140 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
1141 Practice Act, the Physicians Licensing Board;
- 1142 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
1143 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
1144 and
- 1145 (D) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1146 Assistant Act, the Physician Assistant Licensing Board.

1147 (c) The department may, in consultation with the Division of Occupational and
1148 Professional Licensing, develop the continuing education described in this Subsection (3).

1149 (d) The continuing education described in this Subsection (3) may discuss:

1150 (i) the provisions of this chapter;

1151 (ii) general information about medical cannabis under federal and state law;

1152 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1153 including risks and benefits;

1154 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1155 patient in pain management, risk management, potential addiction, or palliative care; and

1156 (v) best practices for recommending the form and dosage of medical cannabis products
1157 based on the qualifying condition underlying a medical cannabis recommendation.

1158 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may
1159 not recommend a medical cannabis treatment to more than 175 of the qualified medical
1160 provider's patients at the same time, as determined by the number of medical cannabis cards
1161 under the qualified medical provider's name in the state electronic verification system.

1162 (b) Except as provided in Subsection (4)(c), a qualified medical provider may
1163 recommend a medical cannabis treatment to up to 300 of the qualified medical provider's
1164 patients at any given time, as determined by the number of medical cannabis cards under the
1165 qualified medical provider's name in the state electronic verification system, if:

1166 (i) the appropriate American medical board has certified the qualified medical provider
1167 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
1168 palliative medicine, physical medicine and rehabilitation, rheumatology, or psychiatry; or

1169 (ii) a licensed business employs or contracts with the qualified medical provider for the
1170 specific purpose of providing hospice and palliative care.

1171 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in
1172 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for
1173 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of
1174 100 patients per authorization, not to exceed three authorizations.

1175 (ii) The Division of Occupational and Professional Licensing shall grant the
1176 authorization described in Subsection (4)(c)(i) if:

1177 (A) the petitioning qualified medical provider pays a \$100 fee;

1178 (B) the division performs a review that includes the qualified medical provider's
1179 medical cannabis recommendation activity in the state electronic verification system, relevant
1180 information related to patient demand, and any patient medical records that the division
1181 determines would assist in the division's review; and

1182 (C) after the review described in this Subsection (4)(c)(ii), the division determines that
1183 granting the authorization would not adversely affect public safety, adversely concentrate the
1184 overall patient population among too few qualified medical providers, or adversely concentrate
1185 the use of medical cannabis among the provider's patients.

1186 (5) A qualified medical provider may recommend medical cannabis to an individual
1187 under this chapter only in the course of a qualified medical provider-patient relationship after
1188 the qualifying medical provider has completed and documented in the patient's medical record
1189 a thorough assessment of the patient's condition and medical history based on the appropriate
1190 standard of care for the patient's condition.

1191 (6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not
1192 advertise that the qualified medical provider recommends medical cannabis treatment.

1193 (b) For purposes of Subsection (6)(a), the communication of the following, through a
1194 website does not constitute advertising:

1195 (i) a green cross;

1196 (ii) a qualifying condition that the qualified medical provider treats; or

1197 (iii) a scientific study regarding medical cannabis use.

1198 (7) (a) A qualified medical provider registration card expires two years after the day on
1199 which the department issues the card.

1200 (b) The department shall renew a qualified medical provider's registration card if the
1201 provider:

1202 (i) applies for renewal;

1203 (ii) is eligible for a qualified medical provider registration card under this section,
1204 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

1205 (iii) certifies to the department in a renewal application that the information in
1206 Subsection (2)(a) is accurate or updates the information;

1207 (iv) submits a report detailing the completion of the continuing education requirement
1208 described in Subsection (3); and

1209 (v) pays the department a fee in an amount that:

1210 (A) the department sets, in accordance with Section 63J-1-504; and

1211 (B) does not exceed \$50 for a registration renewal.

1212 (8) The department may revoke the registration of a qualified medical provider who
1213 fails to maintain compliance with the requirements of this section.

1214 (9) A qualified medical provider may not receive any compensation or benefit for the
1215 qualified medical provider's medical cannabis treatment recommendation from:

1216 (a) a cannabis production establishment or an owner, officer, director, board member,
1217 employee, or agent of a cannabis production establishment;

1218 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
1219 employee, or agent of a medical cannabis pharmacy; or

1220 (c) a qualified medical provider or pharmacy medical provider.

1221 Section 18. Section **26-61a-107** is amended to read:

1222 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**
1223 **private right of action.**

1224 (1) An individual described in Subsection (2) is not subject to the following solely for
1225 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
1226 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
1227 United States Food and Drug Administration has not approved:

1228 (a) civil or criminal liability; or

1229 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
1230 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
1231 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
1232 Assistant Act.

1233 (2) The limitations of liability described in Subsection (1) apply to:

1234 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1235 Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1236 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed
1237 under Title 58, Chapter 70a, Utah Physician Assistant Act:

1238 (i) (A) whom the department has registered as a qualified medical provider; and

1239 (B) who recommends treatment with cannabis in a medicinal dosage form or a

1240 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

1241 (ii) before January 1, 2021, who:

1242 (A) has the authority to write a prescription; and

1243 (B) recommends a medical cannabis treatment to a patient who has a qualifying
1244 condition; and

1245 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

1246 (i) whom the department has registered as a pharmacy medical provider [~~or a state~~
1247 ~~central fill medical provider~~]; and

1248 (ii) who dispenses, in a medical cannabis pharmacy [~~or the state central fill medical~~
1249 ~~cannabis pharmacy~~], treatment with cannabis in a medicinal dosage form or a cannabis product
1250 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

1251 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
1252 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
1253 patient:

1254 (a) who may have a qualifying condition; and

1255 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
1256 recommended or might consider recommending a treatment with cannabis or a cannabis
1257 product; or

1258 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
1259 dosing or dispensing of cannabis or a cannabis product.

1260 Section 19. Section **26-61a-109** is amended to read:

1261 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.**

1262 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
1263 Fund."

1264 (2) The fund created in this section is funded from:

1265 (a) money the department deposits into the fund under this chapter;

1266 (b) appropriations the Legislature makes to the fund; and

1267 (c) the interest described in Subsection (3).

1268 (3) Interest earned on the fund shall be deposited into the fund.

1269 (4) The department may only use money in the fund to fund the department's
1270 responsibilities under this chapter [~~except for the responsibilities described in Subsection~~

1271 ~~26-61a-110(4)]~~.

1272 (5) The department shall set fees authorized under this chapter in amounts that the
1273 department anticipates are necessary, in total, to cover the department's cost to implement this
1274 chapter.

1275 Section 20. Section **26-61a-115** is enacted to read:

1276 **26-61a-115. Analogous to prescribed controlled substances.**

1277 When an employee, officer, or agent of the state or a political subdivision makes a
1278 finding, determination, or otherwise considers an individual's possession or use of cannabis, a
1279 cannabis product, or a medical cannabis device, the employee, officer, or agent may not
1280 consider the individual's possession or use any differently than the lawful possession or use of
1281 an opioid or opiate, if the individual's possession or use complies with:

1282 (1) this chapter;

1283 (2) Title 4, Chapter 41a, Cannabis Production Establishments; or

1284 (3) Subsection 58-37-3.7(2) or (3).

1285 Section 21. Section **26-61a-201** is amended to read:

1286 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card**
1287 **application -- Fees -- Studies.**

1288 (1) On or before March 1, 2020, the department shall, within 15 days after the day on
1289 which an individual who satisfies the eligibility criteria in this section or Section 26-61a-202
1290 submits an application in accordance with this section or Section 26-61a-202:

1291 (a) issue a medical cannabis patient card to an individual described in Subsection

1292 (2)(a);

1293 (b) issue a medical cannabis guardian card to an individual described in Subsection

1294 (2)(b);

1295 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

1296 (d) issue a medical cannabis caregiver card to an individual described in Subsection

1297 26-61a-202(4).

1298 (2) (a) An individual is eligible for a medical cannabis patient card if:

1299 (i) (A) the individual is at least 21 years old; or

1300 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate

1301 use board under Section 26-61a-105, and the compassionate use board recommends department

1302 approval of the petition;

1303 (ii) the individual is a Utah resident;

1304 (iii) the individual's qualified medical provider recommends treatment with medical
1305 cannabis in accordance with Subsection (4);

1306 (iv) the individual signs an acknowledgment stating that the individual received the
1307 information described in Subsection (8); and

1308 (v) the individual pays to the department a fee in an amount that, subject to Subsection
1309 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1310 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

1311 (A) is at least 18 years old;

1312 (B) is a Utah resident;

1313 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
1314 provider recommends a medical cannabis treatment, the individual petitions the compassionate
1315 use board under Section 26-61a-105, and the compassionate use board recommends department
1316 approval of the petition;

1317 (D) the individual signs an acknowledgment stating that the individual received the
1318 information described in Subsection (8);

1319 (E) pays to the department a fee in an amount that, subject to Subsection
1320 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1321 criminal background check described in Section 26-61a-203; and

1322 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
1323 offense under either state or federal law, unless the individual completed any imposed sentence
1324 six months or more before the day on which the individual applies for a medical cannabis
1325 guardian card.

1326 (ii) The department shall notify the Department of Public Safety of each individual that
1327 the department registers for a medical cannabis guardian card.

1328 (c) (i) A minor is eligible for a provisional patient card if:

1329 (A) the minor has a qualifying condition;

1330 (B) the minor's qualified medical provider recommends a medical cannabis treatment
1331 to address the minor's qualifying condition;

1332 (C) the minor's parent or legal guardian petitions the compassionate use board under

1333 Section 26-61a-105, and the compassionate use board recommends department approval of the
1334 petition; and

1335 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
1336 under Subsection (2)(b).

1337 (ii) The department shall automatically issue a provisional patient card to the minor
1338 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
1339 guardian card to the minor's parent or legal guardian.

1340 (3) (a) An individual who is eligible for a medical cannabis card described in
1341 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
1342 department:

1343 (i) through an electronic application connected to the state electronic verification
1344 system;

1345 (ii) with the recommending qualified medical provider while in the recommending
1346 qualified medical provider's office; and

1347 (iii) with information including:

1348 (A) the applicant's name, gender, age, and address;

1349 (B) the number of the applicant's valid form of photo identification [~~that is a valid~~
1350 ~~United States federal- or state-issued photo identification, including a driver license, a United~~
1351 ~~States passport, a United States passport card, or a United States military identification card];~~

1352 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1353 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
1354 and

1355 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
1356 holds the associated medical cannabis guardian card.

1357 (b) The department shall ensure that a medical cannabis card the department issues
1358 under this section contains the information described in Subsection (3)(a)(iii).

1359 (c) (i) If a qualified medical provider determines that, because of age, illness, or
1360 disability, a medical cannabis patient cardholder requires assistance in administering the
1361 medical cannabis treatment that the qualified medical provider recommends, the qualified
1362 medical provider may indicate the cardholder's need in the state electronic verification system.

1363 (ii) If a qualified medical provider makes the indication described in Subsection

1364 (3)(c)(i):

1365 (A) the department shall add a label to the relevant medical cannabis patient card
1366 indicating the cardholder's need for assistance; and

1367 (B) any adult who is 21 years old or older and who is physically present with the
1368 cardholder at the time the cardholder needs to use the recommended medical cannabis
1369 treatment may handle the medical cannabis treatment and any associated medical cannabis
1370 device as needed to assist the cardholder in administering the recommended medical cannabis
1371 treatment, including in the event of an emergency medical condition under Subsection
1372 26-61a-204(2).

1373 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

1374 (A) ingest or inhale medical cannabis;

1375 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
1376 of the immediate area where the cardholder is present or with an intent other than to provide
1377 assistance to the cardholder; or

1378 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
1379 the cardholder is not in the process of being dosed with medical cannabis.

1380 (4) To recommend a medical cannabis treatment to a patient or to renew a
1381 recommendation, a qualified medical provider shall:

1382 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
1383 a medicinal dosage form:

1384 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1385 guardian's valid form of identification described in Subsection (3)(a);

1386 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1387 or legal guardian in:

1388 (A) the state electronic verification system; and

1389 (B) the controlled substance database created in Section 58-37f-201; and

1390 (iii) consider the recommendation in light of the patient's qualifying condition and
1391 history of medical cannabis and controlled substance use; and

1392 (b) state in the qualified medical provider's recommendation that the patient:

1393 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1394 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis

1395 product in a medicinal dosage form.

1396 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
1397 department issues under this section is valid for the lesser of:

1398 (i) an amount of time that the qualified medical provider determines; or

1399 (ii) (A) for the first issuance, 30 days; or

1400 (B) for a renewal, six months.

1401 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1402 illness described in Section 26-61a-104 does not expire.

1403 (ii) The recommending qualified medical provider may revoke a recommendation that
1404 the provider made in relation to a terminal illness described in Section 26-61a-104 if the
1405 medical cannabis cardholder no longer has the terminal illness.

1406 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1407 renewable if:

1408 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
1409 (b); or

1410 (ii) the cardholder received the medical cannabis card through the recommendation of
1411 the compassionate use board under Section 26-61a-105.

1412 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

1413 (i) using the application process described in Subsection (3); or

1414 (ii) through phone or video conference with the qualified medical provider who made
1415 the recommendation underlying the card, at the qualifying medical provider's discretion.

1416 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1417 pay to the department a renewal fee in an amount that:

1418 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1419 63J-1-504; and

1420 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1421 comparison to the original application process.

1422 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1423 patient card renews automatically at the time the minor's parent or legal guardian renews the
1424 parent or legal guardian's associated medical cannabis guardian card.

1425 (e) The department may revoke a medical cannabis guardian card if the cardholder

1426 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
1427 under either state or federal law.

1428 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
1429 cannabis card with the patient's name.

