LONG TITLE

General Description:

This bill provides for the cultivation, processing, medical recommendation, and patient use of medical cannabis.

Highlighted Provisions:

This bill:

- defines terms;
- provides for licensing and regulation of a cannabis cultivation facility, a cannabis processing facility, an independent cannabis testing laboratory, and a medical cannabis pharmacy;
- provides for security and tracking of cannabis and a cannabis product from cultivation to consumption to ensure safety and chemical content;
- requires certain labeling and childproof packaging of cannabis and a cannabis product;
- requires the Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services to create an electronic verification system to facilitate recommendation, dispensing, and record-keeping for medical cannabis transactions;
- allows an individual with a qualifying condition to obtain a medical cannabis card on the recommendation of a certain medical professional to gain access to medical cannabis;
- allows a patient to designate a caregiver to assist with accessing medical cannabis;
- provides that a parent or legal guardian is the designated caregiver for a minor;
- provides housing and employment discrimination protection for an individual who lawfully uses medical cannabis;
- limits the form and amount of medical cannabis available to a patient at one time;
- prohibits a minor from entering a medical cannabis pharmacy;
- creates the state central fill medical cannabis pharmacy;
provides for a process of state central fill shipment of medical cannabis and
cannabis product to a local health department for patient retrieval;  
- imposes heightened criminal penalties for improperly selling medical cannabis,
including to a minor;  
- creates an affirmative defense to prosecution for certain individuals before the 
medical cannabis card program is operational;  
- creates protections from state prosecution for the lawful possession, use, and sale of 
medical cannabis;  
- prohibits a court from considering the lawful use of medical cannabis in a custody 
proceeding;  
- repeals superfluous sections related to authorized use of cannabis or a cannabis 
product; and  
- makes technical and conforming changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:

4-41-102, as last amended by Laws of Utah 2018, Chapters 227 and 452
7-1-401, as last amended by Laws of Utah 2018, Chapter 446
10-9a-104, as last amended by Laws of Utah 2017, Chapter 84
17-27a-104, as last amended by Laws of Utah 2017, Chapter 84
26-61-202, as last amended by Laws of Utah 2018, Chapter 110
30-3-10, as last amended by Laws of Utah 2017, Chapters 67 and 224
41-6a-517 (Superseded 07/01/19), as last amended by Laws of Utah 2017, Chapter 446
41-6a-517 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapter 452
58-17b-302, as last amended by Laws of Utah 2014, Chapter 72
58-17b-310, as enacted by Laws of Utah 2004, Chapter 280
58-17b-502, as last amended by Laws of Utah 2018, Chapter 295
58-37-3.6 (Superseded 07/01/19), as last amended by Laws of Utah 2018, Chapters
333 and 446

58-37-3.6 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapters 333, 446, and 452

58-67-304, as last amended by Laws of Utah 2018, Chapters 282 and 318

58-85-102, as last amended by Laws of Utah 2018, Chapter 333

58-85-104, as last amended by Laws of Utah 2018, Chapter 333

58-85-105, as last amended by Laws of Utah 2018, Chapter 333

59-12-104.9 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

62A-4a-202.1, as last amended by Laws of Utah 2012, Chapters 221 and 293

78A-6-508 (Superseded 07/01/19), as last amended by Laws of Utah 2014, Chapter 409

78A-6-508 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapter 452

ENACTS:

4-41b-101, Utah Code Annotated 1953

4-41b-102, Utah Code Annotated 1953

4-41b-103, Utah Code Annotated 1953

4-41b-104, Utah Code Annotated 1953

4-41b-201, Utah Code Annotated 1953

4-41b-202, Utah Code Annotated 1953

4-41b-203, Utah Code Annotated 1953

4-41b-204, Utah Code Annotated 1953

4-41b-301, Utah Code Annotated 1953

4-41b-302, Utah Code Annotated 1953

4-41b-303, Utah Code Annotated 1953

4-41b-401, Utah Code Annotated 1953

4-41b-402, Utah Code Annotated 1953

4-41b-403, Utah Code Annotated 1953

4-41b-404, Utah Code Annotated 1953

4-41b-405, Utah Code Annotated 1953

4-41b-406, Utah Code Annotated 1953
4-41b-501, Utah Code Annotated 1953
4-41b-502, Utah Code Annotated 1953
4-41b-601, Utah Code Annotated 1953
4-41b-602, Utah Code Annotated 1953
4-41b-603, Utah Code Annotated 1953
4-41b-701, Utah Code Annotated 1953
4-41b-702, Utah Code Annotated 1953
4-41b-801, Utah Code Annotated 1953
4-41b-802, Utah Code Annotated 1953
26-61b-101, Utah Code Annotated 1953
26-61b-102, Utah Code Annotated 1953
26-61b-103, Utah Code Annotated 1953
26-61b-104, Utah Code Annotated 1953
26-61b-105, Utah Code Annotated 1953
26-61b-106, Utah Code Annotated 1953
26-61b-107, Utah Code Annotated 1953
26-61b-108, Utah Code Annotated 1953
26-61b-109, Utah Code Annotated 1953
26-61b-110, Utah Code Annotated 1953
26-61b-111, Utah Code Annotated 1953
26-61b-112, Utah Code Annotated 1953
26-61b-113, Utah Code Annotated 1953
26-61b-201, Utah Code Annotated 1953
26-61b-202, Utah Code Annotated 1953
26-61b-203, Utah Code Annotated 1953
26-61b-204, Utah Code Annotated 1953
26-61b-301, Utah Code Annotated 1953
26-61b-302, Utah Code Annotated 1953
26-61b-303, Utah Code Annotated 1953
26-61b-304, Utah Code Annotated 1953
26-61b-401, Utah Code Annotated 1953
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26-61b-609, Utah Code Annotated 1953
26-61b-610, Utah Code Annotated 1953
26-61b-611, Utah Code Annotated 1953
26-61b-701, Utah Code Annotated 1953
26-61b-702, Utah Code Annotated 1953
26-61b-703, Utah Code Annotated 1953
53-1-106.5, Utah Code Annotated 1953
58-37-3.7, Utah Code Annotated 1953
58-37-3.8, Utah Code Annotated 1953
58-37-3.9, Utah Code Annotated 1953

REPEALS:

4-41-201, as enacted by Laws of Utah 2018, Chapter 446
4-41-202, as enacted by Laws of Utah 2018, Chapter 446
4-41-203, as enacted by Laws of Utah 2018, Chapter 446
4-41-204, as enacted by Laws of Utah 2018, Chapter 446
4-41-301, as enacted by Laws of Utah 2018, Chapter 446
4-41-302, as enacted by Laws of Utah 2018, Chapter 446
4-41-304, as enacted by Laws of Utah 2018, Chapter 446
4-43-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-201 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-202 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-203 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-301 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-401 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-402 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-501 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-502 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-503 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-601 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-602 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-701 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-702 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-703 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
4-43-801 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
26-65-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
26-65-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
26-65-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
26-65-201 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
26-65-202 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
58-67-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
58-68-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452
58-85-103.5, as enacted by Laws of Utah 2018, Chapter 333
Be it enacted by the Legislature of the state of Utah:

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

4-41-102. Definitions.

For purposes of this chapter:

(1) "Agricultural pilot program" means a program to study the growth, cultivation, or marketing of industrial hemp.

(2) "Cannabidiol product" means a chemical compound extracted from a hemp product that:

(a) is processed into a medicinal dosage form; and

(b) contains less than 0.3% tetrahydrocannabinol by weight before processing and no more than a 10:1 ratio of cannabidiol to tetrahydrocannabinol after processing.

(3) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by weight.

(4) "Industrial hemp certificate" means a certificate issued by the department to a higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

(5) "Industrial hemp license" means a license issued by the department to a person for the purpose of participating in a research pilot program.
(6) "Industrial hemp product" means a product derived from, or made by, processing
industrial hemp plants or industrial hemp parts.
(7) "Licensee" means an individual or business entity possessing a license issued by the
department under this chapter to grow, cultivate, process, or market industrial hemp or an
industrial hemp product.
(8) "Medicinal dosage form" means the same as that term is defined in Section
(9) "Person" means:
(a) an individual, partnership, association, firm, trust, limited liability company, or
corporation; and
(b) an agent or employee of an individual, partnership, association, firm, trust, limited
liability company, or corporation.
(10) "Research pilot program" means a program conducted by the department in
collaboration with at least one licensee to study methods of cultivating, processing, or
marketing industrial hemp.

Section 2. Section 4-41b-101 is enacted to read:

CHAPTER 41b. CANNABIS PRODUCTION ESTABLISHMENTS


4-41b-101. Title.
This chapter is known as "Cannabis Production Establishments."

Section 3. Section 4-41b-102 is enacted to read:

4-41b-102. Definitions.
As used in this chapter:
(1) "Cannabis" means the same as that term is defined in Section 58-37-3.7.
(2) "Cannabis cultivation facility" means a person that:
(a) possesses cannabis;
(b) grows or intends to grow cannabis; and
(c) sells or intends to sell cannabis to a cannabis cultivation facility or a cannabis
processing facility.
(3) "Cannabis cultivation facility agent" means an individual who:
(a) is an employee of a cannabis cultivation facility; and
(b) holds a valid cannabis production establishment agent registration card.

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

(a) acquires or intends to acquire cannabis from a cannabis production establishment;

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

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the state central fill medical cannabis pharmacy.

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

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

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

(6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

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

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

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

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

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

(10) "Department" means the Department of Agriculture and Food.

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

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

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

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

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

(a) is an employee of an independent cannabis testing laboratory; and
(b) holds a valid cannabis production establishment agent registration card.

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

(15) "Medical cannabis card" means the same as that term is defined in Section 26-61b-102.

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

(17) "Medical cannabis pharmacy agent" means the same as that term is defined in Section 26-61b-102.

(18) "Medical Cannabis Restricted Account" means the account created in Section 26-61b-109.

(19) "Medicinal dosage form" means the same as that term is defined in Section 26-61b-102.

(20) "Qualified medical provider" means the same as that term is defined in Section 26-61b-102.

(21) "State central fill agent" means the same as that term is defined in Section 26-61b-102.

(22) "State central fill medical cannabis pharmacy" means the same as that term is defined in Section 26-61b-102.

(23) "State central fill shipment" means the same as that term is defined in Section 26-61b-102.

(24) "State electronic verification system" means the system described in Section 26-61b-103.

(25) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

Section 4. Section 4-41b-103 is enacted to read:

4-41b-103. Inventory control system.

(1) Each cannabis production establishment, each medical cannabis pharmacy, and the state central fill medical cannabis pharmacy shall maintain an inventory control system that meets the requirements of this section.

(2) A cannabis production establishment, a medical cannabis pharmacy, and the state central fill medical cannabis pharmacy shall ensure that the inventory control system that the
establishment or pharmacy maintains:

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

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

(c) includes a video-recording system that:

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

(ii) is tamper proof; and

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

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

(3) A cannabis production establishment, a medical cannabis pharmacy, and the state central fill medical cannabis pharmacy shall allow the department or the Department of Health access to the cannabis production establishment's, medical cannabis pharmacy's, or state central fill medical cannabis pharmacy's inventory control system at any time.

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

Section 5. Section 4-41b-104 is enacted to read:

**4-41b-104. Preemption.**

This chapter preempts any ordinance or rule that a political subdivision enacts regarding a cannabis production establishment.

Section 6. Section 4-41b-201 is enacted to read:

**Part 2. Cannabis Production Establishment**

**4-41b-201. Cannabis production establishment -- License.**

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

(2) Subject to Subsections (6) and (7) and Section 4-41b-204, the department shall, within 90 days after the day on which the department receives a complete application, issue a
license to operate a cannabis production establishment to the applicant if the applicant submits
to the department:

(a) a proposed name and address, located in a zone described in Subsection
4-41b-406(1)(a) or (b), where the applicant will operate the cannabis production establishment;
(b) the name and address of any individual who:
(i) has a financial or voting interest of 2% or greater in the proposed cannabis
production establishment; or
(ii) has the power to direct the management or control of a proposed medical cannabis
production establishment;
(c) an operating plan that:
(i) complies with Section 4-41b-203;
(ii) includes operating procedures that comply with this chapter and any law the
municipality or county adopts in which the person is located that is consistent with Section
4-41b-406; and
(iii) the department approves;
(d) financial statements demonstrating that the applicant possesses a minimum of:
(i) $250,000 in liquid assets available for each cannabis cultivation facility for which
the applicant applies; or
(ii) $50,000 in liquid assets available for each cannabis processing facility or
independent cannabis testing laboratory for which the applicant applies;
(e) if the municipality or county where the proposed cannabis production establishment
would be located requires a local permit or license, a copy of the applicant's application for the
local permit or license; and
(f) an application fee in an amount that the department sets in accordance with Section
63J-1-504.

(3) If the department approves an application for a license under this section, the
applicant shall pay the department an initial license fee in an amount that the department sets in
accordance with Section 63J-1-504.

(4) Except as provided in Subsection (5), the department shall require a separate
license for each type of cannabis production establishment and each location of a cannabis
production establishment.
The department may issue a cannabis cultivation facility license and a cannabis processing facility license to a person to operate at the same physical location or at separate physical locations.

The department may not issue a license to operate an independent cannabis testing laboratory to a person who:

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

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

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

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

(a) has been convicted of an offense that is a felony under state or federal law; or

(b) is younger than 21 years old.

The department may revoke a license under this part:

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

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

(c) if the owner or operator of the cannabis production establishment is convicted, between renewals, of a felony.

The department shall deposit the proceeds of a fee imposed under this section into the Medical Cannabis Restricted Account.


Section 7. Section 4-41b-202 is enacted to read:

4-41b-202. Renewal.

The department shall renew a license issued under Section 4-41b-201 every two years.
if, at the time of renewal:

(1) the licensee meets the requirements of Section 4-41b-201;
(2) the licensee pays the department a license renewal fee in an amount the department
sets in accordance with Section 63J-1-504; and
(3) if the cannabis production establishment changes the operating plan described in
Section 4-41b-203 that the department approved under Subsection 4-41b-201(2)(c), the
department approves the new operating plan.

Section 8. Section 4-41b-203 is enacted to read:

4-41b-203. Operating plan.

(1) A person applying for a cannabis production establishment license or license
renewal shall submit to the department for the department's review a proposed operating plan
that includes:

(a) a description of the physical characteristics of the proposed facility, including a
floor plan and an architectural elevation;
(b) a description of the credentials and experience of:
(i) each officer, director, and owner of the proposed cannabis production
establishment; and
(ii) any highly skilled or experienced prospective employee;
(c) the cannabis production establishment's employee training standards;
(d) a security plan;
(e) a description of the cannabis production establishment's inventory control system,
including a description of how the inventory control system is compatible with the state
electronic verification system described in Section 26-61b-103;
(f) for a cannabis cultivation facility, the information described in Subsection (2);
(g) for a cannabis processing facility, the information described in Subsection (3); and
(h) for an independent cannabis testing laboratory, the information described in

Subsection (4).

(2) A cannabis cultivation facility shall ensure that the facility's operating plan includes
the facility's intended cannabis cultivation practices, including the facility's intended pesticide
use, fertilizer use, square footage under cultivation, and anticipated cannabis yield.

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

(a) offered variety of cannabis product;
(b) cannabinoid extraction method;
(c) cannabinoid extraction equipment;
(d) processing equipment;
(e) processing techniques; and
(f) sanitation and food safety procedures.

(4) An independent cannabis testing laboratory's operating plan shall include the laboratory's intended cannabis and cannabis product testing capability and cannabis and cannabis product testing equipment.

Section 9. Section 4-41b-204 is enacted to read:

4-41b-204. Number of licenses -- Cannabis cultivation facilities.
(1) Except as provided in Subsection (2), the department may not issue more than 15 licenses to operate cannabis cultivation facilities.

(2) After January 1, 2022, the department may issue up to five licenses to operate a cannabis cultivation facility in addition to the 15 licenses described in Subsection (1) if the department determines, after an analysis of the current and anticipated market for cannabis in a medicinal dosage form and cannabis products in a medicinal dosage form, that an additional license is necessary to provide an adequate supply, quality, or variety of cannabis in a medicinal dosage form and cannabis product in a medicinal dosage form to medical cannabis cardholders.

(3) If there are more qualified applicants than the number of available licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall evaluate the applicants and award the limited number of licenses described in Subsections (1) and (2) to the applicants that best demonstrate:

(a) experience with establishing and successfully operating a business that involves:

(i) complying with a regulatory environment;
(ii) tracking inventory; and
(iii) training, evaluating, and monitoring employees;

(b) an operating plan that will best ensure the safety and security of patrons and the community:
(c) positive connections to the local community; and
(d) the extent to which the applicant can reduce the cost to patients of cannabis in a medicinal dosage form or cannabis products in a medicinal dosage form.

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

Section 10. Section 4-41b-301 is enacted to read:

Part 3. Cannabis Production Establishment Agents

4-41b-301. Cannabis production establishment agent -- Registration.

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

(2) The following individuals, regardless of the individual's status as a qualified medical provider, may not serve as a cannabis production establishment agent:
(a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
(b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act.

(3) An independent cannabis testing laboratory agent may not act as an agent for a medical cannabis pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.

(4) The department shall, within 15 business days after the day on which the department receives a complete application from a cannabis production establishment on behalf of a prospective cannabis production establishment agent, register and issue a cannabis production establishment agent registration card to the prospective agent if the cannabis production establishment:
(a) provides to the department the prospective agent's name and address and the name and location of a licensed cannabis production establishment where the prospective agent will act as the cannabis production establishment's agent; and
(b) pays a fee to the department in an amount that the department sets in accordance with Section 63J-1-504.

(5) The department shall designate on an individual's cannabis production establishment agent registration card:
(a) the name of the cannabis production establishment where the individual is
registered as an agent; and

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

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

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

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

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

(a) in Utah medical cannabis law;

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

(c) for a cannabis processing facility agent, in cannabis processing, food safety, and sanitation best practices; and

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

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

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

(b) the department shall revoke or refuse to issue the card if the individual is convicted of an offense that is a felony under state or federal law.

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

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

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

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

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

(A) the department sets in accordance with Section 63J-1-504; and
(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

Section 11. Section 4-41b-302 is enacted to read:

4-41b-302. Cannabis production establishment -- Criminal background checks.

(1) At the time of application, an applicant for a license as a cannabis production establishment shall submit the following information regarding an individual described in Subsection (2):

(a) a fingerprint card in a form acceptable to the department; and

(b) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation.

(2) An applicant shall submit the information described in Subsection (1) regarding each individual who has:

(a) a financial or voting interest of 2% or greater in the applicant; or

(b) the power to direct or cause the management or control of the applicant.

(3) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each individual described in Subsection (2).

(4) The Department of Public Safety shall:

(a) complete a Federal Bureau of Investigation criminal background check for each individual who is the subject of a department request under Subsection (3); and

(b) report the results of the background check to the department.

Section 12. Section 4-41b-303 is enacted to read:

4-41b-303. Cannabis production establishment agent registration card -- Rebuttable presumption.

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

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

(b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between:
(i) two cannabis production establishments; or
(ii) a cannabis production establishment; and
(A) a medical cannabis pharmacy; or
(B) the state central fill medical cannabis pharmacy; and
(c) if the cannabis production establishment agent is an agent of a cannabis cultivating facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory.

(2) If a cannabis processing facility agent possesses cannabis, a cannabis product, or a medical cannabis device and produces the registration card in the individual's possession in compliance with Subsection (1) while handling cannabis, a cannabis product, or a medical cannabis device at a cannabis production facility or while transporting cannabis, a cannabis product, or a medical cannabis device:
   (a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis product, or medical cannabis device legally; and
   (b) a law enforcement officer does not have probable cause, based solely on the agent's possession of the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.

(3) A cannabis production establishment agent who fails to carry the agent's cannabis production establishment agent registration card in accordance with Subsection (1) is:
   (a) for a first or second offense:
      (i) guilty of an infraction; and
      (ii) subject to a $100 fine; or
   (b) for a third or subsequent offense:
      (i) guilty of a class C misdemeanor; and
      (ii) subject to a $750 fine.

Section 13. Section 4-41b-401 is enacted to read:

Part 4. General Cannabis Production Establishment Operating Requirements

4-41b-401. Cannabis production establishment -- General operating requirements.

(1) (a) A cannabis production establishment shall operate in accordance with the operating plan provided to the department under Section 4-41b-203.
(b) A cannabis production establishment shall notify the department before a change in the cannabis production establishment's operating plan.

(c) (i) If a cannabis production establishment changes the cannabis production establishment's operating plan, the establishment shall ensure that the new operating plan complies with this chapter.

(ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to:

(A) review a change notification described in Subsection (1)(b);

(B) identify for the cannabis production establishment each point of noncompliance between the new operating plan and this chapter;

(C) provide an opportunity for the cannabis production establishment to address each identified point of noncompliance; and

(D) suspend or revoke a license if the cannabis production establishment fails to cure the noncompliance.

(2) A cannabis production establishment shall operate:

(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis production establishment agent registration card issued under Section 4-41b-301; and

(b) at the physical address provided to the department under Section 4-41b-201.

(3) A cannabis production establishment agent may not employ a person who is younger than 21 years old.

(4) (a) A cannabis production establishment shall conduct a background check into the criminal history of each individual required to register as an agent of the cannabis production establishment.

(b) A cannabis production establishment may not employ an individual convicted of a felony offense under either state or federal law.

(5) A cannabis production establishment may authorize an individual who is not a cannabis production establishment agent to access the cannabis production establishment if the cannabis production establishment:

(a) tracks and monitors the individual at all times while the individual is at the cannabis production establishment; and
(b) maintains a record of the individual's access, including arrival and departure.

(6) A cannabis production establishment shall operate in a facility that has:

(a) a single, secure public entrance;

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

(i) detects and records entry into the cannabis production establishment; and

(ii) provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed; and

(c) a lock or equivalent restrictive security feature on any area where the cannabis production establishment stores cannabis or a cannabis product.

Section 14. Section 4-41b-402 is enacted to read:

4-41b-402. Inspections.

(1) The department may inspect the records and facility of a cannabis production establishment at any time during business hours to determine if the cannabis production establishment complies with this chapter.

(2) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(b) questioning of any relevant individual; or

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label.

(3) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(4) Failure to provide the department or the department's authorized agents immediate access during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.
Section 15. Section 4-41b-403 is enacted to read:

4-41b-403. Advertising.

(1) A cannabis production establishment may not advertise to the general public in any medium.

(2) Notwithstanding Subsection (1), a cannabis production establishment may advertise an employment opportunity at the cannabis production facility.

Section 16. Section 4-41b-404 is enacted to read:

4-41b-404. Cannabis, cannabis product, or medical cannabis device transportation.