1430 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1431 purchase, in accordance with this chapter and the recommendation underlying the card,
1432 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1433 medical cannabis device.

1434 (ii) A cardholder under this section may possess or transport, in accordance with this
1435 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1436 cannabis product in a medicinal dosage form, or a medical cannabis device.

1437 (iii) To address the qualifying condition underlying the medical cannabis treatment
1438 recommendation:

1439 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1440 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1441 or a medical cannabis device; and

1442 (B) a medical cannabis guardian cardholder may assist the associated provisional
1443 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1444 product in a medicinal dosage form, or a medical cannabis device.

1445 (c) If [~~neither~~] a licensed medical cannabis pharmacy [~~nor the state central fill medical~~
1446 ~~cannabis pharmacy~~] is not operating within the state after January 1, 2021, a cardholder under
1447 this section is not subject to prosecution for the possession of:

1448 (i) no more than 113 grams of marijuana in a medicinal dosage form;

1449 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
1450 than 20 grams of tetrahydrocannabinol; or

1451 (iii) marijuana drug paraphernalia.

1452 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1453 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1454 to an individual receiving a medical cannabis card:

1455 (a) risks associated with medical cannabis treatment;

1456 (b) the fact that a condition's listing as a qualifying condition does not suggest that

1457 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1458 Subsection 26-61a-104(1); and

1459 (c) other relevant warnings and safety information that the department determines.

1460 (9) The department may establish procedures by rule, in accordance with Title 63G,
1461 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1462 provisions of this section.

1463 (10) (a) A person may submit[;] to the department a request to conduct a medical
1464 research study using medical cannabis cardholder data that the state electronic verification
1465 system contains.

1466 (b) The department shall review a request described in Subsection (10)(a) to determine
1467 whether the medical research study is valid.

1468 (c) ~~[If the department makes a determination under Subsection (10)(b) that the medical~~
1469 ~~research study is valid,]~~ At the time an individual applies for a medical cannabis card, the
1470 department shall notify [each relevant] the individual:

1471 (i) of how the individual's information will be used as a cardholder [asking for];

1472 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1473 consent under Subsection (10)(d), the individual consents to the use of the individual's
1474 information as described in Subsection (10)(c)(i); and

1475 (iii) that the individual may withdraw consent for the use of the individual's
1476 information at any time, including at the time of application.

1477 (d) An applicant may, through the medical cannabis card application, and a medical
1478 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1479 cardholder's consent to participate in the study described in this Subsection (10) at any time.

1480 ~~[(d)]~~ (e) The department may release, for the purposes of a study described in this
1481 Subsection (10), information about a cardholder under this section who consents to participate
1482 under Subsection (10)(c).

1483 ~~[(e)]~~ (f) The department may establish standards for a medical research study's validity,
1484 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1485 Section 22. Section **26-61a-202** is amended to read:

1486 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**

1487 **Revocation.**

1488 (1) A cardholder described in Section 26-61a-201 may designate, through the state
1489 central patient portal, up to two individuals to serve as a designated caregiver for the
1490 cardholder if a qualified medical provider notates in the electronic verification system that the
1491 provider determines that, due to physical difficulty or undue hardship, including concerns of
1492 distance to a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical
1493 cannabis treatment that the qualified medical provider recommends.

1494 (2) An individual that the department registers as a designated caregiver under this
1495 section:

1496 (a) may carry a valid medical cannabis caregiver card;

1497 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1498 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1499 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1500 cardholder;

1501 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1502 or for a service that the designated caregiver provides in relation to the role as a designated
1503 caregiver;

1504 (d) may accept reimbursement from the designating medical cannabis cardholder for
1505 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1506 medicinal use of cannabis; and

1507 (e) if [~~neither~~] a licensed medical cannabis pharmacy [~~nor the state central fill medical~~
1508 ~~cannabis pharmacy~~] is not operating within the state after January 1, 2021, is not subject to
1509 prosecution for the possession of:

1510 (i) no more than 113 grams of marijuana in a medicinal dosage form;

1511 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
1512 than 20 grams of tetrahydrocannabinol; or

1513 (iii) marijuana drug paraphernalia.

1514 (3) (a) The department shall:

1515 (i) within 15 days after the day on which an individual submits an application in
1516 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1517 (A) is designated as a caregiver under Subsection (1);

1518 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

- 1519 (C) complies with this section; and
- 1520 (ii) notify the Department of Public Safety of each individual that the department
1521 registers as a designated caregiver.
- 1522 (b) The department shall ensure that a medical cannabis caregiver card contains the
1523 information described in Subsection (5)(b).
- 1524 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1525 (a) is at least 21 years old;
- 1526 (b) is a Utah resident;
- 1527 (c) pays to the department a fee in an amount that, subject to Subsection
1528 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1529 criminal background check described in Section 26-61a-203;
- 1530 (d) signs an acknowledgment stating that the applicant received the information
1531 described in Subsection 26-61a-201(8); and
- 1532 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1533 a felony under either state or federal law, unless the individual completes any imposed sentence
1534 two or more years before the day on which the individual submits the application.
- 1535 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1536 (a) submit an application for a medical cannabis caregiver card to the department
1537 through an electronic application connected to the state electronic verification system; and
- 1538 (b) submit the following information in the application described in Subsection (5)(a):
- 1539 (i) the applicant's name, gender, age, and address;
- 1540 (ii) the name, gender, age, and address of the cardholder described in Section
1541 26-61a-201 who designated the applicant; and
- 1542 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1543 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
1544 cannabis guardian cardholder.
- 1545 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1546 department issues under this section is valid for the lesser of:
- 1547 (a) an amount of time that the cardholder described in Section 26-61a-201 who
1548 designated the caregiver determines; or
- 1549 (b) the amount of time remaining before the card of the cardholder described in Section

1550 26-61a-201 expires.

1551 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1552 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1553 cardholder described in Section 26-61a-201 who designated the caregiver:

1554 (i) renews the cardholder's card; and

1555 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1556 (b) The department shall provide a method in the card renewal process to allow a
1557 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1558 (i) signify that the cardholder renews the caregiver's designation;

1559 (ii) remove a caregiver's designation; or

1560 (iii) designate a new caregiver.

1561 (8) The department may revoke a medical cannabis caregiver card if the designated
1562 caregiver:

1563 (a) violates this chapter; or

1564 (b) is convicted under state or federal law of:

1565 (i) a felony; or

1566 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1567 Section 23. Section **26-61a-203** is amended to read:

1568 **26-61a-203. Designated caregiver -- Guardian -- Criminal background check.**

1569 (1) [Each] Except for an applicant reapplying for a medical cannabis card within less
1570 than one year after the expiration of the applicant's previous medical cannabis card, each

1571 applicant for a medical cannabis guardian card under Section 26-61a-201 or a medical cannabis
1572 caregiver card under Section 26-61a-202 shall:

1573 (a) submit to the department, at the time of application:

1574 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and

1575 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1576 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

1577 Generation Identification System's Rap Back Service; and

1578 (b) consent to a fingerprint background check by:

1579 (i) the Bureau of Criminal Identification; and

1580 (ii) the Federal Bureau of Investigation.

- 1581 (2) The Bureau of Criminal Identification shall:
- 1582 (a) check the fingerprints the applicant submits under Subsection (1)(a) against the
- 1583 applicable state, regional, and national criminal records databases, including the Federal
- 1584 Bureau of Investigation Next Generation Identification System;
- 1585 (b) report the results of the background check to the department;
- 1586 (c) maintain a separate file of fingerprints that applicants submit under Subsection
- 1587 (1)(a) for search by future submissions to the local and regional criminal records databases,
- 1588 including latent prints;
- 1589 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1590 Generation Identification System's Rap Back Service for search by future submissions to
- 1591 national criminal records databases, including the Next Generation Identification System and
- 1592 latent prints; and
- 1593 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 1594 receives notifications for an individual with whom the department maintains an authorizing
- 1595 relationship.
- 1596 (3) The department shall:
- 1597 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
- 1598 amount that the department sets in accordance with Section 63J-1-504 for the services that the
- 1599 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 1600 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
- 1601 Identification.

1602 Section 24. Section **26-61a-204** is amended to read:

1603 **26-61a-204. Medical cannabis card -- Patient and designated caregiver**

1604 **requirements -- Rebuttable presumption.**

- 1605 (1) (a) A medical cannabis cardholder who possesses cannabis in a medicinal dosage
- 1606 form or a cannabis product in a medicinal dosage form that the cardholder purchased under this
- 1607 chapter shall:
- 1608 (i) carry at all times the cardholder's medical cannabis card;
- 1609 (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a
- 1610 medicinal dosage form, a label that identifies that the cannabis or cannabis product:
- 1611 (A) was sold from a licensed medical cannabis pharmacy [~~or the state central fill~~

1612 ~~medical cannabis pharmacy~~]; and

1613 (B) includes an identification number that links the cannabis or cannabis product to the
1614 inventory control system; and

1615 (iii) possess not more than:

1616 (A) 113 grams of unprocessed cannabis; or

1617 (B) an amount of cannabis product that contains 20 grams of total composite
1618 tetrahydrocannabinol.

1619 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form
1620 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

1621 (i) guilty of an infraction; and

1622 (ii) subject to a \$100 fine.

1623 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of
1624 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40
1625 grams of total composite tetrahydrocannabinol is:

1626 (i) guilty of a class B misdemeanor; and

1627 (ii) subject to a fine of \$1,000.

1628 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
1629 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
1630 conduct underlying the penalty described in Subsection (1)(b) or (c).

1631 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed
1632 cannabis or a total amount of cannabis product that contains more than 40 grams of total
1633 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,
1634 Utah Controlled Substances Act.

1635 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
1636 as that term is defined in Section 31A-22-627.

1637 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder or a
1638 provisional patient cardholder may not use, in public view, cannabis or a cannabis product.

1639 (c) In the event of an emergency medical condition, an individual described in
1640 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
1641 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
1642 medicinal dosage form or a cannabis product in a medicinal dosage form.

1643 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
1644 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
1645 medical cannabis device that corresponds with the cannabis or cannabis product:

1646 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
1647 cannabis product, or medical cannabis device legally; and

1648 (b) there is no probable cause, based solely on the cardholder's possession of the
1649 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1650 cannabis device, to believe that the cardholder is engaging in illegal activity.

1651 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
1652 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
1653 device, and the individual represents to the law enforcement officer that the individual holds a
1654 valid medical cannabis card, but the individual does not have the medical cannabis card in the
1655 individual's possession at the time of the stop by the law enforcement officer, the law
1656 enforcement officer shall attempt to access the state electronic verification system to determine
1657 whether the individual holds a valid medical cannabis card.

1658 (b) If the law enforcement officer is able to verify that the individual described in
1659 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

1660 (i) may not arrest or take the individual into custody for the sole reason that the
1661 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
1662 medicinal dosage form, or a medical cannabis device; and

1663 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

1664 Section 25. Section **26-61a-301** is amended to read:

1665 **26-61a-301. Medical cannabis pharmacy -- License -- Eligibility.**

1666 (1) A person may not operate as a medical cannabis pharmacy without a license that
1667 the department issues under this part.

1668 (2) (a) Subject to Subsections (4) and (5) and to Section 26-61a-305, the department
1669 shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to
1670 operate a medical cannabis pharmacy to an applicant who is eligible for a license under this
1671 section.

1672 (b) An applicant is eligible for a license under this section if the applicant submits to
1673 the department:

1674 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
1675 operate the medical cannabis pharmacy;

1676 (ii) the name and address of an individual who:

1677 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1678 pharmacy; or

1679 (B) has the power to direct or cause the management or control of a proposed cannabis
1680 production establishment;

1681 (iii) evidence that the applicant has obtained and maintains a performance bond that a
1682 surety authorized to transact surety business in the state issues in an amount of at least
1683 \$125,000 for each application that the applicant submits to the department;

1684 (iv) an operating plan that:

1685 (A) complies with Section 26-61a-304; and

1686 (B) includes operating procedures to comply with the operating requirements for a
1687 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
1688 law that is consistent with Section 26-61a-507;

1689 (v) if the municipality or county where the proposed medical cannabis pharmacy would
1690 be located requires a local land use permit, a copy of the person's approved application for the
1691 local land use permit; and

1692 (vi) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
1693 department sets in accordance with Section 63J-1-504.

1694 (c) (i) A person may not locate a medical cannabis pharmacy in or within 600 feet of an
1695 area that the relevant municipality or county has zoned as primarily residential.

1696 (ii) An applicant for a license under this section shall provide evidence of compliance
1697 with the proximity requirement described in Subsection (2)(c)(i).

1698 (d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a
1699 permitted use in all zoning districts within a municipality or county.

1700 (e) If the department receives more than one application for a medical cannabis
1701 pharmacy within the same city or town, the department shall consult with the local land use
1702 authority before approving any of the applications pertaining to that city or town.

1703 (3) If the department [~~determines that~~] selects an applicant [~~is eligible~~] for a medical
1704 cannabis pharmacy license under this section, the department shall:

- 1705 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1706 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and
- 1707 (b) notify the Department of Public Safety of the license approval and the names of
1708 each individual described in Subsection (2)(b)(ii).
- 1709 (4) The department may not issue a license to operate a medical cannabis pharmacy to
1710 an applicant if an individual described in Subsection (2)(b)(ii):
- 1711 (a) has been convicted under state or federal law of:
- 1712 (i) a felony; or
- 1713 (ii) after December 3, 2018, a misdemeanor for drug distribution; or
- 1714 (b) is younger than 21 years old.
- 1715 (5) If an applicant for a medical cannabis pharmacy license under this section holds a
1716 license under Title 4, Chapter 41, Hemp and Cannabinoid Act, or Title 4, Chapter 41a,
1717 Cannabis Production Establishments, the department:
- 1718 (a) shall consult with the Department of Agriculture and Food regarding the applicant;
1719 and
- 1720 (b) may not give preference to the applicant based on the applicant's status as a holder
1721 of a license described in this Subsection (5).
- 1722 (6) The department may revoke a license under this part if:
- 1723 (a) the medical cannabis pharmacy does not begin operations within one year after the
1724 day on which the department issues the initial license;
- 1725 (b) the medical cannabis pharmacy makes the same violation of this chapter three
1726 times; or
- 1727 (c) an individual described in Subsection (2)(b)(ii) is convicted, while the license is
1728 active, under state or federal law of:
- 1729 (i) a felony; or
- 1730 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1731 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1732 Qualified Patient Enterprise Fund.
- 1733 (8) The department shall begin accepting applications under this part on or before
1734 March 1, 2020.
- 1735 (9) The department's authority to issue a license under this section is plenary and is not

1736 subject to review.