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

   (i) a registered cannabis production establishment agent; or

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

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

(2) Except for an individual with a valid medical cannabis card under Title 26, Chapter 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the cardholder is authorized to transport under this chapter, an individual described in Subsection (1) shall possess a transportation manifest that:

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

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

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

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

(4) (a) It is unlawful for a registered cannabis production establishment agent, a
registered medical cannabis pharmacy agent, a registered state central fill agent, or a courier
described in Section 26-61b-605 to make a transport described in this section with a manifest
that does not meet the requirements of this section.

(b) Except as provided in Subsection (4)(c), an agent or courier who violates
Subsection (4)(a) is:

(i) guilty of an infraction; and
(ii) subject to a $100 fine.

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

(i) this chapter does not apply; and
(ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
Substances Act.

Section 17. Section 4-41b-405 is enacted to read:

4-41b-405. Excess and disposal.

(1) As used in this section, "medical cannabis waste" means waste and unused material
from the cultivation and production of medical cannabis.

(2) A cannabis production establishment shall:

(a) render medical cannabis waste unusable and unrecognizable before transporting the
medical cannabis waste from the cannabis production establishment; and

(b) dispose of medical cannabis waste in accordance with:

(i) federal and state law and rules and regulations related to hazardous waste;

(ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(iv) other regulations that the department makes in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act.

(3) It is unlawful to transport or dispose of medical cannabis waste other than as
provided in this section.
Section 18. Section 4-41b-406 is enacted to read:

4-41b-406. Local control.

(1) (a) If a municipality's or county's zoning ordinances provide for a commercial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of commercial zone.

(b) If a municipality's or county's zoning ordinances provide for an industrial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of industrial zone.

(2) A municipality or county may not deny or revoke a permit or license to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.

Section 19. Section 4-41b-501 is enacted to read:

Part 5. Cannabis Cultivation Facility Operating Requirements

4-41b-501. Cannabis cultivation facility -- Operating requirements.

(1) A cannabis cultivation facility shall ensure that cannabis growing at the cannabis cultivation facility is not visible from the cannabis cultivation facility perimeter.

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

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

(b) each unique harvest of cannabis plants;

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

(d) any excess, contaminated, or deteriorated cannabis that the cannabis cultivation facility disposes.

Section 20. Section 4-41b-502 is enacted to read:

4-41b-502. Cannabis -- Labeling and child-resistant packaging.

For any cannabis that a cannabis cultivation facility cultivates or otherwise produces and subsequently ships to another cannabis production establishment, the facility shall:

(1) label the cannabis with a label that has a unique batch identification number that is
connected to the inventory control system; or

(2) package the cannabis in a container that is:
(a) tamper evident; and
(b) not appealing to children.

Section 21. Section 4-41b-601 is enacted to read:

Part 6. Cannabis Processing Facility Operating Requirements

4-41b-601. Cannabis processing facility -- Operating requirements -- General.
(1) A cannabis processing facility shall ensure that a cannabis product the cannabis processing facility sells complies with the requirements of this part.
(2) If a cannabis processing facility extracts cannabinoids from cannabis using a hydrocarbon process, the cannabis processing facility shall:
(a) extract the cannabinoids under a blast hood; and
(b) use a system to reclaim solvents.

Section 22. Section 4-41b-602 is enacted to read:

4-41b-602. Cannabis product -- Labeling and child-resistant packaging.
(1) For any cannabis product that a cannabis processing facility processes or produces, the facility shall:
(a) label the cannabis product with a label that:
(i) clearly and unambiguously states that the cannabis product contains cannabis;
(ii) clearly displays the amount of tetrahydrocannabinol and cannabidiol in the cannabis product;
(iii) has a unique identification number that:
(A) is connected to the inventory control system; and
(B) identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
(iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
(v) does not display an image, word, or phrase that the facility knows or should know appeals to children; and
(vi) discloses each ingredient and possible allergen; and
(b) package the cannabis product in a medicinal dosage form in a container that:
(i) except for a blister pack, is tamper evident and tamper resistant;
(ii) does not appeal to children;
(iii) is not similar to a candy container;
(iv) except for a blister pack, is opaque;
(v) complies with child-resistant effectiveness standards that the United States Consumer Product Safety Commission establishes; and
(vi) includes a warning label that states: "WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a qualified medical provider."

(2) For any cannabis or cannabis product that the cannabis processing facility processes into a gelatin-based cube, the facility shall:
(a) ensure that the label described in Subsection (1)(a) does not contain a photograph or other image of the content of the container; and
(b) include on the label described in Subsection (1)(a) a warning about the risks of over-consumption.

Section 23. Section 4-41b-603 is enacted to read:

4-41b-603. Cannabis product -- Product quality.

(1) A cannabis processing facility may not produce a cannabis product in a physical form that:
(a) the facility knows or should know appeals to children;
(b) is designed to mimic or could be mistaken for a candy product; or
(c) for a product used in vaporization, includes a candy-like flavor or another flavor that the facility knows or should know appeals to children.

(2) A cannabis processing facility may not manufacture a cannabis product by applying a cannabis agent only to the surface of a pre-manufactured food product that the cannabis processing facility does not produce.

(3) A cannabis product may vary in the cannabis product's labeled cannabinoid profile by up to 10% of the indicated amount of a given cannabinoid, by weight.

(4) The department shall adopt by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, human safety standards for the manufacture of cannabis
products that are consistent with best practices for the use of cannabis.

Section 24. Section 4-41b-701 is enacted to read:

Part 7. Independent Cannabis Testing Laboratories

4-41b-701. Cannabis and cannabis product testing.

(1) A medical cannabis pharmacy and the state central fill medical cannabis pharmacy may not offer any cannabis or cannabis product for sale unless an independent cannabis testing laboratory has tested a representative sample of the cannabis or cannabis product to determine:

(a) (i) the amount of tetrahydrocannabinol and cannabidiol in the cannabis or cannabis product; and

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

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

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

(2) The department may determine by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the amount of a substance described in Subsection (1) that is safe for human consumption.

Section 25. Section 4-41b-702 is enacted to read:

4-41b-702. Reporting -- Inspections -- Seizure by the department.

(1) If an independent cannabis testing laboratory determines that the results of a lab test indicate that a cannabis or cannabis product batch may be unsafe for human consumption, the independent cannabis testing laboratory shall:

(a) report the results and the cannabis or cannabis product batch to:

(i) the department; and

(ii) the cannabis production establishment that prepared the cannabis or cannabis product batch;

(b) retain possession of the cannabis or cannabis product batch for one week in order to investigate the cause of the defective batch and to make a determination; and
(c) allow the cannabis production establishment that prepared the cannabis or cannabis product batch to appeal the determination described in Subsection (1)(b) to the department.

(2) If the department determines, under Subsection (1)(b) or following an appeal under Subsection (1)(c), that a cannabis or cannabis product prepared by a cannabis production establishment is unsafe for human consumption, the department may seize, embargo, or destroy the cannabis or cannabis product batch.

(3) If an independent cannabis testing laboratory determines that the results of a lab test indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more than 10% from the amounts the label indicates, the cannabis processing facility may not sell the cannabis or cannabis product batch unless the facility replaces the incorrect label with a label that correctly indicates the cannabinoid content.

Section 26. Section 4-41b-801 is enacted to read:

Part 8. Enforcement

4-41b-801. Enforcement -- Fine -- Citation.

(1) If a person that is a cannabis production establishment or a cannabis production establishment agent violates this chapter, the department may:

(a) revoke the person's license or cannabis production establishment agent registration card;

(b) decline to renew the person's license or cannabis production establishment agent registration card; or

(c) assess the person an administrative penalty that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The department shall deposit an administrative penalty imposed under this section into the General Fund.

(3) (a) The department may take an action described in Subsection (3)(b) if the department concludes, upon investigation, that, for an individual that is a cannabis production establishment or a cannabis production establishment agent:

(i) the individual violates a provision of this chapter, a rule made under this chapter, or an order issued under this chapter; or

(ii) the individual produced cannabis or a cannabis product batch that contains a substance, other than cannabis, that poses a significant threat to human health.
(b) If the department makes the determination about a person described in Subsection (3)(a), the department shall:

(i) issue the person a written citation;

(ii) attempt to negotiate a stipulated settlement;

(iii) seize, embargo, or destroy the cannabis or cannabis product batch; and

(iv) direct the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(4) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section:

(a) assess the person a fine in an amount that the department sets, in accordance with Section 63J-1-504, of up to $5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.

(5) The department may not revoke a cannabis production establishment's license without first directing the cannabis production establishment to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(6) If within 20 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(7) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license or cannabis production establishment agent registration card; or

(b) suspend, revoke, or place on probation the person's license or cannabis production establishment registration card.

(8) (a) Except as provided in Subsection (8)(b), if the department makes a final determination under this section that an individual violated a provision of this chapter, the individual is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.
If the department makes a final determination under this section that an individual willfully, knowingly, or deliberately violated a provision of this chapter or violated this chapter three or more times, the individual is:

(i) guilty of a class B misdemeanor; and
(ii) subject to a $1,000 fine.

(9) Nothing in this section prohibits the department from referring potential criminal activity to law enforcement.

Section 27. Section 4-41b-802 is enacted to read:

4-41b-802. Report.

(1) At or before the November interim meeting each year, the department shall report to the Health and Human Services Interim Committee on:

(a) the number of applications and renewal applications that the department receives;
(b) the number of each type of cannabis production facility that the department licenses in each county;
(c) the amount of cannabis that licensees grow;
(d) the amount of cannabis that licensees manufacture into cannabis products;
(e) the number of licenses the department revokes; and
(f) the expenses incurred and revenues generated from the medical cannabis program.

(2) The department may not include personally identifying information in the report described in this section.

Section 28. Section 7-1-401 is amended to read:

7-1-401. Fees payable to commissioner.

(1) Except for an out-of-state depository institution with a branch in Utah, a depository institution under the jurisdiction of the department shall pay an annual fee:

(a) computed by averaging the total assets of the depository institution shown on each quarterly report of condition for the depository institution for the calendar year immediately preceding the date on which the annual fee is due under Section 7-1-402; and
(b) at the following rates:

(i) on the first $5,000,000 of these assets, the greater of:

(A) 65 cents per $1,000; or
(B) $500;
(ii) on the next $10,000,000 of these assets, 35 cents per $1,000;
(iii) on the next $35,000,000 of these assets, 15 cents per $1,000;
(iv) on the next $50,000,000 of these assets, 12 cents per $1,000;
(v) on the next $200,000,000 of these assets, 10 cents per $1,000;
(vi) on the next $300,000,000 of these assets, 6 cents per $1,000; and
(vii) on all amounts over $600,000,000 of these assets, 2 cents per $1,000.

(2) A financial institution with a trust department shall pay a fee determined in accordance with Subsection (7) for each examination of the trust department by a state examiner.

(3) Notwithstanding Subsection (1), a credit union in its first year of operation shall pay a basic fee of $25 instead of the fee required under Subsection (1).

(4) A trust company that is not a depository institution or a subsidiary of a depository institution holding company shall pay:
(a) an annual fee of $500; and
(b) an additional fee determined in accordance with Subsection (7) for each examination by a state examiner.

(5) Any person or institution under the jurisdiction of the department that does not pay a fee under Subsections (1) through (4) shall pay:
(a) an annual fee of $200; and
(b) an additional fee determined in accordance with Subsection (7) for each examination by a state examiner.

(6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703, 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[or 7-26-201] shall pay:
(a) (i) a filing fee of $500 if on the day on which the application or request is filed the person:
(A) is a person with authority to transact business as:
(I) a depository institution[; (II)] a trust company[; or [III]] any other person described in Section 7-1-501 as being subject to the jurisdiction of the department; and
(B) has total assets in an amount less than $5,000,000; or
(ii) a filing fee of $2,500 for any person not described in Subsection (6)(a)(i); and
(b) all reasonable expenses incurred in processing the application.
(7) (a) Per diem assessments for an examination shall be calculated at the rate of $55 per hour:
(i) for each examiner; and
(ii) per hour worked.
(b) For an examination of a branch or office of a financial institution located outside of this state, in addition to the per diem assessment under this Subsection (7), the institution shall pay all reasonable travel, lodging, and other expenses incurred by each examiner while conducting the examination.

(8) In addition to a fee under Subsection (5), a person registering under Section 7-23-201 or 7-24-201 shall pay an original registration fee of $300.

(9) In addition to a fee under Subsection (5), a person applying for licensure under Chapter 25, Money Transmitter Act, shall pay an original license fee of $300.

Section 29. Section 10-9a-104 is amended to read:

10-9a-104. Stricter requirements or higher standards.

(1) Except as provided in Subsection (2), a municipality may enact a land use regulation imposing stricter requirements or higher standards than are required by this chapter.

(2) A municipality may not impose:
(a) a requirement or standard that conflicts with a provision of this chapter, other state law, or federal law;

(b) stricter requirements or higher standards than are required by:
(i) Section 4-41b-406; and
(ii) Section 26-61b-507.

Section 30. Section 17-27a-104 is amended to read:

17-27a-104. Stricter requirements or higher standards.

(1) Except as provided in Subsection (2), a county may enact a land use regulation imposing stricter requirements or higher standards than are required by this chapter.

(2) A county may not impose:
(a) a requirement or standard that conflicts with a provision of this chapter, other state law, or federal law;

(b) stricter requirements or higher standards than are required by:
(i) Section 4-41b-406; and
(ii) Section 26-61b-507.

Section 31. Section 26-61-202 is amended to read:

**26-61-202. Cannabinoid Product Board -- Duties.**

(1) The board shall review any available scientific research related to the human use of cannabis, a cannabinoid product, or an expanded cannabinoid product that:

(a) was conducted under a study approved by an IRB; or

(b) was conducted or approved by the federal government.

(2) Based on the research described in Subsection (1), the board shall evaluate the safety, risks, and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products, including:

(a) medical conditions that respond to cannabis, cannabinoid products, and expanded cannabinoid products;

(b) cannabis and cannabinoid dosage amounts and medical dosage forms; and

(c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products with other treatments.

(3) Based on the board's evaluation under Subsection (2), the board shall develop guidelines for a physician recommending treatment with cannabis, a cannabinoid product, and an expanded cannabinoid product that include a list of medical conditions, if any, that the board determines are appropriate for treatment with cannabis, a cannabinoid product, or an expanded cannabinoid product.

(4) The board shall submit the guidelines described in Subsection (3) to:

(a) the director of the Division of Occupational and Professional Licensing; and

(b) the Health and Human Services Interim Committee.

(5) The board shall report the board's findings before November 1 of each year to the Health and Human Services Interim Committee.

(6) Guidelines that the board develops in accordance with this section may not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted under Title 4, Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act.

Section 32. Section 26-61b-101 is enacted to read:

**CHAPTER 61b. MEDICAL CANNABIS ACT**

26-61b-101. Title.
This chapter is known as "Utah Medical Cannabis Act."

Section 33. Section 26-61b-102 is enacted to read:


As used in this chapter:

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

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

(3) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

(4) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41b-102.

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

(6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

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

(8) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41b-102.

(9) "Department" means the Department of Health.

(10) "Designated caregiver" means an individual:

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

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

(11) "Dosing parameters" means quantity, routes, and frequency of administration for a recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(12) "Independent cannabis testing laboratory" means the same as that term is defined in Section 4-41b-102.

(13) "Inventory control system" means the system described in Section 4-41b-103.
(14) "Local health department" means the same as that term is defined in Section 26A-1-102.

(15) "Local health department distribution agent" means an agent designated and registered to distribute state central fill shipments under Sections 26-61b-606 and 607.

(16) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, or a medical cannabis caregiver card.

(17) "Medical cannabis caregiver card" means an official card that:

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

(b) is connected to the electronic verification system.

(18) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.7.

(19) "Medical cannabis guardian card" means an official card that:

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

(b) is connected to the electronic verification system.

(20) "Medical cannabis patient card" means an official card that:

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

(b) is connected to the electronic verification system.

(21) "Medical cannabis pharmacy" means a person that:

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

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

(B) a medical cannabis device; or

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

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

(22) "Medical cannabis pharmacy agent" means an individual who:

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

(b) who holds a valid medical cannabis pharmacy agent registration card.
"Medical cannabis pharmacy agent registration card" means a registration card issued by the department that authorizes an individual to act as a medical cannabis pharmacy agent.

"Medical Cannabis Restricted Account" means the account created in Section 26-61b-109.

(a) "Medicinal dosage form" means:
(i) for processed medical cannabis or a medical cannabis product, the following in single dosage form with a specific and consistent cannabinoid content:
(A) a tablet;
(B) a capsule;
(C) a concentrated oil;
(D) a liquid suspension;
(E) a topical preparation;
(F) a transdermal preparation;
(G) a sublingual preparation;
(H) a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution; or
(I) for use only after the individual's qualifying condition has failed to substantially respond to at least two other forms described in this Subsection (25)(a)(i), a resin or wax;
(ii) for unprocessed cannabis flower, a blister pack, with each individual blister:
(A) containing a specific and consistent dosage amount that does not exceed one gram and that varies by no more than 10% across the blister pack; and
(B) labeled with a barcode that provides information connected to an inventory control system and the individual blister's content and weight; and
(iii) a form measured in grams, milligrams, or milliliters.
(b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
(i) the medical cannabis cardholder has recently removed from the blister pack described in Subsection (25)(a)(ii) for use; and
(ii) does not exceed the quantity described in Subsection (25)(a)(ii).
(c) "Medicinal dosage form" does not include:
(i) any unprocessed cannabis flower outside of the blister pack, except as provided in
Subsection (25)(b); or

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

(26) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26-61b-404.

(27) "Provisional patient card" means a card that:

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

(i) a qualified medical provider has recommended a medical cannabis treatment; and

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

(b) is connected to the electronic verification system.

(28) "Qualified medical provider" means an individual who is qualified to recommend treatment with cannabis in a medicinal dosage form under Section 26-61b-107.

(29) "Qualifying condition" means a condition described in Section 26-61b-105.

(30) "State central fill agent" means an employee of the state central fill medical cannabis pharmacy that the department registers in accordance with Section 26-61b-602.

(31) "State central fill medical cannabis pharmacy" means the central fill pharmacy that the department creates in accordance with Section 26-61b-601.

(32) "State central fill medical provider" means a physician or pharmacist that the state central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders in accordance with Section 26-61b-601.

(33) "State central fill shipment" means a shipment of cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis cardholder in a local health department.

(34) "State electronic verification system" means the system described in Section 26-61b-103.

Section 34. Section 26-61b-103 is enacted to read:

**26-61b-103. Electronic verification system.**

(1) The Department of Agriculture and Food, the department, the Department of Public Safety, and the Department of Technology Services shall:
(a) enter into a memorandum of understanding in order to determine the function and
operation of a state electronic verification system in accordance with Subsection (2);
(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
Procurement Code, to develop a request for proposals for a third-party provider to develop and
maintain the state electronic verification system in coordination with the Department of
Technology Services; and
(c) select a third-party provider who meets the requirements contained in the request
for proposals issued under Subsection (1)(b).
(2) The Department of Agriculture and Food, the department, the Department of Public
Safety, and the Department of Technology Services shall ensure that, on or before March 1,
2020, the state electronic verification system described in Subsection (1):
(a) allows an individual, with the individual's qualified medical provider in the
qualified medical provider's office, to apply for a medical cannabis patient card or, if
applicable, a medical cannabis guardian card;
(b) allows an individual to apply to renew a medical cannabis patient card or a medical
cannabis guardian card in accordance with Sections 20-61b-201 and 202;
(c) allows a qualified medical provider to:
(i) access records regarding an individual to review the individual's medical cannabis
history;
(ii) electronically recommend, during a visit with a patient, treatment with cannabis in
a medicinal dosage form or a cannabis product in a medical dosage form and optionally
recommend dosing parameters;
(iii) electronically renew a recommendation to a medical cannabis patient cardholder or
medical cannabis guardian cardholder:
(A) for the qualified medical provider who originally recommended a medical cannabis
treatment, using telehealth services, as that term is defined in Section 26-60-102; or
(B) for a qualified medical provider who did not originally recommend the medical
cannabis treatment, during a visit with a patient; and
(iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment
in accordance with Section 26-61b-602;
(d) syncs or otherwise communicates with existing patient electronic health records;
(e) connects with an inventory control system that a medical cannabis pharmacy and the state central fill medical cannabis pharmacy use to track in real time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or medical cannabis device, including:

(i) the time and date of each purchase;

(ii) the quantity and type of cannabis, cannabis product, or medical cannabis device purchased;

(iii) any cannabis production establishment, any medical cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the cannabis, cannabis product, or medical cannabis device; and

(iv) the personally identifiable information of the medical cannabis cardholder who made the purchase;

(f) provides access to the department and the Department of Agriculture and Food to the extent necessary to carry out the department's and the Department of Agriculture and Food's functions and responsibilities under this chapter and under Title 4, Chapter 41b, Cannabis Production Establishments;

(g) provides access to and interaction with the state central fill medical cannabis pharmacy, state central fill agents, and local health department distribution agents, to facilitate the state central fill shipment process;

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

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

(ii) after obtaining a warrant; and

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

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

(a) conducting medical research; and

(b) providing the report required by Section 26-61b-603.

Section 35. Section 26-61b-104 is enacted to read:

26-61b-104. Preemption.
This chapter preempts any ordinance or rule enacted by a political subdivision of the state regarding a medical cannabis pharmacy or a medical cannabis card.

Section 36. Section 26-61b-105 is enacted to read:

26-61b-105. Qualifying condition.

(1) By designating a particular condition under Subsection (2) for which the use of medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state that:

(a) current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the condition; or

(b) a medical cannabis treatment will treat, cure, or positively affect the condition.

(2) For the purposes of this chapter, each of the following conditions is a qualifying condition:

(a) HIV or acquired immune deficiency syndrome;

(b) Alzheimer's disease;

(c) amyotrophic lateral sclerosis;

(d) cancer;

(e) cachexia;

(f) persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to pregnancy;

(g) Crohn's disease or ulcerative colitis;

(h) epilepsy or debilitating seizures;

(i) multiple sclerosis or persistent and debilitating muscle spasms;

(j) post-traumatic stress disorder that a psychiatrist has diagnosed;

(k) autism;

(l) a terminal illness when the patient's remaining life expectancy is less than six months;

(m) a condition resulting in the individual receiving hospice care;

(n) a rare condition or disease that:

(i) affects less than 200,000 individuals in the United States, as defined in Section 526 of the Federal Food, Drug, and 1340 Cosmetic Act; and

(ii) is not substantially responsive to:
(A) conventional medications other than opioids or opiates; or
(B) physical interventions;
(o) pain lasting longer than two weeks that is not substantially responsive to:
(i) conventional medications other than opioids or opiates; or
(ii) physical interventions; and
(p) a condition that the compassionate use board approves under Section 26-61b-106 on an individual, case-by-case basis.