1737 Section 26. Section **26-61a-304** is amended to read:

1738 **26-61a-304. Operating plan.**

1739 A person applying for a medical cannabis pharmacy license shall submit to the
1740 department a proposed operation plan for the medical cannabis pharmacy that complies with
1741 this section and that includes:

1742 (1) a description of the physical characteristics of the proposed facility, including a
1743 floor plan and an architectural elevation;

1744 (2) a description of the credentials and experience of:

1745 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

1746 (b) any highly skilled or experienced prospective employee;

1747 (3) the medical cannabis pharmacy's employee training standards;

1748 (4) a security plan;

1749 (5) a description of the medical cannabis pharmacy's inventory control system,
1750 including a plan to make the inventory control system compatible with the state electronic
1751 verification system; ~~and~~

1752 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
1753 manner that is sanitary and preserves the integrity of the cannabis[-]; and

1754 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
1755 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

1756 (a) the supply of medical cannabis and medical cannabis products, in consultation with
1757 the Department of Agriculture and Food; and

1758 (b) the quantity and condition of the population of medical cannabis cardholders, in
1759 consultation with the department.

1760 Section 27. Section **26-61a-305** is amended to read:

1761 **26-61a-305. Maximum number of licenses.**

1762 (1) (a) ~~[Except as provided in Subsection (1)(b)]~~ If a sufficient number of applicants
1763 apply, the department [may not] shall issue [more than seven] 12 medical cannabis pharmacy
1764 licenses in accordance with this section.

1765 ~~[(b) (i) In addition to the licenses described in Subsection (1)(a), the department shall~~
1766 ~~issue an eighth license if the state central fill medical cannabis pharmacy.]~~

1767 ~~[(A) is not operational by January 1, 2021; or]~~

1768 ~~[(B) ceases operations after January 1, 2021.]~~

1769 ~~[(ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the~~
 1770 ~~department shall issue a ninth license if the state central fill medical cannabis pharmacy:]~~

1771 ~~[(A) is not operational by July 1, 2021; or]~~

1772 ~~[(B) ceases operations after July 1, 2021.]~~

1773 ~~[(iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),~~
 1774 ~~the department shall issue a tenth license if the state central fill medical cannabis pharmacy:]~~

1775 ~~[(A) is not operational by January 1, 2022; or]~~

1776 ~~[(B) ceases operations after January 1, 2022.]~~

1777 ~~[(iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and~~
 1778 ~~(iii), if a final order of a court enjoins or invalidates the operation of the state central fill~~
 1779 ~~medical cannabis pharmacy:]~~

1780 (b) If fewer than 12 qualified applicants apply for a medical cannabis pharmacy
 1781 license, the department shall issue a medical cannabis pharmacy license to each qualified
 1782 applicant.

1783 (c) The department may issue licenses in two phases in accordance with this
 1784 Subsection (1)(c).

1785 (i) Using one procurement process, the department may issue seven licenses to an
 1786 initial group of medical cannabis pharmacies and five licenses to a second group of medical
 1787 cannabis pharmacies.

1788 (ii) If the department issues licenses in two phases in accordance with this Subsection
 1789 (1)(c), the department shall:

1790 (A) divide the state into no less than four geographic regions;

1791 (B) issue at least one license in each geographic region during each phase of issuing
 1792 licenses; and

1793 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
 1794 July 1, 2020.

1795 (2) (a) If there are more qualified applicants than there are available licenses for
 1796 medical cannabis pharmacies, the department shall:

1797 ~~[(a)]~~ (i) evaluate each applicant and award the license to the applicant that best

1798 demonstrates:

1799 [(+)] (A) experience with establishing and successfully operating a business that
1800 involves complying with a regulatory environment, tracking inventory, and training, evaluating,
1801 and monitoring employees;

1802 [(+)] (B) an operating plan that will best ensure the safety and security of patrons and
1803 the community;

1804 [(+)] (C) positive connections to the local community;

1805 [(+)] (D) the suitability of the proposed location and the location's accessibility for
1806 qualifying patients; [~~and~~]

1807 [(+)] (E) the extent to which the applicant can reduce the cost of cannabis or cannabis
1808 products for patients; and

1809 (F) a strategic plan described in Subsection 26-61a-304(7) that has a comparatively
1810 high likelihood of success; and

1811 [(b)] (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
1812 maximize access to the largest number of medical cannabis cardholders.

1813 (b) In making the evaluation described in Subsection (2)(a), the department may give
1814 increased consideration to applicants who indicate a willingness to:

1815 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
1816 medical cannabis orders that the state central patient portal facilitates; and

1817 (ii) accept payments through:

1818 (A) a payment provider that the Division of Finance approves, in consultation with the
1819 state treasurer, in accordance with Section 26-61a-603; or

1820 (B) a financial institution in accordance with Subsection 26-61a-603(4).

1821 (3) The department may conduct a face-to-face interview with an applicant for a
1822 license that the department evaluates under Subsection (2).

1823 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
1824 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
1825 operating plan demonstrates the functional and technical ability to:

1826 (i) safely conduct transactions for medical cannabis shipments;

1827 (ii) accept electronic medical cannabis orders that the state central patient portal
1828 facilitates; and

1829 (iii) accept payments through:
1830 (A) a payment provider that the Division of Finance approves, in consultation with the
1831 state treasurer, in accordance with Section 26-61a-603; or
1832 (B) a financial institution in accordance with Subsection 26-61a-603(4).
1833 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1834 shall identify in the applicant's operating plan any information relevant to the department's
1835 evaluation described in Subsection (4)(a), including:
1836 (i) the name and contact information of the payment provider;
1837 (ii) the nature of the relationship between the prospective licensee and the payment
1838 provider;
1839 (iii) the processes of the following to safely and reliably conduct transactions for
1840 medical cannabis shipments:
1841 (A) the prospective licensee; and
1842 (B) the electronic payment provider or the financial institution described in Subsection
1843 (4)(a)(iii); and
1844 (iv) the ability of the licensee to comply with the department's rules regarding the
1845 secure transportation and delivery of medical cannabis or medical cannabis product to a
1846 medical cannabis cardholder.
1847 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1848 that the department designates as a home delivery medical cannabis pharmacy may deliver
1849 medical cannabis shipments in accordance with this chapter.
1850 Section 28. Section **26-61a-401** is amended to read:
1851 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**
1852 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1853 cannabis pharmacy unless the department registers the individual as a medical cannabis
1854 pharmacy agent.
1855 (2) Except as provided in Section 26-61a-403, [~~the following individuals, regardless of~~
1856 ~~the individual's status as~~] a qualified medical provider[;] may not act as a medical cannabis
1857 pharmacy agent, have a financial or voting interest of 2% or greater in a medical cannabis
1858 pharmacy, or have the power to direct or cause the management or control of a medical
1859 cannabis pharmacy[;].

1860 ~~[(a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
1861 ~~Practice Act;]~~

1862 ~~[(b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or~~
1863 ~~Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or]~~

1864 ~~[(c) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~
1865 ~~Assistant Act.]~~

1866 (3) (a) The department shall, within 15 days after the day on which the department
1867 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1868 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1869 registration card to the prospective agent if the medical cannabis pharmacy:

1870 (i) provides to the department:

1871 (A) the prospective agent's name and address;

1872 (B) the name and location of the licensed medical cannabis pharmacy where the
1873 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1874 (C) the submission required under Subsection (3)(b); and

1875 (ii) pays a fee to the department in an amount that, subject to Subsection
1876 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1877 (b) [Each] Except for an applicant reapplying for a medical cannabis pharmacy agent
1878 registration card within less than one year after the expiration of the applicant's previous
1879 medical cannabis pharmacy agent registration card, each prospective agent described in
1880 Subsection (3)(a) shall:

1881 (i) submit to the department:

1882 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1883 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1884 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1885 Generation Identification System's Rap Back Service; and

1886 (ii) consent to a fingerprint background check by:

1887 (A) the Bureau of Criminal Identification; and

1888 (B) the Federal Bureau of Investigation.

1889 (c) The Bureau of Criminal Identification shall:

1890 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against

1891 the applicable state, regional, and national criminal records databases, including the Federal
1892 Bureau of Investigation Next Generation Identification System;

1893 (ii) report the results of the background check to the department;

1894 (iii) maintain a separate file of fingerprints that prospective agents submit under

1895 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1896 databases, including latent prints;

1897 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1898 Generation Identification System's Rap Back Service for search by future submissions to
1899 national criminal records databases, including the Next Generation Identification System and
1900 latent prints; and

1901 (v) establish a privacy risk mitigation strategy to ensure that the department only
1902 receives notifications for an individual with whom the department maintains an authorizing
1903 relationship.

1904 (d) The department shall:

1905 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1906 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1907 Bureau of Criminal Identification or another authorized agency provides under this section; and

1908 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1909 Identification.

1910 (4) The department shall designate, on an individual's medical cannabis pharmacy
1911 agent registration card the name of the medical cannabis pharmacy where the individual is
1912 registered as an agent.

1913 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1914 the department develops in collaboration with the Division of Occupational and Professional
1915 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
1916 designates by rule, in collaboration with the Division of Occupational and Professional
1917 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1918 Administrative Rulemaking Act.

1919 (6) The department shall ensure that the certification standard described in Subsection
1920 (5) includes training in:

1921 (a) Utah medical cannabis law; and

1922 (b) medical cannabis pharmacy best practices.

1923 (7) The department may revoke the medical cannabis pharmacy agent registration card
1924 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1925 who:

1926 (a) violates the requirements of this chapter; or

1927 (b) is convicted under state or federal law of:

1928 (i) a felony; or

1929 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1930 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1931 day on which the department issues or renews the card.

1932 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1933 agent:

1934 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1935 section;

1936 (ii) certifies to the department in a renewal application that the information in
1937 Subsection (3)(a) is accurate or updates the information; and

1938 (iii) pays to the department a renewal fee in an amount that:

1939 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
1940 Section 63J-1-504; and

1941 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1942 comparison to the original application process.

1943 Section 29. Section **26-61a-403** is amended to read:

1944 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

1945 (1) (a) A medical cannabis pharmacy:

1946 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1947 Practice Act, as a pharmacy medical provider;

1948 (ii) may employ a physician who has the authority to write a prescription and is
1949 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1950 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1951 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1952 works onsite during all business hours; and

1953 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
1954 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1955 cannabis pharmacy.

1956 (b) An individual may not serve as a pharmacy medical provider unless the department
1957 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1958 (2) (a) The department shall, within 15 days after the day on which the department
1959 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1960 medical provider, register and issue a pharmacy medical provider registration card to the
1961 prospective pharmacy medical provider if the medical cannabis pharmacy:

1962 (i) provides to the department:

1963 (A) the prospective pharmacy medical provider's name and address;

1964 (B) the name and location of the licensed medical cannabis pharmacy where the
1965 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1966 (C) a report detailing the completion of the continuing education requirement described
1967 in Subsection (3); and

1968 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1969 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1970 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
1971 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1972 (ii) pays a fee to the department in an amount that, subject to Subsection
1973 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1974 (b) The department may not register a qualified medical provider or a state central [fth]
1975 patient portal medical provider as a pharmacy medical provider.

1976 (3) (a) A pharmacy medical provider shall complete the continuing education described
1977 in this Subsection (3) in the following amounts:

1978 (i) as a condition precedent to registration, four hours; and

1979 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1980 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1981 (i) complete continuing education:

1982 (A) regarding the topics described in Subsection (3)(d); and

1983 (B) offered by the department under Subsection (3)(c) or an accredited or approved

1984 continuing education provider that the department recognizes as offering continuing education
1985 appropriate for the medical cannabis pharmacy practice; and

1986 (ii) make a continuing education report to the department in accordance with a process
1987 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1988 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
1989 Professional Licensing and:

1990 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
1991 Pharmacy Practice Act, the Board of Pharmacy;

1992 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
1993 Practice Act, the Physicians Licensing Board; and

1994 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
1995 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

1996 (c) The department may, in consultation with the Division of Occupational and
1997 Professional Licensing, develop the continuing education described in this Subsection (3).

1998 (d) The continuing education described in this Subsection (3) may discuss:

1999 (i) the provisions of this chapter;

2000 (ii) general information about medical cannabis under federal and state law;

2001 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2002 including risks and benefits;

2003 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2004 patient in pain management, risk management, potential addiction, and palliative care; or

2005 (v) best practices for recommending the form and dosage of a medical cannabis
2006 product based on the qualifying condition underlying a medical cannabis recommendation.

2007 (4) (a) A pharmacy medical provider registration card expires two years after the day
2008 on which the department issues or renews the card.

2009 (b) A pharmacy medical provider may renew the provider's registration card if the
2010 provider:

2011 (i) is eligible for a pharmacy medical provider registration card under this section;

2012 (ii) certifies to the department in a renewal application that the information in
2013 Subsection (2)(a) is accurate or updates the information;

2014 (iii) submits a report detailing the completion of the continuing education requirement

2015 described in Subsection (3); and

2016 (iv) pays to the department a renewal fee in an amount that:

2017 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
2018 Section 63J-1-504; and

2019 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
2020 comparison to the original application process.