Section 37. Section 26-61b-106 is enacted to read:

26-61b-106. Compassionate use board.

(1) The department shall establish a compassionate use board consisting of:
(a) five qualified medical providers that the department appoints who are:
(i) knowledgeable about and experienced with the medicinal use of cannabis; and
(ii) certified by the appropriate board in the specialty of neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, or gastroenterology; and
(b) as a nonvoting member and the chair of the board, the director of the department or the director's designee.

(2) (a) Of the members of the board that the department first appoints:
(i) two shall serve an initial term of two years; and
(ii) the remaining members shall serve an initial term of four years.
(b) After an initial term described in Subsection (2)(a) expires:
(i) each term is four years; and
(ii) each board member is eligible for reappointment.
(c) A member of the board may serve until a successor is appointed.

(3) Three members constitute a quorum of the compassionate use board.

(4) A member of the compassionate use board:
(a) may not receive compensation or benefits for the member's service; and
(b) may receive per diem and travel expenses in accordance with Section 63A-3-106, Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The compassionate use board shall:
(a) review and recommend for department approval an individual who is not otherwise qualified to receive a medical cannabis card to obtain a medical cannabis card for compassionate use if:

(i) the individual offers, in the board's discretion, satisfactory evidence that the individual suffers from an intractable condition that substantially impairs the individual's quality of life; and

(ii) the board determines it is in the best interest of the individual to allow the compassionate use of medical cannabis;

(b) meet to receive or review compassionate use petitions at least quarterly unless no petitions are pending, and as often as necessary if there are more petitions than the board can receive or review during the board's regularly scheduled meetings;

(c) complete a review of each petition and recommend to the department approval or denial of the applicant for qualification for a medical cannabis patient card or a medical cannabis guardian card within 90 days after the day on which the board received the petition; and

(d) report, before November 1 of each year, to the Health and Human Services Interim Committee:

(i) the number of compassionate use approvals the board issued during the past year; and

(ii) the types of conditions for which the board approved compassionate use.

(6) The department shall review any compassionate use that the board approves to determine whether the board properly exercised the board's discretion under this section.

(7) If the department determines that the board properly approved an individual for compassionate use under this section, the department shall issue a medical cannabis patient card or a medical cannabis guardian card.

(8) Any individually identifiable health information contained in a petition that the board or department receives under this section is a protected record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The compassionate use board shall annually report the board's activity to the cannabis product board created in Section 26-61-201.

Section 38. Section 26-61b-107 is enacted to read:
26-61b-107. Qualified medical provider registration -- Continuing education -- Treatment recommendation.

(1) An individual may not recommend a medical cannabis treatment unless the department registers the individual as a qualified medical provider in accordance with this section.

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

(i) the individual's name and address;

(ii) a report detailing the individual's completion of the applicable continuing education requirement described in Subsection (3); and

(iii) evidence that the individual:

(A) has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(B) is licensed to prescribe a controlled substance in accordance with Title 58, Chapter 37, Utah Controlled Substances Act; and

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

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

(i) a pharmacy medical provider or a state central fill medical provider; or

(ii) an owner, officer, director, board member, employee, or agent of a cannabis cultivation facility or a medical cannabis pharmacy.

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

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

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

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

(i) complete continuing education:

(A) regarding the topics described in Subsection (3)(d); and
(B) offered by the department under Subsection (3)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the recommendation of cannabis to patients; and
(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) The department may, in consultation with the Division of Occupational and Professional Licensing, develop the continuing education described in this Subsection (3).
(d) The continuing education described in this Subsection (3) may discuss:
(i) the provisions of this chapter;
(ii) general information about medical cannabis under federal and state law;
(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;
(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, or palliative care; and
(v) best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying a medical cannabis recommendation.

(4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not recommend a medical cannabis treatment to more than 20% of the qualified medical provider's patients at any given time.
(b) A qualified medical provider may recommend a medical cannabis treatment to more than 20% of the qualified medical provider's patients if the appropriate American medical board has certified the qualified medical provider in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain and palliative care, psychiatry, or psychiatry.

(5) A qualified medical provider may recommend a medical cannabis treatment to an individual under this chapter only in the course of a physician-patient relationship after the qualified medical provider has completed a full assessment of the patient's condition and medical history.

(6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not advertise that the qualified medical provider recommends medical cannabis treatment.
(b) For purposes of Subsection (6)(a), the communication of the following, through a
website, does not constitute advertising:

(i) a green cross;
(ii) a qualifying condition that the qualified medical provider treats; or
(iii) a scientific study regarding medical cannabis use.

(7) (a) A qualified medical provider registration card expires two years after the day on
which the department issues the card.
(b) The department shall renew a qualified medical provider's registration card if the
provider:

(i) applies for renewal;
(ii) is eligible for a qualified medical provider registration card under this section;
(iii) certifies to the department in a renewal application that the information in
Subsection (2)(a) is accurate or updates the information; and
(iv) submits a report detailing the completion of the continuing education requirement
described in Subsection (3).

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

(a) a cannabis production establishment or an owner, officer, director, board member,
employee, or agent of a cannabis production establishment;
(b) a medical cannabis pharmacy or an owner, officer, director, board member,
employee, or agent of a medical cannabis pharmacy; or
(c) a qualified medical provider or pharmacy medical provider.

Section 39. Section 26-61b-108 is enacted to read:

26-61b-108. Standard of care -- Medical practitioners not liable -- No private
right of action.

(1) If a qualified medical provider recommends treatment with cannabis in a medicinal
dosage form or a cannabis product in a medicinal dosage form to a patient in compliance with
this chapter, the provider is not subject to the following solely for participating in the
recommendation process:

(a) civil or criminal liability; or
(b) licensure sanctions under Title 58, Chapter 67, Utah Medical Practice Act, or Title
Before January 1, 2021, a physician who has the authority to write a prescription, is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, and recommends a medical cannabis treatment to a patient is not subject to the following solely for participating in recommending the treatment:

(a) civil or criminal liability; or
(b) a licensure sanction under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

Section 40. Section 26-61b-109 is enacted to read:

Medical Cannabis Restricted Account -- Creation.

(1) There is created in the General Fund a restricted account known as the "Medical Cannabis Restricted Account."

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

(a) money the Department of Agriculture and Food deposits into the account under Title 4, Chapter 41b, Cannabis Production Establishments;
(b) money the department deposits into the account under this chapter;
(c) appropriations the Legislature makes to the account; and
(d) the interest described in Subsection (3).

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

(4) The department, in consultation with the Department of Agriculture and Food, may only use money in the account to fund the state medical cannabis program, including:

(a) Title 26, Chapter 61b, Utah Medical Cannabis Act; and
(b) Title 4, Chapter 41b, Cannabis Production Establishments.

Section 41. Section 26-61b-110 is enacted to read:

State Central Fill Medical Cannabis Pharmacy Restricted Account -- Creation.

(1) There is created in the General Fund a restricted account known as the "State Central Fill Medical Cannabis Pharmacy Restricted Account."

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

(a) money the state central fill medical cannabis pharmacy deposits into the account under this chapter;
(b) appropriations the Legislature makes to the account; and
(c) the interest described in Subsection (3).
(3) Interest earned on the account shall be deposited into the account.
(4) The department may only use money in the account to fund the operation of the
state central fill medical cannabis pharmacy.

Section 42. Section 26-61b-111 is enacted to read:

26-61b-111. Nondiscrimination for medical care, housing, employment.
(1) For purposes of medical care, including an organ or tissue transplant, a patient's
use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
product in a medicinal dosage form:
   (a) is the equivalent of the authorized use of any other medication used at the discretion
   of a physician; and
   (b) does not constitute the use of an illicit substance or otherwise disqualify an
   individual from needed medical care.
(2) A landlord may not refuse to lease to or otherwise penalize an individual solely for
the individual's status as a medical cannabis cardholder, unless failing to do so would cause the
landlord to lose a monetary or licensing-related benefit under federal law.
(3) An employer may not refuse to hire, suspend, terminate, take an adverse
employment action against, or otherwise penalize an individual solely for the individual's status
as a medical cannabis cardholder, unless failing to do so would cause the employer to lose a
monetary or licensing-related benefit under federal law.

Section 43. Section 26-61b-112 is enacted to read:

26-61b-112. No insurance requirement.
Nothing in this chapter requires an insurer, a third-party administrator, or an employer
to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

Section 44. Section 26-61b-113 is enacted to read:

26-61b-113. No effect on use of hemp extract -- Cannabidiol.
Nothing in this chapter prohibits an individual:
(1) with a valid hemp extract registration card that the department issues under Section
26-56-103 from possessing, administering, or using hemp extract in accordance with Section
58-37-4.3; or
from purchasing, selling, possessing, or using a cannabidiol product in accordance
with Section 4-41-402.

Section 45. Section 26-61b-201 is enacted to read:

Part 2. Medical Cannabis Card Registration

26-61b-201. Medical cannabis patient card -- Medical cannabis guardian card

Application -- Fees -- Studies.

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

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

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

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

(d) issue a medical cannabis caregiver card to an individual described in Subsection
26-61b-202(4).

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

(i) the individual is at least 18 years old;

(ii) the individual is a Utah resident;

(iii) the individual's qualified medical provider recommends treatment with medical

(cannabis in accordance with Subsection (4);

(iv) the individual signs an acknowledgment stating that the individual received the

information described in Subsection (8);

(v) the individual pays to the department a fee in an amount that the department sets in
accordance with Section 63J-1-504, plus the cost of the criminal background check described
in Section 26-61b-203; and

(vi) the individual has not been convicted of a drug distribution offense that is a felony
under either state or federal law, unless the individual completes any imposed sentence seven
or more years before the day on which the individual applies for a medical cannabis patient

(b) An individual is eligible for a medical cannabis guardian card if the individual:
(i) is at least 18 years old;
(ii) is a Utah resident;
(iii) is the parent or legal guardian of a minor for whom the minor's qualified medical provider recommends a medical cannabis treatment;
(iv) the individual signs an acknowledgment stating that the individual received the information described in Subsection (8); and
(v) pays to the department a fee in an amount that the department sets in accordance with Section 63J-1-504.

(c) (i) A minor is eligible for a provisional patient card if:
(A) the minor has a qualifying condition;
(B) the minor's qualified medical provider recommends a medical cannabis treatment to address the minor's qualifying condition; and
(C) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b).
(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.

(3) (a) An individual who is eligible for a medical cannabis card described in Subsection (2)(a) or (b) shall submit an application to the department:
(i) through an electronic application connected to the state electronic verification system;
(ii) with the recommending qualified medical provider while in the recommending qualified medical provider's office; and
(iii) with information including:
(A) the applicant's name, gender, age, and address;
(B) for a medical cannabis guardian card, the name, gender, and age of the minor receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and
(C) for a provisional patient card, the name of the minor's parent or legal guardian who holds the associated medical cannabis guardian card.
(b) The department shall ensure that a medical cannabis card the department issues
under this section contains the information described in Subsection (3)(a)(iii).

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

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

(i) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's valid form of identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card;

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

(A) the state electronic verification system; and

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

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

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

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

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

(5) A card that the department issues under this section is valid for the lesser of:

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

(b) (i) for the first issuance, 30 days;

(ii) for the first renewal, 60 days; or

(iii) for a renewal after the first renewal, six months.

(6) (a) A medical cannabis card that the department issues under Subsection (2)(a) or (b) is renewable if, at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or (b).

(b) A cardholder under Subsection (2)(a) or (b) may renew the cardholder's card:

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

(ii) through phone or video conference with the qualified medical provider who made the recommendation underlying the card, at the qualifying medical provider's discretion.
(c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall pay to the department a renewal fee in an amount that:

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

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

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

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

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

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

(iii) To address the qualifying condition or a symptom associated with the qualifying condition underlying the medical cannabis treatment recommendation:

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

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

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

(i) marijuana or tetrahydrocannabinol in a medicinal dosage form; or

(ii) marijuana drug paraphernalia.

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

(a) risks associated with medical cannabis treatment;
(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an efficacious treatment or cure for that condition, as described in Subsection 26-61b-105(1); and
(c) other relevant warnings and safety information that the department determines.

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

(10) (a) A person may submit to the department a request to conduct a medical research study using medical cannabis cardholder data that the state electronic verification system contains.
(b) The department shall review a request described in Subsection (10)(a) to determine whether the medical research study is valid.
(c) If the department makes a determination under Subsection (10)(b) that the medical research study is valid, the department shall notify each relevant cardholder asking for the cardholder's consent to participate in the study.
(d) The department may release, for the purposes of a study described in this Subsection (10), information about a cardholder under this section who consents to participate under Subsection (10)(c).
(e) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 46. Section 26-61b-202 is enacted to read:


(1) A cardholder described in Section 26-61b-201 may designate up to two individuals to serve as a designated caregiver for the cardholder if a qualified medical provider determines that, because of physical difficulty or undue hardship, the cardholder needs assistance to obtain the medical cannabis treatment that the qualified medical provider recommends.

(2) An individual that the department registers as a designated caregiver under this
(a) may carry a valid medical cannabis caregiver card;
(b) in accordance with this chapter, may purchase, possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the medical cannabis cardholder who designated the caregiver;
(c) may not charge a fee to an individual to act as the individual's designated caregiver or for a service that the designated caregiver provides in relation to the role as a designated caregiver;
(d) may accept reimbursement from the designating medical cannabis cardholder for direct costs the designated caregiver incurs for assisting with the cardholder's medicinal use of cannabis; and
(e) if neither a licensed medical cannabis pharmacy nor the state central fill medical cannabis pharmacy is operating within the state after January 1, 2021, is not subject to prosecution for the possession of marijuana or tetrahydrocannabinol in a medicinal dosage form or marijuana drug paraphernalia.

(3) (a) The department shall, within 15 days after the day on which an individual submits an application in compliance with this section, issue a medical cannabis card to the applicant if:
(i) the applicant is designated as a caregiver under Subsection (1); and
(ii) complies with this section.
(b) The department shall ensure that a medical cannabis caregiver card contains the information described in Subsection (5)(b).

(4) An individual is eligible for a medical cannabis caregiver card if the individual:
(a) is at least 21 years old;
(b) is a Utah resident;
(c) pays to the department a fee in an amount that the department sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described in Section 26-61b-203;
(d) signs an acknowledgment stating that the applicant received the information described 196 in Subsection 26-61b-201(8); and
(e) has not been convicted of a drug distribution offense that is a felony under either state or federal law, unless the individual completes any imposed sentence seven or more years before the day on which the individual submits the application.

(5) An individual who is eligible for a medical cannabis caregiver card shall:

(a) submit an application for a medical cannabis caregiver card to the department through an electronic application connected to the state electronic verification system; and

(b) submit the following information in the application described in Subsection (5)(a):

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

(ii) the name, gender, age, and address of the cardholder described in Section 26-61b-201 who designated the applicant; and

(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, gender, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder.

(6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the department issues under this section is valid for the lesser of:

(a) an amount of time that the cardholder described in Section 26-61b-201 who designated the caregiver determines; or

(b) the amount of time remaining before the card of the cardholder described in Section 26-61b-201 expires.

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

(i) renews the cardholder's card; and

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

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

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

(ii) remove a caregiver's designation; or

(iii) designate a new caregiver.

(8) The department may revoke a medical cannabis caregiver card if the designated caregiver:
(a) violates this chapter; or
(b) is convicted of an offense that is a felony under either state or federal law.

Section 47. Section 26-61b-203 is enacted to read:

**26-61b-203. Designated caregiver -- Criminal background check.**

(1) An individual that the department registers as a designated caregiver under Section 26-61b-202 shall submit to a criminal background check in accordance with Subsection (2).
(2) Each designated caregiver shall, upon registration and once every two calendar years after registration:
   (a) submit to the department a fingerprint card in a form acceptable to the department and the Department of Public Safety; and
   (b) consent to a fingerprint background check by:
      (i) the Utah Bureau of Criminal Identification; and
      (ii) the Federal Bureau of Investigation.
(3) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each designated caregiver who makes a submission in accordance with Subsection (2).
(4) The Department of Public Safety shall:
   (a) complete a Federal Bureau of Investigation criminal background check for each designated caregiver who is the subject of a department request under Subsection (3); and
   (b) report the results of the background check to the department.

Section 48. Section 26-61b-204 is enacted to read:

**26-61b-204. Medical cannabis card -- Patient and designated caregiver requirements -- Rebuttable presumption.**

(1) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the cardholder purchased under this chapter shall:
   (i) carry at all times the cardholder's medical cannabis card;
   (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a medicinal dosage form, a label that identifies that the cannabis or cannabis product:
      (A) was sold from a licensed medical cannabis pharmacy or the state central fill medical cannabis pharmacy; and
(B) includes an identification number that links the cannabis or cannabis product to the inventory control system; and

(iii) possess not more than:

(A) 113 grams of unprocessed cannabis; or

(B) an amount of cannabis product that contains 20 grams of tetrahydrocannabinol.

(b) If a medical cannabis cardholder possesses between 113 and 226 grams of unprocessed cannabis or an amount of cannabis product that contains between 20 and 40 grams of tetrahydrocannabinol, the cardholder is:

(i) guilty of a class B misdemeanor; and

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

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

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

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

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

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

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

(4) (a) If a law enforcement officer stops an individual who possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the
individual's possession at the time of the stop by the law enforcement officer, the law
enforcement officer shall attempt to access the state electronic verification system to determine
whether the individual holds a valid medical cannabis card.
(b) If the law enforcement officer is able to verify that the individual described in
Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:
(i) may not arrest or take the individual into custody for the sole reason that the
individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
medicinal dosage form, or a medical cannabis device; and
(ii) may not seize the cannabis, cannabis product, or medical cannabis device.
(5) An individual who possesses cannabis in a medicinal dosage form, a cannabis
product in a medicinal dosage form, or a medical cannabis device in violation of Subsection
(1)(a) or (b) is:
(a) guilty of an infraction; and
(b) subject to a $100 fine.
Section 49. Section 26-61b-301 is enacted to read:

Part 3. Medical Cannabis Pharmacy License

26-61b-301. Medical cannabis pharmacy -- License -- Eligibility.
(1) A person may not operate as a medical cannabis pharmacy without a license that
the department issues under this part.
(2) (a) Subject to Subsection (4) and to Section 26-61b-304, the department shall,
within 90 business days after the day on which the department receives a complete application,
issue a license to operate a medical cannabis pharmacy to the applicant if the applicant submits
to the department:
(i) subject to Subsection (2)(b), a proposed name and address where the applicant will
operate the medical cannabis pharmacy;
(ii) the name and address of an individual who:
(A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
pharmacy; or
(B) has the power to direct or cause the management or control of a proposed cannabis
production establishment;
(iii) financial statements demonstrating that the applicant possesses a minimum of
$125,000 in liquid assets available for each application submitted to the department;

(iv) an operating plan that:
(A) complies with Section 26-61b-303; and
(B) includes operating procedures to comply with the operating requirements for a
medical cannabis pharmacy described in this chapter and with a relevant municipal or county
law that is consistent with Section 26-61b-507;
(v) if the municipality or county where the proposed medical cannabis pharmacy would
be located requires a local permit or license, a copy of the applicant's submitted application for
the local permit or license; and
(vi) an application fee in an amount that the department sets in accordance with
Section 63J-1-504.

(b) A person may locate a medical cannabis pharmacy within an area in which local
zoning allows for the operation of either:
(i) a business that sells alcohol; or
(ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or
1750-333.

(3) If the department determines that an applicant is eligible for a license under this
section, the department shall charge the applicant an initial license fee in an amount the
department sets in accordance with Section 63J-1-504.

(4) The department may not issue a license to operate a medical cannabis pharmacy to
an applicant if an individual described in Subsection (2)(a)(ii):
(a) has been convicted of an offense that is a felony under either state or federal law; or
(b) is younger than 21 years old.

(5) The department may revoke a license under this part if:
(a) the medical cannabis pharmacy does not begin operations within one year after the
day on which the department issues the initial license;
(b) the medical cannabis pharmacy makes the same class of violation of this chapter
three times; or
(c) the owner or operator of the medical cannabis pharmacy is convicted, between
renewals, of a felony.

(6) The department shall deposit the proceeds of a fee the department imposes under
(7) The department shall begin accepting applications under this part on or before March 1, 2020.

(8) Notwithstanding this chapter, if the United States Congress reschedules marijuana under the Controlled Substances Act:

(a) each medical cannabis pharmacy shall, within one year after the day on which marijuana is rescheduled:
   (i) cease operations; or
   (ii) operate as a pharmacy, in accordance with Title 26, Chapter 17b, Pharmacy Practice Act;

(b) a medical professional authorized to prescribe medications in the relevant schedule may only recommend or prescribe marijuana in accordance with the restrictions on that schedule, including use of the controlled substance database created in Section 58-37f-201; and

(c) an individual authorized to dispense medications in the relevant schedule may only dispense marijuana in accordance with the restrictions on that schedule, including use of the controlled substance database created in Section 58-37f-201.

Section 50. Section 26-61b-302 is enacted to read:


(1) The department shall renew a person's license under this part every two years if, at the time of renewal:
   (a) the person meets the requirements of Section 26-61b-301; and
   (b) the person pays the department a license renewal fee in an amount that the department sets in accordance with Section 63J-1-504.

(2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis pharmacy's license, the department shall publish notice of an available license:
   (i) in a newspaper of general circulation for the geographic area in which the medical cannabis pharmacy license is available; or
   (ii) on the Utah Public Notice Website established in Section 63F-1-701.

(b) The department may establish criteria, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
Section 51. Section 26-61b-303 is enacted to read:


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

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

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

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

(b) any highly skilled or experienced prospective employee;

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

(4) a security plan; and

(5) a description of the medical cannabis pharmacy's inventory control system, including a plan to make the inventory control system compatible with the state electronic verification system.

Section 52. Section 26-61b-304 is enacted to read:

26-61b-304. Maximum number of licenses.

(1) (a) Except as provided in Subsection (1)(b), the department may not issue more than five medical cannabis pharmacy licenses.

(b) (i) In addition to the licenses described in Subsection (1)(a), the department may issue two additional licenses if the state central fill medical cannabis facility is not operational by January 1, 2021.

(ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the department may issue two additional licenses if the state central fill medical cannabis facility is not operational by July 1, 2021.

(iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii), the department may issue one additional license if the state central fill medical cannabis facility is not operational by January 1, 2022.