2021 Section 30. Section **26-61a-502** is amended to read:

2022 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
2023 **Reporting -- Form of cannabis or cannabis product.**

2024 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
2025 chapter:

2026 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
2027 from a cannabis processing facility that is licensed under Section 4-41a-201;

2028 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
2029 acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

2030 (iii) a medical cannabis device; or

2031 (iv) educational material related to the medical use of cannabis.

2032 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
2033 an individual with:

2034 (i) a medical cannabis card; and

2035 (ii) a corresponding valid form of photo identification [~~that is a valid United States~~
2036 ~~federal- or state-issued photo identification, including a driver license, a United States passport,~~
2037 ~~a United States passport card, or a United States military identification card~~].

2038 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
2039 cannabis-based drug that the United States Food and Drug Administration has approved.

2040 (2) A medical cannabis pharmacy may not dispense:

2041 (a) to a medical cannabis cardholder in any one [~~12~~] 28-day period, more than the
2042 lesser of:

2043 [~~(i) an amount sufficient to provide 14 days of treatment based on the dosing~~
2044 ~~parameters that the relevant qualified medical provider recommends; or]~~

2045 [~~(ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form~~

2046 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol
2047 in the cannabis; or]

2048 [~~(B)~~ an amount of cannabis products that is in a medicinal dosage form and that
2049 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;]

2050 [~~(b)~~ to a medical cannabis cardholder whose primary residence is located more than
2051 100 miles from the nearest medical cannabis pharmacy or local health department, in any one
2052 28-day period, more than the lesser of:]

2053 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
2054 that the relevant qualified medical provider recommends; or

2055 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
2056 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
2057 cannabidiol in the cannabis; or

2058 (B) an amount of cannabis products that is in a medicinal dosage form and that
2059 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

2060 [~~(c)~~] (b) to an individual whose qualified medical provider did not recommend dosing
2061 parameters, until the individual consults with the pharmacy medical provider in accordance
2062 with Subsection (4), any cannabis or cannabis products.

2063 (3) An individual with a medical cannabis card may not purchase:

2064 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
2065 in any one [~~12-day~~] 28-day period; or

2066 (b) if the relevant qualified medical provider did not recommend dosing parameters,
2067 until the individual consults with the pharmacy medical provider in accordance with
2068 Subsection (4), any cannabis or cannabis products.

2069 (4) If a qualified medical provider recommends treatment with medical cannabis or a
2070 cannabis product but does not provide dosing parameters:

2071 (a) the qualified medical provider shall document in the recommendation:

2072 (i) an evaluation of the qualifying condition underlying the recommendation;

2073 (ii) prior treatment attempts with cannabis and cannabis products; and

2074 (iii) the patient's current medication list; and

2075 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal
2076 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider

2077 shall:

2078 (i) review pertinent medical records, including the qualified medical provider
2079 documentation described in Subsection (4)(a); and

2080 (ii) unless the pertinent medical records show dosing parameters from a state central
2081 patient portal medical provider in accordance with Subsection (5), after completing the review
2082 described in Subsection (4)(b)(i) and consulting with the recommending qualified medical
2083 provider as needed, determine the best course of treatment through consultation with the
2084 cardholder regarding:

2085 (A) the patient's qualifying condition underlying the recommendation from the
2086 qualified medical provider;

2087 (B) indications for available treatments;

2088 (C) dosing parameters; and

2089 (D) potential adverse reactions.

2090 (5) (a) A state central patient portal medical provider may provide the consultation and
2091 make the determination described in Subsection (4)(b) for a medical cannabis patient
2092 cardholder regarding an electronic order that the state central patient portal facilitates.

2093 (b) The state central patient portal medical provider described in Subsection (5)(a)
2094 shall document the dosing parameters determined under Subsection (5)(a) in the pertinent
2095 medical records.

2096 [~~5~~] (6) A medical cannabis pharmacy shall:

2097 (a) (i) access the state electronic verification system before dispensing cannabis or a
2098 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
2099 where applicable, the associated patient has met the maximum amount of cannabis or cannabis
2100 products described in Subsection (2); and

2101 (ii) if the verification in Subsection [~~5~~] (6)(a)(i) indicates that the individual has met
2102 the maximum amount described in Subsection (2):

2103 (A) decline the sale; and

2104 (B) notify the qualified medical provider who made the underlying recommendation;

2105 (b) submit a record to the state electronic verification system each time the medical
2106 cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;

2107 (c) package any cannabis or cannabis product that is in a blister pack in a container

2108 that:

2109 (i) complies with Subsection 4-41a-602(2);

2110 (ii) is tamper-resistant and tamper-evident; and

2111 (iii) opaque; and

2112 (d) for a product that is a cube that is designed for ingestion through chewing or

2113 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks

2114 of over-consumption.

2115 ~~[(6)]~~ (7) (a) Except as provided in Subsection ~~[(6)]~~ (7)(b), a medical cannabis

2116 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device

2117 that is intentionally designed or constructed to resemble a cigarette.

2118 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms

2119 cannabis material into a vapor without the use of a flame and that delivers cannabis to an

2120 individual's respiratory system.

2121 ~~[(7)]~~ (8) A medical cannabis pharmacy may not give, at no cost, a product that the

2122 medical cannabis pharmacy is allowed to sell under Subsection (1).

2123 ~~[(8)]~~ (9) The department may impose a uniform fee on each medical cannabis

2124 cardholder transaction in a medical cannabis pharmacy in an amount that, subject to Subsection

2125 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2126 Section 31. Section **26-61a-503** is amended to read:

2127 **26-61a-503. Partial filling.**

2128 (1) As used in this section, "partially fill" means to provide less than the full amount of

2129 cannabis or cannabis product that the qualified medical provider recommends, if the qualified

2130 medical provider recommended specific dosing parameters.

2131 (2) A pharmacy medical provider may partially fill a recommendation for a medical

2132 cannabis treatment at the request of the qualified medical provider who issued the medical

2133 cannabis treatment recommendation or the medical cannabis cardholder.

2134 (3) The department shall make rules, in collaboration with the Division of

2135 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with

2136 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,

2137 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment

2138 recommendation.

2139 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
2140 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
2141 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical
2142 cannabis treatment recommendation if:

2143 (a) the pharmacy medical provider determined dosing parameters for the partial fill
2144 under Subsection 26-61a-502(4) or (5); and

2145 (b) the medical cannabis cardholder reports that:

2146 (i) the partial fill did not substantially affect the qualifying condition underlying the
2147 medical cannabis recommendation; or

2148 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
2149 unable to successfully use the partial fill.

2150 Section 32. Section **26-61a-505** is amended to read:

2151 **26-61a-505. Advertising.**

2152 (1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may
2153 not advertise in any medium.

2154 (2) [~~A~~] Notwithstanding any municipal or county ordinance, a medical cannabis
2155 pharmacy may use signage on the outside of the medical cannabis pharmacy that includes only:

2156 (a) the medical cannabis pharmacy's name and hours of operation; and

2157 (b) a green cross.

2158 (3) A medical cannabis pharmacy may maintain a website that includes information
2159 about:

2160 (a) the location and hours of operation of the medical cannabis pharmacy;

2161 (b) a product or service available at the medical cannabis pharmacy;

2162 (c) personnel affiliated with the medical cannabis pharmacy;

2163 (d) best practices that the medical cannabis pharmacy upholds; and

2164 (e) educational material related to the medical use of cannabis.

2165 Section 33. Section **26-61a-506** is amended to read:

2166 **26-61a-506. Cannabis, cannabis product, or medical cannabis device**
2167 **transportation.**

2168 (1) Only the following individuals may transport cannabis in a medicinal dosage form,
2169 a cannabis product in a medicinal dosage form, or a medical cannabis device under this

2170 chapter:

2171 (a) a registered medical cannabis pharmacy agent;

2172 [~~(b) a registered state central fill agent;~~]

2173 [~~(c)~~] (b) a registered medical cannabis courier [~~for a state central fill shipment~~
2174 ~~described in Section 26-61a-605]~~ agent; or

2175 [~~(d)~~] (c) a medical cannabis cardholder who is transporting a medical cannabis
2176 treatment that the cardholder is authorized to transport.

2177 (2) Except for an individual with a valid medical cannabis card under this chapter who
2178 is transporting a medical cannabis treatment that the cardholder is authorized to transport, an
2179 individual described in Subsection (1) shall possess a transportation manifest that:

2180 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
2181 cannabis device to a relevant inventory control system;

2182 (b) includes origin and destination information for cannabis, a cannabis product, or a
2183 medical cannabis device that the individual is transporting; and

2184 (c) identifies the departure and arrival times and locations of the individual transporting
2185 the cannabis, cannabis product, or medical cannabis device.

2186 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
2187 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
2188 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
2189 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a
2190 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that the
2191 cannabis, cannabis product, or medical cannabis device remains safe for human consumption.

2192 (b) The transportation described in Subsection [~~(3)(a)~~] (1)(a) is limited to
2193 transportation[~~-(i)-~~] between a medical cannabis pharmacy and:

2194 (i) another medical cannabis pharmacy; [~~and~~] or

2195 (ii) for a medical cannabis shipment, a medical cannabis cardholder's home address.

2196 [~~(ii) between the state central fill medical cannabis pharmacy and;~~]

2197 [~~(A) another state central fill medical cannabis pharmacy location; or]~~

2198 [~~(B) a local health department.]~~

2199 (4) (a) It is unlawful for a registered medical cannabis pharmacy agent[~~;~~] or a registered
2200 [~~state central fill]~~ medical cannabis courier agent[~~;~~ ~~or a courier described in Section~~

2201 ~~26-61a-605~~] to make a transport described in this section with a manifest that does not meet the
 2202 requirements of this section.

2203 (b) Except as provided in Subsection (4)(d), an agent [~~or courier~~] who violates
 2204 Subsection (4)(a) is:

2205 (i) guilty of an infraction; and

2206 (ii) subject to a \$100 fine.

2207 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
 2208 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 2209 underlying the violation described in Subsection (4)(b).

2210 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,
 2211 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
 2212 minimis administrative error:

2213 (i) this chapter does not apply; and

2214 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
 2215 Substances Act.

2216 Section 34. Section ~~26-61a-507~~ is amended to read:

2217 **~~26-61a-507. Local control.~~**

2218 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or
 2219 maintain a license under Section 26-61a-301, a person shall demonstrate that the intended
 2220 medical cannabis pharmacy location is located at least:

2221 (A) 600 feet from a community location's property boundary following the shortest
 2222 route of ordinary pedestrian travel;

2223 (B) 200 feet from the patron entrance to the community location's property boundary;
 2224 and

2225 (C) 600 feet from an area zoned primarily residential.

2226 (ii) A municipal or county land use authority may recommend in writing that the
 2227 department waive the community location proximity requirement described in Subsection
 2228 (1)(a)(i).

2229 (b) [~~(i)~~] A municipality or county may not:

2230 (i) deny or revoke a land use permit to operate a medical cannabis pharmacy on the
 2231 sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the

2232 legal status of cannabis[-];

2233 (ii) [~~A municipality or county may not~~] deny or revoke a business license to operate a
2234 medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy
2235 violates federal law regarding the legal status of cannabis[-];

2236 (iii) prohibit the operation of a medical cannabis pharmacy in any zone or type of zone
2237 in which the municipality or county allows the operation of a traditional pharmacy;

2238 (iv) create a new zone or new type of zone to accommodate a medical cannabis
2239 pharmacy or cannabis-related business;

2240 (v) enforce a land use regulation or land use decision, as those terms are defined in
2241 Sections 10-9a-103 and 17-27a-103, against or impose a land use restriction on a medical
2242 cannabis pharmacy that the county or municipality does not enforce against or impose on any
2243 other pharmacy within the same zone; or

2244 (vi) require a certain distance between a medical cannabis pharmacy and another
2245 medical cannabis pharmacy or cannabis-related business.

2246 (2) The operation of a medical cannabis pharmacy is a permitted use on land that the
2247 municipality or county has not zoned.

2248 [~~(2)~~] (3) A municipality or county may enact an ordinance that:

2249 (a) is not in conflict with this chapter; and

2250 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the
2251 municipality or county.

2252 Section 35. Section ~~26-61a-601~~ is repealed and reenacted to read:

2253 **26-61a-601. State central patient portal -- Department duties.**

2254 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
2255 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as
2256 described in this section.

2257 (2) The state central patient portal shall:

2258 (a) authenticate each user to ensure the user is a valid medical cannabis patient
2259 cardholder;

2260 (b) allow a medical cannabis patient cardholder to:

2261 (i) obtain and download the cardholder's medical cannabis card;

2262 (ii) review the cardholder's medical cannabis purchase history; and

2263 (iii) manage the cardholder's personal information, including withdrawing consent for
2264 the use of the cardholder's information for a study described in Subsection 26-61a-201(10);

2265 (c) if the cardholder's qualified medical provider recommended the use of medical
2266 cannabis without providing dosing parameters and the cardholder has not yet received the
2267 counseling or consultation required in Subsection 26-61a-502(4):

2268 (i) alert the cardholder of the outstanding need for consultation; and

2269 (ii) provide the cardholder with access to the contact information for each state central
2270 patient portal pharmacist and each pharmacy medical provider;

2271 (d) except as provided in Subsection (2)(f), facilitate an electronic medical cannabis
2272 order to a home delivery medical cannabis pharmacy;

2273 (e) prohibit a patient from completing an electronic medical cannabis order described
2274 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection
2275 26-61a-501(2)(a) or (b);

2276 (f) provide educational information to medical cannabis patient cardholders regarding
2277 the state's medical cannabis laws and regulatory programs and other relevant information
2278 regarding medical cannabis; and

2279 (g) allow the patient to designate up to two caregivers who may receive a medical
2280 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
2281 accordance with this chapter.

2282 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
2283 Administrative Rulemaking Act, to implement the state central patient portal.

2284 Section 36. Section **26-61a-602** is repealed and reenacted to read:

2285 **26-61a-602. State central patient portal pharmacist.**

2286 (1) (a) In relation to the state central patient portal, the department shall:

2287 (i) employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
2288 Practice Act, as a state central patient portal pharmacist; and

2289 (ii) ensure that the state central patient portal pharmacist described in Subsection
2290 (1)(a)(i) is available during all business hours.

2291 (b) The department may not employ a qualified medical provider or a pharmacy
2292 medical provider as a state central patient portal pharmacist.

2293 (2) A state central patient portal pharmacist may:

2294 (a) provide consultations to medical cannabis cardholders; and
2295 (b) determine dosing parameters in accordance with Subsection 26-61a-502(5).
2296 Section 37. Section **26-61a-603** is repealed and reenacted to read:
2297 **26-61a-603. Payment provider for electronic medical cannabis transactions.**
2298 (1) A cannabis production establishment seeking to use a payment provider, a medical
2299 cannabis pharmacy, or a prospective home delivery medical cannabis pharmacy shall submit to
2300 the Division of Finance and the state treasurer information regarding the payment provider the
2301 prospective licensee will use to conduct financial transactions related to medical cannabis,
2302 including:
2303 (a) the name and contact information of the payment provider;
2304 (b) the nature of the relationship between the establishment, pharmacy, or prospective
2305 pharmacy and the payment provider; and
2306 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
2307 prospective licensee and the payment provider have in place to safely and reliably conduct
2308 financial transactions for medical cannabis shipments.
2309 (2) The Division of Finance shall, in consultation with the state treasurer:
2310 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2311 make rules to establish standards for identifying payment providers that demonstrate the
2312 functional and technical ability to safely conduct financial transactions related to medical
2313 cannabis, including medical cannabis shipments;
2314 (b) review submissions the Division of Finance and the state treasurer receive under
2315 Subsection (1);
2316 (c) approve a payment provider that meets the standards described in Subsection (2)(a);
2317 and
2318 (d) establish a list of approved payment providers.
2319 (3) Any licensed cannabis production establishment, licensed medical cannabis
2320 pharmacy, or medical cannabis courier may use a payment provider that the Division of
2321 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
2322 establishment's, pharmacy's, or courier's respective medical cannabis business.
2323 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
2324 payments through or deposit funds in a financial institution, a cannabis production

2325 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
2326 funds in a financial institution in addition to or instead of a payment provider that the Division
2327 of Finance approves, in consultation with the state treasurer, under this section.

2328 Section 38. Section **26-61a-604** is repealed and reenacted to read:

2329 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**
2330 **couriers -- License.**

2331 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2332 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
2333 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
2334 state central patient portal facilitates, including rules regarding the safe and controlled delivery
2335 of medical cannabis shipments.

2336 (2) A person may not operate as a medical cannabis courier without a license that the
2337 department issues under this section.

2338 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
2339 operate as a medical cannabis courier to an applicant who is eligible for a license under this
2340 section.

2341 (b) An applicant is eligible for a license under this section if the applicant submits to
2342 the department:

2343 (i) the name and address of an individual who:

2344 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
2345 pharmacy; or

2346 (B) has the power to direct or cause the management or control of a proposed cannabis
2347 production establishment;

2348 (ii) an operating plan that includes operating procedures to comply with the operating
2349 requirements for a medical cannabis courier described in this chapter; and

2350 (iii) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
2351 department sets in accordance with Section 63J-1-504.

2352 (4) If the department determines that an applicant is eligible for a license under this
2353 section, the department shall:

2354 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
2355 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

2356 (b) notify the Department of Public Safety of the license approval and the names of
2357 each individual described in Subsection (3)(b)(ii).

2358 (5) The department may not issue a license to operate as a medical cannabis courier to
2359 an applicant if an individual described in Subsection (3)(b)(ii):

2360 (a) has been convicted under state or federal law of:

2361 (i) a felony; or

2362 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2363 (b) is younger than 21 years old.

2364 (6) The department may revoke a license under this part if:

2365 (a) the medical cannabis courier does not begin operations within one year after the day
2366 on which the department issues the initial license;

2367 (b) the medical cannabis courier makes the same violation of this chapter three times;

2368 or

2369 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
2370 active, under state or federal law of:

2371 (i) a felony; or

2372 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2373 (7) The department shall deposit the proceeds of a fee imposed by this section in the
2374 Qualified Patient Enterprise Fund.

2375 (8) The department shall begin accepting applications under this section on or before
2376 July 1, 2020.

2377 (9) The department's authority to issue a license under this section is plenary and is not
2378 subject to review.

2379 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
2380 of application, from each individual who has a financial or voting interest of 2% or greater in
2381 the applicant or who has the power to direct or cause the management or control of the
2382 applicant:

2383 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

2384 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2385 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
2386 Generation Identification System's Rap Back Service; and

- 2387 (c) consent to a fingerprint background check by:
2388 (i) the Bureau of Criminal Identification; and
2389 (ii) the Federal Bureau of Investigation.
- 2390 (11) The Bureau of Criminal Identification shall:
2391 (a) check the fingerprints the applicant submits under Subsection (10) against the
2392 applicable state, regional, and national criminal records databases, including the Federal
2393 Bureau of Investigation Next Generation Identification System;
2394 (b) report the results of the background check to the department;
2395 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
2396 for search by future submissions to the local and regional criminal records databases, including
2397 latent prints;
2398 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2399 Generation Identification System's Rap Back Service for search by future submissions to
2400 national criminal records databases, including the Next Generation Identification System and
2401 latent prints; and
2402 (e) establish a privacy risk mitigation strategy to ensure that the department only
2403 receives notifications for an individual with whom the department maintains an authorizing
2404 relationship.
- 2405 (12) The department shall:
2406 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
2407 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2408 Bureau of Criminal Identification or another authorized agency provides under this section; and
2409 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
2410 Identification.
- 2411 (13) The department shall renew a license under this section every year if, at the time
2412 of renewal:
2413 (a) the licensee meets the requirements of this section; and
2414 (b) the licensee pays the department a license renewal fee in an amount that, subject to
2415 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.
- 2416 (14) A person applying for a medical cannabis courier license shall submit to the
2417 department a proposed operating plan that complies with this section and that includes:

2418 (a) a description of the physical characteristics of any proposed facilities, including a
2419 floor plan and an architectural elevation, and delivery vehicles;

2420 (b) a description of the credentials and experience of each officer, director, or owner of
2421 the proposed medical cannabis courier;

2422 (c) the medical cannabis courier's employee training standards;

2423 (d) a security plan; and

2424 (e) storage and delivery protocols, both short and long term, to ensure that medical
2425 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
2426 integrity of the cannabis.

2427 Section 39. Section **26-61a-605** is amended to read:

2428 **26-61a-605. Medical cannabis shipment transportation.**

2429 (1) The ~~[state central fill medical cannabis pharmacy]~~ department shall ensure that ~~[the~~
2430 ~~state central fill]~~ each home delivery medical cannabis pharmacy is capable of delivering,
2431 directly or through a medical cannabis courier, medical cannabis shipments in a secure
2432 ~~manner[, cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, and~~
2433 ~~a medical cannabis device to each local health department in the state within two business days~~
2434 ~~after the day on which the state central fill medical cannabis pharmacy receives a request for a~~
2435 ~~state central fill shipment resulting from a recommendation of a qualified medical provider~~
2436 ~~under Section 26-61a-603].~~

2437 (2) (a) ~~[The department]~~ A home delivery medical cannabis pharmacy may contract
2438 with a [private entity for the entity to serve as a courier for the state central fill medical
2439 cannabis pharmacy, delivering state central fill] licensed medical cannabis courier to deliver
2440 medical cannabis shipments to [local health departments for distribution to medical cannabis
2441 cardholders] fulfill electronic medical cannabis orders that the state central patient portal
2442 facilitates.

2443 (b) If ~~[the department]~~ a home delivery medical cannabis pharmacy enters into a
2444 contract described in Subsection (2)(a), the [department] pharmacy shall:

2445 ~~[(i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,~~
2446 ~~Chapter 6a, Utah Procurement Code;]~~

2447 ~~[(ii)]~~ (i) impose security and personnel requirements on the [contracted private entity]
2448 medical cannabis courier sufficient to ensure the security and safety of [state central fill]

2449 medical cannabis shipments; and

2450 ~~[(iii)]~~ (ii) provide regular oversight of the [~~contracted private entity~~] medical cannabis
2451 courier.

2452 (3) Except for an individual with a valid medical cannabis card who transports a
2453 shipment the individual receives, an individual may not transport a [~~state central fill~~] medical
2454 cannabis shipment unless the individual is:

2455 (a) a registered [~~state central fill~~] medical cannabis pharmacy agent; or

2456 (b) [~~an~~] a registered agent of the [~~private~~] medical cannabis courier described in
2457 Subsection (2).

2458 (4) An individual transporting a [~~state central fill~~] medical cannabis shipment under
2459 Subsection (3) shall possess a transportation manifest that:

2460 (a) includes a unique identifier that links the [~~state central fill~~] medical cannabis
2461 shipment to a relevant inventory control system;

2462 (b) includes origin and destination information for [~~a state central fill~~] the medical
2463 cannabis shipment the individual is transporting; and

2464 (c) indicates the departure and arrival times and locations of the individual transporting
2465 the [~~state central fill~~] medical cannabis shipment.

2466 (5) In addition to the requirements in Subsections (3) and (4), the department may
2467 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
2468 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
2469 Rulemaking Act, requirements for transporting [~~state central fill~~] medical cannabis shipments
2470 that are related to safety for human consumption of cannabis or a cannabis product.

2471 (6) (a) It is unlawful for an individual to transport a [~~state central fill~~] medical cannabis
2472 shipment with a manifest that does not meet the requirements of Subsection (4).

2473 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
2474 (6)(a) is:

2475 (i) guilty of an infraction; and

2476 (ii) subject to a \$100 fine.

2477 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
2478 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
2479 underlying the violation described in Subsection (6)(b).

2480 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
2481 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
2482 minimis administrative error:

2483 (i) this chapter does not apply; and

2484 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
2485 Substances Act.

2486 Section 40. Section **26-61a-606** is amended to read:

2487 **26-61a-606. Medical cannabis courier agent -- Background check -- Registration**
2488 **card -- Rebuttable presumption.**

2489 (1) An individual may not serve as a [~~local health department distribution~~] medical
2490 cannabis courier agent unless:

2491 (a) the individual is an employee of a [~~local health department~~] licensed medical
2492 cannabis courier; and

2493 (b) the department registers the individual as a [~~local health department distribution~~]
2494 medical cannabis courier agent.

2495 (2) (a) The department shall, within 15 days after the day on which the department
2496 receives a complete application from a [~~local health department~~] medical cannabis courier on
2497 behalf of a [~~prospective local health department distribution~~] medical cannabis courier agent,
2498 register and issue a [~~local health department distribution~~] medical cannabis courier agent
2499 registration card to the prospective agent if the [~~local health department~~] medical cannabis
2500 courier:

2501 (i) provides to the department:

2502 (A) the prospective agent's name and address;

2503 (B) the name and [~~location~~] address of the [~~local health department where the~~
2504 ~~prospective agent seeks to act as a local health department distribution agent~~] medical cannabis
2505 courier; [~~and~~]

2506 (iii) the name and address of each home delivery medical cannabis pharmacy with
2507 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

2508 [(~~C~~)] (D) the submission required under Subsection (2)(b); [~~and~~]

2509 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
2510 law of:

2511 (A) a felony; or
2512 (B) after December 3, 2018, a misdemeanor for drug distribution[-]; and
2513 (iii) pays the department a fee in an amount that, subject to Subsection 26-61a-109(5),
2514 the department sets in accordance with Section 63J-1-504.

2515 (b) [Each] Except for an applicant reapplying for a medical cannabis courier agent
2516 registration card within less than one year after the expiration of the applicant's previous
2517 medical cannabis courier agent registration card, each prospective agent described in
2518 Subsection (2)(a) shall:

2519 (i) submit to the department:

2520 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
2521 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2522 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
2523 Generation Identification System's Rap Back Service; and

2524 (ii) consent to a fingerprint background check by:

2525 (A) the Bureau of Criminal Identification; and
2526 (B) the Federal Bureau of Investigation.

2527 (c) The Bureau of Criminal Identification shall:

2528 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
2529 the applicable state, regional, and national criminal records databases, including the Federal
2530 Bureau of Investigation Next Generation Identification System;

2531 (ii) report the results of the background check to the department;

2532 (iii) maintain a separate file of fingerprints that prospective agents submit under
2533 Subsection (2)(b) for search by future submissions to the local and regional criminal records
2534 databases, including latent prints;

2535 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2536 Generation Identification System's Rap Back Service for search by future submissions to
2537 national criminal records databases, including the Next Generation Identification System and
2538 latent prints; and

2539 (v) establish a privacy risk mitigation strategy to ensure that the department only
2540 receives notifications for an individual with whom the department maintains an authorizing
2541 relationship.

2542 (d) The department shall:

2543 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
2544 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2545 Bureau of Criminal Identification or another authorized agency provides under this section; and

2546 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
2547 Identification.

2548 (3) The department shall designate on an individual's [~~local health department~~
2549 ~~distribution~~] medical cannabis courier agent registration card the name of the [~~local health~~
2550 ~~department~~] medical cannabis courier where the individual is registered as an agent and each
2551 home delivery medical cannabis courier for which the medical cannabis courier delivers
2552 medical cannabis shipments.