(2) If there are more qualified applicants than there are available licenses for medical cannabis pharmacies, the department shall:
(a) evaluate each applicant and award the license to the applicant that best demonstrates:

(i) experience with establishing and successfully operating a business that involves complying with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;

(ii) an operating plan that:

(A) will best ensure the safety and security of patrons and the community; and

(B) mirrors as closely as possible a traditional pharmacy;

(iii) positive connections to the local community;

(iv) the suitability of the proposed location and the location's accessibility for qualifying patients; and

(v) the extent to which the applicant can reduce the cost of cannabis or cannabis products for patients; and

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

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

Section 53. Section 26-61b-401 is enacted to read:

Part 4. Medical Cannabis Pharmacy Agents

26-61b-401. Medical cannabis pharmacy agent -- Registration.

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

(2) Except as provided in Section 26-61b-404, the following individuals, regardless of the individual's status as a qualified medical provider, may not act as a medical cannabis pharmacy agent:

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

(b) a physician's assistant licensed under Title 58, Chapter 70A, Physician Assistant Act; or

(c) an advanced practice registered nurse licensed under Title 58, Chapter 31B, Nurse Practice Act;
(3) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis pharmacy on behalf of a prospective medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent registration card to the prospective agent if the medical cannabis pharmacy:

(a) provides to the department the prospective agent's name and address and the name and location of the licensed medical cannabis pharmacy where the prospective agent seeks to act as the medical cannabis pharmacy agent; and

(b) pays a fee to the department in an amount that the department sets in accordance with Section 63J-1-504.

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

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

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

(a) Utah medical cannabis law; and

(b) medical cannabis pharmacy best practices.

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

(a) violates the requirements of this chapter; or

(b) is convicted of an offense that is a felony under state or federal law.

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

(b) A medical cannabis pharmacy agent may renew the agent's registration card if the agent:
(i) is eligible for a medical cannabis pharmacy agent registration card under this section;
(ii) certifies to the department in a renewal application that the information in Subsection (3)(a) is accurate or updates the information; and
(iii) pays to the department a renewal fee in an amount that:
(A) the department sets in accordance with Section 63J-1-504; and
(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

Section 54. Section 26-61b-402 is enacted to read:

26-61b-402. Medical cannabis pharmacy agents -- Criminal background checks.

(1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the time of application, from each individual who has a financial or voting interest of two percent or greater in the applicant or who has the power to direct or cause the management or control of the applicant:
(a) a fingerprint card in a form acceptable to the department; and
(b) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation.

(2) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each individual described in Subsection (1).

(3) The Department of Public Safety shall:
(a) complete a Federal Bureau of Investigation criminal background check for each individual who is the subject of a department request under Subsection (2); and
(b) report the results of the background check to the department.

Section 55. Section 26-61b-403 is enacted to read:

26-61b-403. Medical cannabis pharmacy agent registration card -- Rebuttable presumption.

(1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis pharmacy agent registration card with the individual at all times when:
(a) the individual is on the premises of a medical cannabis pharmacy; and
(b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
(2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

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

(b) there is no probable cause, based solely on the individual's possession of the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), that the individual is engaging in illegal activity.

(3) (a) Except as provided in Subsection (3)(b), an individual who violates Subsection (1) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(b) An individual who willfully, knowingly, or deliberately violates a provision of this chapter or who violates this chapter three or more times is:

(i) guilty of a class B misdemeanor; and

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

Section 56. Section 26-61b-404 is enacted to read:

26-61b-404. Pharmacy medical providers -- Registration -- Continuing education.

(1) (a) A medical cannabis pharmacy:

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

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

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

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

cannabis pharmacy.

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

(2) (a) The department shall, within 15 days after the day on which the department
receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
medical provider, register and issue a pharmacy medical provider registration card to the
prospective pharmacy medical provider if the medical cannabis pharmacy:

(i) provides to the department:

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

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

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

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

(ii) pays a fee to the department in an amount that the department sets in accordance
with Section 63J-1-504.

(b) The department may not register a qualified medical provider or a state central fill
medical provider as a pharmacy medical provider.

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

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

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

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

(i) complete continuing education:

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

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

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

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

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

(i) the provisions of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

Section 57. Section 26-61b-501 is enacted to read:

Part 5. Medical Cannabis Pharmacy Operation

(1) (a) A medical cannabis pharmacy shall operate:

(i) at the physical address provided to the department under Section 26-61b-301; and

(ii) in accordance with the operating plan provided to the department under Section 26-61b-303.

(b) A medical cannabis pharmacy shall notify the department before a change in the medical cannabis pharmacy's physical address or operating plan.

(2) An individual may not enter a medical cannabis pharmacy unless the individual:

(a) is at least 18 years old; and

(b) except as provided in Subsection (5), possesses a valid:

(i) medical cannabis pharmacy agent registration card; or

(ii) medical cannabis card.

(3) A medical cannabis pharmacy may not employ an individual who is younger than 21 years old.

(4) (a) A medical cannabis pharmacy shall conduct a background check into the criminal history of each individual before the individual becomes an agent of the medical cannabis pharmacy.

(b) A medical cannabis pharmacy may not employ an individual who has been convicted of an offense that is a felony under either state or federal law.

(5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an individual who is not a medical cannabis pharmacy agent to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors the individual at all times while the individual is at the medical cannabis pharmacy and maintains a record of the individual's access.

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

(a) a single, secure public entrance;

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

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

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

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

(7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection 26-61b-502(2).

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

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

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

(i) the qualified medical provider's name, address, and telephone number;
(ii) the patient's name and address;
(iii) the date of issuance;
(iv) dosing parameters or an indication that the qualified medical provider did not recommend specific dosing parameters; and
(v) if the patient did not complete the transaction, the name of the medical cannabis cardholder who completed the transaction.

(b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless the cannabis or cannabis product has a label securely affixed to the container indicating the following minimum information:

(i) the name, address, and telephone number of the medical cannabis pharmacy;
(ii) the unique identification number that the medical cannabis pharmacy assigns;
(iii) the date of the sale;
(iv) the name of the patient;
(v) the name of the qualified medical provider who recommended the medical cannabis treatment;
(vi) directions for use and cautionary statements, if any;
(vii) the amount dispensed and the cannabinoid content;
(viii) the beyond use date; and
(ix) any other requirements that the department determines, in consultation with the
Division of Occupational and Professional Licensing and the Board of Pharmacy.

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

(a) unless the medical cannabis cardholder has had a consultation under Subsection 26-61b-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling with the pharmacy medical provider who is a pharmacist; and

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

Section 58. Section 26-61b-502 is enacted to read:

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

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

(i) cannabis in a medicinal dosage form;

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

(iii) a medical cannabis device; or

(iv) educational material related to the medical use of cannabis.

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

(i) a medical cannabis card; and

(ii) corresponding identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card.

(2) A medical cannabis pharmacy may not dispense:

(a) to a medical cannabis cardholder in any one 14-day period, more than the lesser of:

(i) an amount that the relevant qualified medical provider recommends; or

(ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

(B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 10 grams of tetrahydrocannabinol;
(b) to a medical cannabis cardholder whose primary residence is located more than 100 miles from the nearest medical cannabis pharmacy or local health department, in any one 30-day period, more than the lesser of:

(i) an amount that the relevant qualified medical provider recommends; or

(ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

(B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 20 grams of tetrahydrocannabinol; or

(c) to an individual whose qualified medical provider did not recommend dosing parameters, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any cannabis or cannabis products.

(3) An individual with a medical cannabis card may not purchase:

(a) more cannabis or cannabis products than the amounts designated in Subsection (2) in any one 14-day period; or

(b) if the relevant qualified medical provider did not recommend dosing parameters, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any cannabis or cannabis products.

(4) If a qualified medical provider recommends treatment with cannabis or a cannabis product but does not provide dosing parameters, before the relevant medical cannabis cardholder may obtain cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider shall determine the best course of treatment through consultation with the cardholder regarding:

(a) the patient's qualifying condition underlying the recommendation from the qualified medical provider;

(b) indications for available treatments; and

(c) dosing parameters.

(5) A medical cannabis pharmacy shall:

(a) (i) access the state electronic verification system before dispensing cannabis or a cannabis product to a medical cannabis cardholder in order to determine if the cardholder or, where applicable, the associated patient has met the maximum amount of cannabis or cannabis
products described in Subsection (2); and

(ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2):

(A) decline the sale; and

(B) notify the qualified medical provider who made the underlying recommendation;

(b) submit a record to the state electronic verification system each time the medical cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;

(c) package any cannabis or cannabis product that is in a blister pack in a container that:

(i) complies with Subsection 4-41b-602(2);

(ii) is tamper-resistant and tamper-evident; and

(iii) opaque; and

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

(6) (a) Except as provided in Subsection (6)(b), a medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.

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

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

Section 59. Section 26-61b-503 is enacted to read:


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

(2) A pharmacy medical provider may partially fill a recommendation for a medical cannabis treatment at the request of the qualified medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.
(3) The department shall make rules, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and quantity remaining of a partially filled medical cannabis treatment recommendation.

(4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing parameters, subject to the dosing limits in Subsection 26-61b-502(2), to fill the quantity remaining of a partially filled medical cannabis treatment recommendation if:

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

(b) the medical cannabis cardholder reports that:

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

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

Section 60. Section 26-61b-504 is enacted to read:

26-61b-504. Records -- Inspections.


(2) The department may inspect the records and facility of a medical cannabis pharmacy at any time during business hours in order to determine if the medical cannabis pharmacy complies with this chapter.

(3) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(b) questioning of any relevant individual;

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label.
(4) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(5) Failure to provide the department or the department's authorized agents immediate access during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

Section 61. Section 26-61b-505 is enacted to read:

26-61b-505. Advertising.

(1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may not advertise in any medium.

(2) A medical cannabis pharmacy may use signage on the outside of the medical cannabis pharmacy that includes only:

(a) the medical cannabis pharmacy's name and hours of operation; and

(b) a green cross.

(3) A medical cannabis pharmacy may maintain a website that includes information about:

(a) the location and hours of operation of the medical cannabis pharmacy;

(b) a product or service available at the medical cannabis pharmacy;

(c) personnel affiliated with the medical cannabis pharmacy;

(d) best practices that the medical cannabis pharmacy upholds; and

(e) educational material related to the medical use of cannabis.

Section 62. Section 26-61b-506 is enacted to read:

26-61b-506. Cannabis, cannabis product, or medical cannabis device transportation.

(1) Only the following individuals may transport cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device under this
(a) a registered medical cannabis pharmacy agent;
(b) a registered state central fill agent;
(c) a courier for a state central fill shipment described in Section 26-61b-605; or
(d) a medical cannabis cardholder who is transporting a medical cannabis treatment that the cardholder is authorized to transport.

(2) Except for an individual with a valid medical cannabis card under Title 26, Chapter 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the cardholder is authorized to transport, an individual described in Subsection (1) shall possess a transportation manifest that:

(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis device to a relevant inventory control system;
(b) includes origin and destination information for cannabis, a cannabis product, or a medical cannabis device that the individual is transporting; and
(c) identifies the departure and arrival times and locations of the individual transporting the cannabis, cannabis product, or medical cannabis device.

(3) In addition to the requirements in Subsections (1) and (2), the department may establish by rule, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis product, or medical cannabis device remains safe for human consumption.

(4) (a) It is unlawful for a registered medical cannabis pharmacy agent, a registered state central fill agent, or a courier described in Section 26-61b-605 to make a transport described in this section with a manifest that does not meet the requirements of this section.
(b) Except as provided in Subsection (4)(c), an agent or courier who violates Subsection (4)(a) is:
(i) guilty of an infraction; and
(ii) subject to a $100 fine.
(c) If the individual described in Subsection (4)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de
minimis administrative error:

(a) this chapter does not apply; and

(b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

Section 63. Section 26-61b-507 is enacted to read:

26-61b-507. Local control.