2553 (4) (a) A [~~local health department distribution~~] medical cannabis courier agent shall
2554 comply with a certification standard that the department develops, in collaboration with the
2555 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a
2556 third-party certification standard that the department designates by rule in collaboration with
2557 the Division of Occupational and Professional Licensing and the Board of Pharmacy and in
2558 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2559 (b) The department shall ensure that the certification standard described in Subsection
2560 (4)(a) includes training in:

2561 (i) Utah medical cannabis law;

2562 (ii) the [~~state central fill~~] medical cannabis [~~pharmacy~~] shipment process; and

2563 (iii) [~~local health department distribution~~] medical cannabis courier agent best
2564 practices.

2565 (5) (a) A medical cannabis courier agent registration card expires two years after the
2566 day on which the department issues or renews the card.

2567 (b) A medical cannabis courier agent may renew the agent's registration card if the
2568 agent:

2569 (i) is eligible for a medical cannabis courier agent registration card under this section;

2570 (ii) certifies to the department in a renewal application that the information in

2571 Subsection (2)(a) is accurate or updates the information; and

2572 (iii) pays to the department a renewal fee in an amount that:

2573 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
 2574 Section 63J-1-504; and

2575 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
 2576 comparison to the original application process.

2577 ~~[(5)]~~ (6) The department may revoke or refuse to issue or renew the ~~[local health~~
 2578 ~~department distribution]~~ medical cannabis courier agent registration card of an individual who:

2579 (a) violates the requirements of this chapter; or

2580 (b) is convicted under state or federal law of:

2581 (i) a felony; or

2582 (ii) after December 3, 2018, a misdemeanor for drug distribution.

2583 ~~[(6)]~~ (7) A ~~[local health department distribution]~~ medical cannabis courier agent who
 2584 the department has registered under this section shall carry the agent's ~~[local health department~~
 2585 ~~distribution]~~ medical cannabis courier agent registration card with the agent at all times when:

2586 (a) the agent is on the premises of the ~~[local health department]~~ medical cannabis
 2587 courier, a medical cannabis pharmacy, or a medical cannabis cardholder's home address; and

2588 (b) the agent is handling a medical cannabis shipment ~~[of cannabis or cannabis product~~
 2589 ~~from the state central fill medical cannabis pharmacy].~~

2590 ~~[(7)]~~ (8) If a ~~[local health department distribution]~~ medical cannabis courier agent
 2591 handling a medical cannabis shipment ~~[of cannabis or cannabis product from the state central~~
 2592 ~~fill medical cannabis pharmacy]~~ possesses the shipment in compliance with Subsection ~~[(6)]~~
 2593 (7):

2594 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

2595 (b) there is no probable cause, based solely on the agent's possession of the medical
 2596 cannabis shipment ~~[containing medical cannabis in medicinal dosage form, a cannabis product~~
 2597 ~~in medicinal dosage form, or a medical cannabis device,]~~ that the agent is engaging in illegal
 2598 activity.

2599 ~~[(8)]~~ (9) (a) A ~~[local health department distribution]~~ medical cannabis courier agent
 2600 who violates Subsection ~~[(6)]~~ (7) is:

2601 (i) guilty of an infraction; and

2602 (ii) subject to a \$100 fine.

2603 (b) An individual who is guilty of a violation described in Subsection ~~[(8)(a)]~~ (9)(a) is

2604 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
2605 conduct underlying the violation described in Subsection ~~[(8)(a)]~~ (9)(a).

2606 Section 41. Section **26-61a-607** is amended to read:

2607 **26-61a-607. Home delivery of medical cannabis shipments.**

2608 ~~[(1) Each local health department shall designate:]~~

2609 ~~[(a) one or more of the local health department's locations as a state central fill
2610 shipment distribution location; and]~~

2611 ~~[(b) a sufficient number of personnel to ensure that at least one individual is available
2612 at all times during business hours:]~~

2613 ~~[(i) whom the department has registered as a local health department distribution agent;
2614 and]~~

2615 ~~[(ii) to distribute state central fill shipments to medical cannabis cardholders in
2616 accordance with this section.]~~

2617 ~~[(2)]~~ (1) An individual may not ~~[retrieve a]~~ receive and a medical cannabis pharmacy
2618 agent or a medical cannabis courier agent may not deliver a medical cannabis shipment from
2619 ~~[the state central fill]~~ a home delivery medical cannabis pharmacy ~~[at a local health
2620 department]~~ unless:

2621 (a) the individual receiving the shipment presents:

2622 ~~[(a)]~~ (i) a valid form of photo identification [that is a valid United States federal- or
2623 state-issued photo identification, including a driver license, a United States passport, a United
2624 States passport card, or a United States military identification card]; and

2625 ~~[(b)]~~ (ii) a valid medical cannabis card under the same name that appears on the valid
2626 form of photo identification [described in Subsection (2)(a)]; and

2627 (b) the delivery occurs at the medical cannabis cardholder's home address that is on file
2628 in the state electronic verification system.

2629 ~~[(3)]~~ (2) Before a ~~[local health department distribution]~~ medical cannabis pharmacy
2630 agent or a medical cannabis courier agent distributes a [state central fill] medical cannabis
2631 shipment to a medical cannabis cardholder, the [local health department distribution] agent
2632 shall:

2633 (a) verify the shipment information using the state electronic verification system;

2634 (b) ensure that the individual satisfies the identification requirements in Subsection

2635 ~~[(2)]~~ (1);

2636 (c) verify that payment is complete; and

2637 (d) record the completion of the shipment transaction in the electronic verification
2638 system.

2639 ~~[(4)]~~ (3) The ~~[local health department]~~ medical cannabis courier shall:

2640 (a) (i) store each ~~[state central fill]~~ medical cannabis shipment ~~[that the local health~~
2641 ~~department receives;]~~ in a secure manner until the recipient medical cannabis cardholder
2642 ~~[retrieves]~~ receives the shipment or the ~~[local health department]~~ medical cannabis courier
2643 returns the shipment to the ~~[state central fill]~~ home delivery medical cannabis pharmacy in
2644 accordance with Subsection ~~[(5), in a single, secure, locked area that is equipped with a~~
2645 ~~security system that detects and records entry into the area]~~ (4); and

2646 (ii) ensure that only a ~~[local health department distribution]~~ medical cannabis courier
2647 agent is able to access the ~~[area]~~ medical cannabis shipment until the recipient medical
2648 cannabis cardholder receives the shipment;

2649 (b) return any ~~[unclaimed state central fill]~~ undelivered medical cannabis shipment to
2650 the ~~[state central fill]~~ home delivery medical cannabis pharmacy, in accordance with
2651 Subsection ~~[(5)(a)]~~ (4), after the ~~[local health department]~~ medical cannabis courier has
2652 possessed the ~~[state central fill]~~ shipment for 10 business days; and

2653 (c) return any ~~[state central fill]~~ medical cannabis shipment to the ~~[state central fill]~~
2654 home delivery medical cannabis pharmacy, in accordance with Subsection ~~[(5)(b)]~~ (4), if a
2655 medical cannabis cardholder ~~[returns]~~ refuses to accept the shipment ~~[to the local health~~
2656 ~~department after retrieving the shipment]~~.

2657 ~~[(5)]~~ (4) (a) If a ~~[local health department]~~ medical cannabis courier or home delivery
2658 medical cannabis pharmacy agent returns an ~~[unclaimed state central fill]~~ undelivered medical
2659 cannabis shipment ~~[under Subsection (4)(b)]~~ that remains unopened, the ~~[state central fill]~~
2660 home delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment ~~[for~~
2661 ~~another state central fill shipment]~~.

2662 (b) If a ~~[local health department]~~ medical cannabis courier or home delivery medical
2663 cannabis pharmacy agent returns ~~[a returned state central fill]~~ an undelivered or refused
2664 medical cannabis shipment under Subsection ~~[(4)(c)]~~ (3) that appears to be opened in any way,
2665 the ~~[state central fill]~~ home delivery medical cannabis pharmacy shall dispose of the ~~[returned]~~

2666 shipment by:

2667 (i) rendering the [~~state central filh~~] shipment unusable and unrecognizable before
2668 transporting the shipment from the [~~state central filh~~] home delivery medical cannabis
2669 pharmacy; and

2670 (ii) disposing of the [~~state central filh~~] shipment in accordance with:

2671 (A) federal and state laws, rules, and regulations related to hazardous waste;

2672 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

2673 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

2674 (D) other regulations that the department makes in accordance with Title 63G, Chapter
2675 3, Utah Administrative Rulemaking Act.

2676 Section 42. Section **26-61a-702** is amended to read:

2677 **26-61a-702. Enforcement -- Fine -- Citation.**

2678 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter
2679 or an applicable administrative rule:

2680 (i) revoke the medical cannabis pharmacy license;

2681 (ii) refuse to renew the medical cannabis pharmacy license; or

2682 (iii) assess the medical cannabis pharmacy an administrative penalty.

2683 (b) The department may, for a medical cannabis pharmacy agent's or [~~state central filh~~]
2684 medical cannabis courier agent's violation of this chapter:

2685 (i) revoke the medical cannabis pharmacy agent or [~~state central filh~~] medical cannabis
2686 courier agent registration card;

2687 (ii) refuse to renew the medical cannabis pharmacy agent or [~~state central filh~~] medical
2688 cannabis courier agent registration card; or

2689 (iii) assess the medical cannabis pharmacy agent or [~~state central filh~~] medical cannabis
2690 courier agent an administrative penalty.

2691 (2) The department shall deposit an administrative penalty imposed under this section
2692 into the General Fund.

2693 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
2694 of a violation in an adjudicative proceeding under this section, the department may:

2695 (a) for a fine amount not already specified in law, assess the person a fine of up to

2696 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule

- 2697 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 2698 (b) order the person to cease and desist from the action that creates a violation.
- 2699 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
- 2700 cannabis courier's license without first directing the medical cannabis pharmacy or a medical
- 2701 cannabis courier's license to appear before an adjudicative proceeding conducted under Title
- 2702 63G, Chapter 4, Administrative Procedures Act.
- 2703 (5) If, within 20 calendar days after the day on which the department issues a citation
- 2704 for a violation of this chapter, the person that is the subject of the citation fails to request a
- 2705 hearing to contest the citation, the citation becomes the department's final order.
- 2706 (6) The department may, for a person who fails to comply with a citation under this
- 2707 section:
- 2708 (a) refuse to issue or renew the person's license or agent registration card; or
- 2709 (b) suspend, revoke, or place on probation the person's license or agent registration
- 2710 card.
- 2711 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
- 2712 this chapter, if an individual violates a provision of this chapter, the individual is:
- 2713 (i) guilty of an infraction; and
- 2714 (ii) subject to a \$100 fine.
- 2715 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
- 2716 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
- 2717 underlying the violation described in Subsection (7)(a).
- 2718 Section 43. Section **26-61a-703** is amended to read:
- 2719 **26-61a-703. Report.**
- 2720 (1) By the November interim meeting each year, the department shall report to the
- 2721 Health and Human Services Interim Committee on:
- 2722 (a) the number of applications and renewal applications filed for medical cannabis
- 2723 cards;
- 2724 (b) the number of qualifying patients and designated caregivers;
- 2725 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 2726 (d) the age and county of residence of cardholders;
- 2727 (e) the number of medical cannabis cards revoked;

- 2728 (f) the number of practitioners providing recommendations for qualifying patients;
- 2729 (g) the number of license applications and renewal license applications received;
- 2730 (h) the number of licenses the department has issued in each county;
- 2731 (i) the number of licenses the department has revoked;
- 2732 (j) the quantity [~~and timeliness of state central fill~~] of medical cannabis shipments[~~;~~
 2733 ~~including the amount of time between recommendation to~~ that the state central [~~fill medical~~
 2734 ~~cannabis pharmacy and arrival of a state central fill shipment at a local health department~~
 2735 ~~patient portal facilitates~~];
- 2736 [~~(k) the market share of state central fill shipments;~~]
- 2737 (k) the number of overall purchases of medical cannabis and medical cannabis products
 2738 from each medical cannabis pharmacy;
- 2739 (l) the expenses incurred and revenues generated from the medical cannabis program;
 2740 and
- 2741 [~~(m) the expenses incurred and revenues generated from the state central fill medical~~
 2742 ~~cannabis pharmacy, including a profit and loss statement; and]~~
- 2743 (n) (m) an analysis of product availability[~~, including the price differential between~~
 2744 ~~comparable products;~~] in medical cannabis pharmacies [~~and the state central fill medical~~
 2745 ~~cannabis pharmacy~~].
- 2746 (2) The department may not include personally identifying information in the report
 2747 described in this section.
- 2748 Section 44. Section **30-3-10** is amended to read:
- 2749 **30-3-10. Custody of a child -- Custody factors.**
- 2750 (1) If a married couple having one or more minor children are separated, or the married
 2751 couple's marriage is declared void or dissolved, the court shall enter, and has continuing
 2752 jurisdiction to modify, an order of custody and parent-time.
- 2753 (2) In determining any form of custody and parent-time under Subsection (1), the court
 2754 shall consider the best interest of the child and may consider among other factors the court
 2755 finds relevant, the following for each parent:
- 2756 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
 2757 abuse, involving the child, the parent, or a household member of the parent;
- 2758 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet

- 2759 the developmental needs of the child, including the child's:
- 2760 (i) physical needs;
 - 2761 (ii) emotional needs;
 - 2762 (iii) educational needs;
 - 2763 (iv) medical needs; and
 - 2764 (v) any special needs;
- 2765 (c) the parent's capacity and willingness to function as a parent, including:
- 2766 (i) parenting skills;
 - 2767 (ii) co-parenting skills, including:
 - 2768 (A) ability to appropriately communicate with the other parent;
 - 2769 (B) ability to encourage the sharing of love and affection; and
 - 2770 (C) willingness to allow frequent and continuous contact between the child and the
 - 2771 other parent, except that, if the court determines that the parent is acting to protect the child
 - 2772 from domestic violence, neglect, or abuse, the parent's protective actions may be taken into
 - 2773 consideration; and
 - 2774 (iii) ability to provide personal care rather than surrogate care;
 - 2775 (d) in accordance with Subsection (10), the past conduct and demonstrated moral
 - 2776 character of the parent;
 - 2777 (e) the emotional stability of the parent;
 - 2778 (f) the parent's inability to function as a parent because of drug abuse, excessive
 - 2779 drinking, or other causes;
 - 2780 (g) whether the parent has intentionally exposed the child to pornography or material
 - 2781 harmful to minors, as "material" and "harmful to minors" are defined in Section 76-10-1201;
 - 2782 (h) the parent's reasons for having relinquished custody or parent-time in the past;
 - 2783 (i) duration and depth of desire for custody or parent-time;
 - 2784 (j) the parent's religious compatibility with the child;
 - 2785 (k) the parent's financial responsibility;
 - 2786 (l) the child's interaction and relationship with step-parents, extended family members
 - 2787 of other individuals who may significantly affect the child's best interests;
 - 2788 (m) who has been the primary caretaker of the child;
 - 2789 (n) previous parenting arrangements in which the child has been happy and

- 2790 well-adjusted in the home, school, and community;
- 2791 (o) the relative benefit of keeping siblings together;
- 2792 (p) the stated wishes and concerns of the child, taking into consideration the child's
- 2793 cognitive ability and emotional maturity;
- 2794 (q) the relative strength of the child's bond with the parent, meaning the depth, quality,
- 2795 and nature of the relationship between the parent and the child; and
- 2796 (r) any other factor the court finds relevant.
- 2797 (3) There is a rebuttable presumption that joint legal custody, as defined in Section
- 2798 30-3-10.1, is in the best interest of the child, except in cases when there is:
- 2799 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional
- 2800 abuse involving the child, a parent, or a household member of the parent;
- 2801 (b) special physical or mental needs of a parent or child, making joint legal custody
- 2802 unreasonable;
- 2803 (c) physical distance between the residences of the parents, making joint decision
- 2804 making impractical in certain circumstances; or
- 2805 (d) any other factor the court considers relevant including those listed in this section
- 2806 and Section 30-3-10.2.
- 2807 (4) (a) The person who desires joint legal custody shall file a proposed parenting plan
- 2808 in accordance with Sections 30-3-10.8 and 30-3-10.9.
- 2809 (b) A presumption for joint legal custody may be rebutted by a showing by a
- 2810 preponderance of the evidence that it is not in the best interest of the child.
- 2811 (5) (a) A child may not be required by either party to testify unless the trier of fact
- 2812 determines that extenuating circumstances exist that would necessitate the testimony of the
- 2813 child be heard and there is no other reasonable method to present the child's testimony.
- 2814 (b) (i) The court may inquire of the child's and take into consideration the child's
- 2815 desires regarding future custody or parent-time schedules, but the expressed desires are not
- 2816 controlling and the court may determine the child's custody or parent-time otherwise.
- 2817 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
- 2818 not the single controlling factor.
- 2819 (c) (i) If an interview with a child is conducted by the court pursuant to Subsection
- 2820 (5)(b), the interview shall be conducted by the judge in camera.

2821 (ii) The prior consent of the parties may be obtained but is not necessary if the court
2822 finds that an interview with a child is the only method to ascertain the child's desires regarding
2823 custody.

2824 (6) (a) Except as provided in Subsection (6)(b), a court may not discriminate against a
2825 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
2826 whether a substantial change has occurred for the purpose of modifying an award of custody.

2827 (b) The court may not consider the disability of a parent as a factor in awarding custody
2828 or modifying an award of custody based on a determination of a substantial change in
2829 circumstances, unless the court makes specific findings that:

2830 (i) the disability significantly or substantially inhibits the parent's ability to provide for
2831 the physical and emotional needs of the child at issue; and

2832 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
2833 available to supplement the parent's ability to provide for the physical and emotional needs of
2834 the child at issue.

2835 (c) Nothing in this section may be construed to apply to adoption proceedings under
2836 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

2837 (7) This section does not establish a preference for either parent solely because of the
2838 gender of the parent.

2839 (8) This section establishes neither a preference nor a presumption for or against joint
2840 physical custody or sole physical custody, but allows the court and the family the widest
2841 discretion to choose a parenting plan that is in the best interest of the child.

2842 (9) When an issue before the court involves custodial responsibility in the event of a
2843 deployment of one or both parents who are servicemembers, and the servicemember has not yet
2844 been notified of deployment, the court shall resolve the issue based on the standards in Sections
2845 78B-20-306 through 78B-20-309.

2846 (10) In considering the past conduct and demonstrated moral standards of each party
2847 under Subsection (2)(d) or any other factor a court finds relevant, the court may not:

2848 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal
2849 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in
2850 accordance with Title 4, Chapter 41a, Cannabis Production Establishments, Title 26, Chapter
2851 61a, Utah Medical Cannabis Act, or Subsection 58-37-3.7(2) or (3) any differently than the

2852 court would consider or treat the lawful possession or use of an opioid or opiate; or
2853 (b) discriminate against a parent because of the parent's status as a:
2854 (i) cannabis production establishment agent, as that term is defined in Section
2855 4-41a-102;
2856 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;
2857 (iii) ~~[state central fill]~~ medical cannabis courier agent, as that term is defined in Section
2858 26-61a-102; or
2859 (iv) medical cannabis cardholder in accordance with Title 26, Chapter 61a, Utah
2860 Medical Cannabis Act.
2861 Section 45. Section **58-17b-302** is amended to read:
2862 **58-17b-302. License required -- License classifications for pharmacy facilities.**
2863 (1) A license is required to act as a pharmacy, except:
2864 (a) as specifically exempted from licensure under Section 58-1-307; and
2865 (b) for the operation of a medical cannabis pharmacy ~~[or the state central fill medical~~
2866 ~~cannabis pharmacy]~~ under Title 26, Chapter 61a, Utah Medical Cannabis Act.
2867 (2) The division shall issue a pharmacy license to a facility that qualifies under this
2868 chapter in the classification of a:
2869 (a) class A pharmacy;
2870 (b) class B pharmacy;
2871 (c) class C pharmacy;
2872 (d) class D pharmacy;
2873 (e) class E pharmacy; or
2874 (f) dispensing medical practitioner clinic pharmacy.
2875 (3) (a) Each place of business shall require a separate license.
2876 (b) If multiple pharmacies exist at the same address, a separate license shall be required
2877 for each pharmacy.
2878 (4) (a) The division may further define or supplement the classifications of pharmacies.
2879 (b) The division may impose restrictions upon classifications to protect the public
2880 health, safety, and welfare.
2881 (5) Each pharmacy~~[, including the state central fill medical cannabis pharmacy,]~~ shall
2882 have a pharmacist-in-charge, except as otherwise provided by rule.

2883 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
2884 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
2885 of the pharmacy, regardless of the form of the business organization.

2886 Section 46. Section **58-17b-310** is amended to read:

2887 **58-17b-310. Continuing education.**

2888 (1) The division in collaboration with the board may establish by rule continuing
2889 education requirements for each classification of licensure under this chapter.

2890 (2) The division shall accept and apply toward an hour requirement that the division
2891 establishes under Subsection (1) continuing education that a pharmacist completes in
2892 accordance with [Sections] Section 26-61a-403 [~~and 26-61a-601~~].

2893 Section 47. Section **58-17b-502** is amended to read:

2894 **58-17b-502. Unprofessional conduct.**

2895 (1) "Unprofessional conduct" includes:

2896 (a) willfully deceiving or attempting to deceive the division, the board, or their agents
2897 as to any relevant matter regarding compliance under this chapter;

2898 (b) except as provided in Subsection (2):

2899 (i) paying or offering rebates to practitioners or any other health care providers, or
2900 receiving or soliciting rebates from practitioners or any other health care provider; or

2901 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
2902 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
2903 provider, for the purpose of obtaining referrals;

2904 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
2905 dispensing of any outdated, misbranded, or adulterated drug or device;

2906 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
2907 bearing the inscription "sample" or "not for resale" or similar words or phrases;

2908 (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription Drug
2909 Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it has
2910 left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section
2911 58-17b-503, or the manufacturer's sealed container, as defined in rule;

2912 (f) an act in violation of this chapter committed by a person for any form of
2913 compensation if the act is incidental to the person's professional activities, including the

- 2914 activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 2915 (g) violating:
- 2916 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 2917 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
- 2918 (iii) rules or regulations adopted under either act;
- 2919 (h) requiring or permitting pharmacy interns or technicians to engage in activities
- 2920 outside the scope of practice for their respective license classifications, as defined in this
- 2921 chapter and division rules made in collaboration with the board, or beyond their scope of
- 2922 training and ability;
- 2923 (i) administering:
- 2924 (i) without appropriate training, as defined by rule;
- 2925 (ii) without a physician's order, when one is required by law; and
- 2926 (iii) in conflict with a practitioner's written guidelines or written protocol for
- 2927 administering;
- 2928 (j) disclosing confidential patient information in violation of the provisions of the
- 2929 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
- 2930 1936, as amended, or other applicable law;
- 2931 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
- 2932 the pharmacist-in-charge;
- 2933 (l) failing to report to the division any adverse action taken by another licensing
- 2934 jurisdiction, government agency, law enforcement agency, or court for conduct that in
- 2935 substance would be considered unprofessional conduct under this section;
- 2936 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
- 2937 form which is regularly and commonly available from a manufacturer in quantities and
- 2938 strengths prescribed by a practitioner;
- 2939 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
- 2940 when dispensing a self-administered hormonal contraceptive under a standing order; and
- 2941 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.
- 2942 (2) Subsection (1)(b) does not apply to:
- 2943 (a) giving or receiving a price discount based on purchase volume;
- 2944 (b) passing along a pharmaceutical manufacturer's rebate; or

- 2945 (c) providing compensation for services to a veterinarian.
- 2946 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2947 61a, Utah Medical Cannabis Act:
- 2948 (a) when registered as a pharmacy medical provider, as that term is defined in Section
2949 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
- 2950 (b) when ~~registered~~ acting as a state central ~~fill~~ patient portal medical provider, as
2951 that term is defined in Section 26-61a-102, providing state central ~~fill~~ patient portal medical
2952 provider services ~~[in the state central fill medical cannabis pharmacy]~~.
- 2953 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
2954 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2955 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).
- 2956 Section 48. Section **58-37-3.7** is amended to read:
- 2957 **58-37-3.7. Medical cannabis decriminalization.**
- 2958 (1) As used in this section:
- 2959 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 2960 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 2961 (c) "Medical cannabis card" means the same as that term is defined in Section
2962 26-61a-102.
- 2963 (d) "Medical cannabis device" means the same as that term is defined in Section
2964 26-61a-102.
- 2965 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
2966 26-61a-102.
- 2967 (f) "Medicinal dosage form" means the same as that term is defined in Section
2968 26-61a-102.
- 2969 (g) "Qualified medical provider" means the same as that term is defined in Section
2970 26-61a-102.
- 2971 (h) "Qualifying condition" means the same as that term is defined in Section
2972 26-61a-102.
- 2973 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
2974 58-37-3.9.
- 2975 (2) Before January 1, 2021, an individual is not guilty under this chapter for the use or

2976 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

2977 (a) at the time of the arrest or citation, the individual:

2978 (i) (A) had been diagnosed with a qualifying condition; and

2979 (B) had a pre-existing provider-patient relationship with an advanced practice

2980 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed

2981 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,

2982 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under

2983 Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness

2984 described in Subsection (2)(a)(i)(A) could benefit from the use in question;

2985 (ii) for possession, was:

2986 (A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who

2987 is a minor; or

2988 (B) the spouse of an individual described in Subsection (2)(a)(i); or

2989 (iii) (A) for possession, was a medical cannabis cardholder; or

2990 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying

2991 condition under the supervision of a medical cannabis guardian cardholder; and

2992 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in one of the

2993 following amounts:

2994 (i) no more than 56 grams by weight of unprocessed cannabis; or

2995 (ii) an amount of cannabis products that contains, in total, no more than 10 grams of

2996 total composite tetrahydrocannabinol.

2997 (3) An individual is not guilty under this chapter for the use or possession of

2998 marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

2999 (a) at the time of the arrest or citation, the individual:

3000 (i) was not a resident of Utah or has been a resident of Utah for less than 45 days;

3001 (ii) had a currently valid medical cannabis card or the equivalent of a medical cannabis

3002 card under the laws of another state, district, territory, commonwealth, or insular possession of

3003 the United States; and

3004 (iii) had been diagnosed with a qualifying condition as described in Section

3005 26-61a-104; and

3006 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in [a quantity

3007 ~~described in Subsection 26-61a-502(2).]~~ one of the following amounts:

3008 (i) no more than 113 grams by weight of unprocessed cannabis; or

3009 (ii) an amount of cannabis products that contains, in total, no more than 20 grams of
3010 total composite tetrahydrocannabinol.

3011 Section 49. Section **58-37-3.8** is amended to read:

3012 **58-37-3.8. Enforcement.**

3013 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for
3014 an officially designated drug enforcement task force regarding conduct that is not in accordance
3015 with Title 26, Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local
3016 resources, including the officer's time, to:

3017 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
3018 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to
3019 constitute a violation of federal law if the officer has reason to believe that the activity is in
3020 compliance with the state medical cannabis laws;

3021 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
3022 firearm based solely on the individual's possession or use of cannabis in accordance with state
3023 medical cannabis laws; or

3024 (c) provide any information or logistical support related to an activity described in
3025 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3026 (2) An agency or political subdivision of the state may not take an adverse action
3027 against a person for providing a professional service to a medical cannabis pharmacy, as that
3028 term is defined in Section 26-61a-102, the state central [~~fill medical cannabis pharmacy~~]
3029 patient portal, as that term is defined in Section 26-61a-102, or a cannabis production
3030 establishment, as that term is defined in Section 4-41a-102, on the sole basis that the service is
3031 a violation of federal law.

3032 Section 50. Section **58-37-3.9** is amended to read:

3033 **58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying**
3034 **illness.**

3035 (1) As used in this section:

3036 (a) "Cannabis" means marijuana.

3037 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

3038 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

3039 (d) "Medical cannabis cardholder" means the same as that term is defined in Section
3040 26-61a-102.

3041 (e) "Medical cannabis device" means the same as that term is defined in Section
3042 26-61a-102.

3043 (f) " Medicinal dosage form" means the same as that term is defined in Section
3044 26-61a-102.

3045 (g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
3046 description as described in Subsection 58-37-4(2)(a)(iii)(AA).

3047 (2) Notwithstanding any other provision of law, except as otherwise provided in this
3048 section:

3049 (a) an individual is not guilty of a violation of this title for the following conduct if the
3050 individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis
3051 Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:

3052 (i) possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or
3053 offering to sell cannabis or a cannabis product; or

3054 (ii) possessing cannabis or a cannabis product with the intent to engage in the conduct
3055 described in Subsection (2)(a)(i); and

3056 (b) an individual is not guilty of a violation of this title regarding drug paraphernalia if
3057 the individual, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments,
3058 and Title 26, Chapter 61a, Utah Medical Cannabis Act:

3059 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
3060 device; or

3061 (ii) possesses a medical cannabis device with the intent to engage in any of the conduct
3062 described in Subsection (2)(b)(i).

3063 (3) (a) As used in this Subsection (3), "smoking" does not include the vaporization or
3064 heating of medical cannabis.

3065 (b) Title 26, Chapter 61a, Utah Medical Cannabis Act, does not authorize a medical
3066 cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking
3067 or combustion of cannabis.

3068 (c) A medical cannabis cardholder who smokes cannabis or engages in any other

3069 conduct described in Subsection (3)(b):

3070 (i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah

3071 Medical Cannabis Act; and

3072 (ii) is subject to charges under this chapter for the use or possession of marijuana,
3073 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection
3074 (3)(b).

3075 (4) An individual who is assessed a penalty or convicted of a crime under Title 4,
3076 Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah Medical
3077 Cannabis Act, is not, based on the conduct underlying that penalty or conviction, subject to a
3078 penalty described in this chapter for:

3079 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis
3080 product; or

3081 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

3082 Section 51. Section **58-67-304** is amended to read:

3083 **58-67-304. License renewal requirements.**

3084 (1) As a condition precedent for license renewal, each licensee shall, during each
3085 two-year licensure cycle or other cycle defined by division rule:

3086 (a) complete qualified continuing professional education requirements in accordance
3087 with the number of hours and standards defined by division rule made in collaboration with the
3088 board;

3089 (b) appoint a contact person for access to medical records and an alternate contact
3090 person for access to medical records in accordance with Subsection 58-67-302(1)(j);

3091 (c) if the licensee practices medicine in a location with no other persons licensed under
3092 this chapter, provide some method of notice to the licensee's patients of the identity and
3093 location of the contact person and alternate contact person for the licensee; and

3094 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
3095 successfully complete the educational methods and programs described in Subsection
3096 58-67-807(4).

3097 (2) If a renewal period is extended or shortened under Section 58-67-303, the
3098 continuing education hours required for license renewal under this section are increased or
3099 decreased proportionally.

3100 (3) An application to renew a license under this chapter shall:

3101 (a) require a physician to answer the following question: "Do you perform elective
3102 abortions in Utah in a location other than a hospital?"; and

3103 (b) immediately following the question, contain the following statement: "For purposes
3104 of the immediately preceding question, elective abortion means an abortion other than one of
3105 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
3106 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
3107 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
3108 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
3109 the woman is pregnant as a result of rape or incest."

3110 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
3111 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
3112 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
3113 division shall, within 30 days after the day on which it renews the physician's license under this
3114 chapter, inform the Department of Health in writing:

3115 (a) of the name and business address of the physician; and

3116 (b) that the physician responded positively to the question described in Subsection
3117 (3)(a).

3118 (5) The division shall accept and apply toward the hour requirement in Subsection
3119 (1)(a) any continuing education that a physician completes in accordance with Sections
3120 26-61a-106, 26-61a-403, and ~~[26-61a-601]~~ 26-61a-602.

3121 Section 52. Section ~~58-67-502~~ is amended to read:

3122 **~~58-67-502. Unprofessional conduct.~~**

3123 (1) "Unprofessional conduct" includes, in addition to the definition in Section
3124 58-1-501:

3125 (a) using or employing the services of any individual to assist a licensee in any manner
3126 not in accordance with the generally recognized practices, standards, or ethics of the
3127 profession, state law, or division rule;

3128 (b) making a material misrepresentation regarding the qualifications for licensure under
3129 Section 58-67-302.7 or Section 58-67-302.8;

3130 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical

3131 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or
 3132 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.
 3133 (2) "Unprofessional conduct" does not include:
 3134 (a) in compliance with Section 58-85-103:
 3135 (i) obtaining an investigational drug or investigational device;
 3136 (ii) administering the investigational drug to an eligible patient; or
 3137 (iii) treating an eligible patient with the investigational drug or investigational device;
 3138 or
 3139 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:
 3140 (i) when registered as a qualified medical provider, as that term is defined in Section
 3141 26-61a-102, recommending the use of medical cannabis;
 3142 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
 3143 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
 3144 (iii) when registered as a state central ~~[fH]~~ patient portal medical provider, as that term
 3145 is defined in Section 26-61a-102, providing state central ~~[fH]~~ patient portal medical provider
 3146 services ~~[in the state central fill medical cannabis pharmacy]~~.
 3147 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
 3148 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
 3149 unprofessional conduct for a ~~[pharmacist]~~ physician described in Subsection (2)(b).
 3150 Section 53. Section ~~58-68-304~~ is amended to read:
 3151 **58-68-304. License renewal requirements.**
 3152 (1) As a condition precedent for license renewal, each licensee shall, during each
 3153 two-year licensure cycle or other cycle defined by division rule:
 3154 (a) complete qualified continuing professional education requirements in accordance
 3155 with the number of hours and standards defined by division rule in collaboration with the
 3156 board;
 3157 (b) appoint a contact person for access to medical records and an alternate contact
 3158 person for access to medical records in accordance with Subsection 58-68-302(1)(j);
 3159 (c) if the licensee practices osteopathic medicine in a location with no other persons
 3160 licensed under this chapter, provide some method of notice to the licensee's patients of the
 3161 identity and location of the contact person and alternate contact person for access to medical

3162 records for the licensee in accordance with Subsection 58-68-302(1)(k); and

3163 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
3164 successfully complete the educational methods and programs described in Subsection
3165 58-68-807(4).

3166 (2) If a renewal period is extended or shortened under Section 58-68-303, the
3167 continuing education hours required for license renewal under this section are increased or
3168 decreased proportionally.

3169 (3) An application to renew a license under this chapter shall:

3170 (a) require a physician to answer the following question: "Do you perform elective
3171 abortions in Utah in a location other than a hospital?"; and

3172 (b) immediately following the question, contain the following statement: "For purposes
3173 of the immediately preceding question, elective abortion means an abortion other than one of
3174 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
3175 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
3176 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
3177 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
3178 the woman is pregnant as a result of rape or incest."

3179 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
3180 to the licensing of an abortion clinic, if a physician responds positively to the question
3181 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
3182 renews the physician's license under this chapter, inform the Department of Health in writing:

3183 (a) of the name and business address of the physician; and

3184 (b) that the physician responded positively to the question described in Subsection
3185 (3)(a).

3186 (5) The division shall accept and apply toward the hour requirement in Subsection
3187 (1)(a) any continuing education that a physician completes in accordance with Sections
3188 26-61a-106, 26-61a-403, and ~~[26-61a-601]~~ 26-61a-602.

3189 Section 54. Section **58-68-502** is amended to read:

3190 **58-68-502. Unprofessional conduct.**

3191 (1) "Unprofessional conduct" includes, in addition to the definition in Section
3192 58-1-501:

- 3193 (a) using or employing the services of any individual to assist a licensee in any manner
 3194 not in accordance with the generally recognized practices, standards, or ethics of the
 3195 profession, state law, or division rule;
- 3196 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
 3197 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 3198 (c) making a material misrepresentation regarding the qualifications for licensure under
 3199 Section 58-68-302.5; or
- 3200 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.
- 3201 (2) "Unprofessional conduct" does not include:
- 3202 (a) in compliance with Section 58-85-103:
- 3203 (i) obtaining an investigational drug or investigational device;
- 3204 (ii) administering the investigational drug to an eligible patient; or
- 3205 (iii) treating an eligible patient with the investigational drug or investigational device;
- 3206 or
- 3207 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:
- 3208 (i) when registered as a qualified medical provider, as that term is defined in Section
 3209 26-61a-102, recommending the use of medical cannabis;
- 3210 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
 3211 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
- 3212 (iii) when registered as a state central ~~[fill]~~ patient portal medical provider, as that term
 3213 is defined in Section 26-61a-102, providing state central ~~[fill]~~ patient portal medical provider
 3214 services ~~[in the state central fill medical cannabis pharmacy]~~.
- 3215 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
 3216 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
 3217 unprofessional conduct for a ~~[pharmacist]~~ physician described in Subsection (2)(b).
- 3218 Section 55. Section **59-12-104.10** is amended to read:
- 3219 **59-12-104.10. Exemption from sales tax for cannabis.**
- 3220 (1) As used in this section:
- 3221 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 3222 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 3223 (c) "Medical cannabis device" means the same as that term is defined in Section

3224 26-61a-102.

3225 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section
3226 26-61a-102.

3227 (e) "Medicinal dosage form" means the same as that term is defined in Section
3228 26-61a-102.

3229 ~~[(f) "State central fill medical cannabis pharmacy" means the same as that term is~~
3230 ~~defined in Section 26-61a-102.]~~

3231 (2) In addition to the exemptions described in Section 59-12-104, the sale by a licensed
3232 medical cannabis pharmacy ~~[or the state central fill medical cannabis pharmacy]~~ of the
3233 following is not subject to the taxes this chapter imposes:

3234 (a) cannabis in a medicinal dosage form; or

3235 (b) a cannabis product in a medicinal dosage form.

3236 (3) The sale of a medical cannabis device by a medical cannabis pharmacy ~~[or the state~~
3237 ~~central fill medical cannabis pharmacy]~~ is subject to the taxes this chapter imposes.

3238 Section 56. Section **78A-2-231** is enacted to read:

3239 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

3240 (1) In any judicial proceeding in which a factfinder makes a finding, determination, or
3241 otherwise considers an individual's possession or use of cannabis, a cannabis product, or a
3242 medical cannabis device, the factfinder may not consider or treat the individual's possession or
3243 use any differently than the lawful possession or use of an opioid or opiate if the individual's
3244 possession or use complies with:

3245 (a) Title 4, Chapter 41a, Cannabis Production Establishments;

3246 (b) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3247 (c) Section 58-37-3.7 or 58-37-3.9.

3248 (2) A judge may not order, notwithstanding Section 77-18-1, as a condition of
3249 probation or release, and a prosecutor may not require as part of a plea in abeyance agreement
3250 or a diversion agreement, that an individual abstain from the use or possession of cannabis, a
3251 cannabis product, or a medical cannabis device, either directly or through a general prohibition
3252 on violating federal law without an exception related to medical cannabis use, if:

3253 (a) (i) the individual possesses a current medical cannabis card; and

3254 (ii) the individual's use or possession complies with Title 26, Chapter 61a, Utah

3255 Medical Cannabis Act; or
3256 (b) if the individual's use or possession complies with Subsection 58-37-3.7(2) or (3).
3257 (3) A judge may not find that a parent's or guardian's possession or use of cannabis is
3258 not in a child's best interest or constitutes abuse or harm of a child if:
3259 (a) (i) (A) the parent or guardian possesses a current medical cannabis card; and
3260 (B) the parent's or guardian's possession or use complies with Title 26, Chapter 61a,
3261 Utah Medical Cannabis Act; or
3262 (ii) the parent's or guardian's possession or use complies with Subsection 58-37-3.7(2)
3263 or (3); and
3264 (b) there is no evidence that the child ingested cannabis.
3265 **Section 57. Repealer.**
3266 This bill repeals:
3267 **Section 26-61a-110, Qualified Distribution Enterprise Fund -- Creation.**
3268 **Section 26-61a-205, Lost or stolen medical cannabis card.**
3269 **Section 26-61a-608, Department to set state central fill medical cannabis pharmacy**
3270 **prices.**
3271 **Section 26-61a-609, Partial filling.**
3272 **Section 26-61a-610, Records -- Inspections.**
3273 **Section 26-61a-611, Advertising.**
3274 **Section 26-65-101, Title.**
3275 **Section 26-65-102, Definitions.**
3276 **Section 26-65-103, Medicinal dosage form.**
3277 **Section 26-65-201, Insurance coverage.**
3278 **Section 26-65-202, Rules -- Report to the Legislature.**
3279 **Section 58. Effective date.**
3280 If approved by two-thirds of all the members elected to each house, this bill takes effect
3281 upon approval by the governor, or the day following the constitutional time limit of Utah
3282 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
3283 the date of veto override.