(1) A municipality or county may not:

(a) enact a zoning ordinance that prohibits a medical cannabis pharmacy from operating at a location within the municipality's or county's jurisdiction in which at least one of the following is allowed to operate:

(i) a business that sells alcohol; or

(ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or 17-50-333; or

(b) deny or revoke a permit or license to operate a medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis.

(2) A municipality or county may enact an ordinance that:

(a) is not in conflict with this chapter; and

(b) governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county.

Section 64. Section 26-61b-601 is enacted to read:


(1) On or before July 1, 2020, the department shall establish a state central fill medical cannabis pharmacy as described in this section.

(2) The state central fill medical cannabis pharmacy shall:

(a) procure cannabis that a cannabis processing facility processes into a medicinal dosage form;

(b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, or a medical cannabis device for shipment to a medical cannabis cardholder under a
qualified medical provider's recommendation to address a qualifying condition;
(c) transport a state central fill shipment, in accordance with Section 26-61b-605, to the relevant local health department for distribution, in accordance with Section 26-61b-607;
(d) (i) process and accept electronic payment for a transaction involving a state central fill shipment; and
(ii) deposit funds that the state central fill medical cannabis pharmacy collects under Subsection (2)(d)(i) into the State Central Fill Medical Cannabis Pharmacy Restricted Account created in Section 26-61b-110.
(3) (a) An individual may not enter the state central fill medical cannabis pharmacy unless:
(i) the individual is a state central fill agent or an employee of the state central fill medical cannabis pharmacy;
(ii) the individual is an employee of the department; or
(iii) a state central fill agent escorts the individual at all times.
(b) An individual who violates Subsection (3)(a) is:
(i) guilty of an infraction; and
(ii) subject to a $100 fine.
(4) (a) The state central fill medical cannabis pharmacy:
(i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a state central fill medical provider;
(ii) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a state central fill medical provider;
(iii) shall ensure that a state central fill medical provider described in Subsection (4)(a)(i) works onsite during all business hours; and
(iv) shall designate one state central fill medical provider described in Subsection (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee the operation of and generally supervise the state central fill medical cannabis pharmacy.
(b) An individual may not serve as a state central fill medical provider unless the department registers the individual as a state central fill medical provider.
(5) (a) The department shall, within 15 days after the day on which the department
receives an application from the state central fill medical cannabis pharmacy on behalf of a prospective state central fill medical provider, register and issue a state central fill medical provider registration card to the prospective state central fill medical provider if the state central fill medical cannabis pharmacy provides to the department:

(i) the prospective state central fill medical provider's name and address; and

(ii) evidence that the prospective state central fill medical provider is:

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

or

(B) a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(b) The department may not register a qualified medical provider or a pharmacy medical provider as a state central fill medical provider.

(6) (a) A state central fill medical provider shall complete the continuing education described in this Subsection (6) in the following amounts:

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

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

(b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

(i) complete continuing education:

(A) regarding the topics described in Subsection (6)(d); and

(B) offered by the department under Subsection (6)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the medical cannabis pharmacy practice; and

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

(c) The department may, in consultation with the Division of Occupational and Professional Licensing, develop the continuing education described in this Subsection (6).

(d) The continuing education described in this Subsection (6) may discuss:

(i) the provisions of this chapter;
(ii) general information about medical cannabis under federal and state law;
(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;
(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, and palliative care; or
(v) best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying the medical cannabis recommendation.

(7) (a) A state central fill medical provider registration card expires two years after the day on which the department issues or renews the card.
(b) A state central fill medical provider may renew the provider's registration card if the provider:
(i) is eligible for a state central fill medical provider registration card under this section;
(ii) certifies to the department in a renewal application that the information in Subsection (5) is accurate or updates the information; and
(iii) submits a report detailing the completion of the continuing education requirement described in Subsection (6).

Section 65. Section 26-61b-602 is enacted to read:

26-61b-602. State central fill agent -- Background check -- Registration card -- Rebuttable presumption.

(1) An individual may not serve as a state central fill agent unless:
(a) the individual is an employee of the state central fill medical cannabis pharmacy; and
(b) the department registers the individual as a state central fill agent.
(2) (a) The department shall, within 15 days after the day on which the department receives a complete application from the state central fill medical cannabis pharmacy on behalf of a prospective state central fill agent, register and issue a state central fill agent registration card to the prospective agent if the state central fill medical cannabis pharmacy:
(i) provides to the department:
(A) the prospective agent's name and address;
(B) a fingerprint card in a form acceptable to the department; and
- 78 -
(C) the prospective agent's consent to a fingerprint background check by the Utah
Bureau of Criminal Identification and the Federal Bureau of Investigation; and
(ii) as reported under Subsection (2)(c), has not been convicted of an offense that is a
felony under state or federal law.

(b) The department shall request that the Department of Public Safety complete a
Federal Bureau of Investigation criminal background check for each prospective agent
described in Subsection (2)(a).

(c) The Department of Public Safety shall:
(i) complete a Federal Bureau of Investigation criminal background check for each
prospective agent who is the subject of a department request under Subsection (2)(b); and
(ii) report the results of the background check to the department.

(3)(a) A state central fill agent shall comply with a certification standard that the
department develops, in collaboration with the Division of Occupational and Professional
Licensing and the Board of Pharmacy, or a third-party certification standard that the department
designates by rule, in collaboration with the Division of Occupational and Professional
Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection
(3)(a) includes continuing education in:
(i) Utah medical cannabis law;
(ii) the state central fill medical cannabis pharmacy shipment process; and
(iii) state central fill agent best practices.

(4) The department may revoke or refuse to issue the state central fill agent registration
card of an individual who:
(a) violates the requirements of this chapter; or
(b) is convicted of an offense that is a felony under state or federal law.

(5) (a) A state central fill agent registration card expires two years after the day on
which the department issues or renews the card.

(b) A state central fill agent may renew the agent's registration card if the agent:
(i) is eligible for a state central fill registration card under this section; and
(ii) certifies to the department in a renewal application that the information in
Subsection (2)(a) is accurate or updates the information.

(6) A state central fill agent who the department registers under this section shall carry the individual's state central fill agent registration card with the individual at all times when:

(a) the individual is on the premises of the state central fill medical cannabis pharmacy; and

(b) the individual is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between a cannabis production establishment and the state central fill medical cannabis pharmacy.

(7) If an individual handling cannabis, a cannabis product, or a medical cannabis device handles the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (6):

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

(b) there is no probable cause, based solely on the individual's handling of the cannabis, cannabis product, or medical cannabis device, that the individual is engaging in illegal activity.

(8) An individual who violates Subsection (6) is:

(a) guilty of an infraction; and

(b) subject to a $100 fine.

Section 66. Section 26-61b-603 is enacted to read:

26-61b-603. Recommendation.

(1) When an individual receives a recommendation for a medical cannabis treatment from the individual's qualified medical provider, the individual may initiate a shipment from the state central fill medical cannabis pharmacy to a local health department by:

(a) contacting the state central fill medical cannabis pharmacy directly; or

(b) requesting that the qualified medical provider initiate the shipment through the state electronic verification system.

(2) Upon receiving a request to prepare a shipment under Subsection (1), a state central fill agent shall:

(a) verify the shipment information using the state electronic verification system;

(b) process payment, including contacting the medical cannabis cardholder to complete
payment if necessary;
(c) prepare the shipment in accordance with Section 26-61b-604;
(d) record the preparation of the shipment in the electronic verification system; and
(e) place the shipment for transportation in accordance with Section 26-61b-605.

Section 67. Section 26-61b-604 is enacted to read:


(1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a local health department a product other than:
(i) cannabis in medicinal dosage form;
(ii) a cannabis product in medicinal dosage form;
(iii) a medical cannabis device; or
(iv) educational material related to the medical use of cannabis.
(b) The state central fill medical cannabis pharmacy may only sell or ship an item listed in Subsection (1)(a) in response to a request for shipment described in Subsection 26-61b-603(1).

(2) The state central fill medical cannabis pharmacy may not prepare a shipment:
(a) for a medical cannabis cardholder in any one 14-day period, more than the lesser of:
(i) an amount that the relevant qualified medical provider recommends; or
(ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or
(B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 10 grams of tetrahydrocannabinol;
(b) to a medical cannabis cardholder whose primary residence is located more than 100 miles from the nearest medical cannabis pharmacy or local health department, in any one 30-day period, more than the lesser of:
(i) an amount that the relevant qualified medical provider recommends; or
(ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or
(B) an amount of cannabis products that is in a medicinal dosage form and that
contains, in total, greater than 20 grams of tetrahydrocannabinol; or

(c) for an individual whose qualified medical provider did not recommend dosing parameters, any cannabis or cannabis product, until the individual consults with the state central fill medical provider in accordance with Subsection (4).

(3) A medical cannabis cardholder may not receive a state central fill shipment containing:

(a) more cannabis or cannabis products than the amounts designated in Subsection (2) in any one 14-day period; or
(b) if the relevant qualified medical provider did not recommend dosing parameters, any cannabis or cannabis product, until the cardholder consults with the state central fill medical provider in accordance with Subsection (4).

(4) If a qualified medical provider recommends treatment with cannabis or a cannabis product but does not provide dosing parameters, before the medical cannabis cardholder may receive a state central fill shipment the state central fill medical provider shall determine the best course of treatment through consultation with the cardholder regarding:

(a) the patient's qualifying condition underlying the recommendation from the qualified medical provider;
(b) indications for available treatments; and
(c) dosing parameters.

(5) The state central fill medical cannabis pharmacy shall:

(a) (i) access the state electronic verification system before preparing a shipment of cannabis or a cannabis product to determine if the medical cannabis cardholder or, where applicable, the associated patient has met the maximum amount of cannabis or cannabis product described in Subsection (2); and
(ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2):
(A) decline the request to prepare the shipment; and
(B) notify the qualified medical provider that made the recommendation;
(b) submit a record to the state electronic verification system each time the state central fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product, or a medical cannabis device:
package any cannabis or cannabis product that is in a blister pack in a container that:

(i) complies with Subsection 4-41b-602(2);
(ii) is tamper-resistant and tamper-evident; and
(iii) opaque; and
(d) for any product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption.

(6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.

(b) The state central fill medical cannabis pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.

(7) The state central fill medical cannabis pharmacy may not give, at no cost, a product that the medical cannabis pharmacy is allowed to sell under Subsection (1).

(8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's records the following information regarding each recommendation underlying a transaction:
(i) the qualified medical provider's name, address, and telephone number;
(ii) the patient's name and address;
(iii) the date of issuance;
(iv) dosing parameters or an indication that the qualified medical provider did not recommend specific dosing parameters; and
(v) the name and the address of the medical cannabis cardholder if the cardholder is not the patient.

(b) The state central fill medical cannabis pharmacy may not sell cannabis or a cannabis product unless the cannabis or cannabis product has a label securely affixed to the container indicating the following minimum information:
(i) the name and telephone number of the state central fill medical cannabis pharmacy;
(ii) the unique identification number that the state central fill medical cannabis pharmacy assigns;
(iii) the date of the sale;
(iv) the name of the medical cannabis cardholder;
(v) the name of the qualified medical provider who recommends the medical cannabis treatment;
(vi) directions for use and cautionary statements, if any;
(vii) the amount dispensed and the cannabinoid content;
(viii) the beyond use date; and
(ix) any other requirements that the department determines, in consultation with the Division of Occupational and Professional Licensing and the Board of Pharmacy.

(9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or a state central fill agent shall:

(a) include in each central fill shipment written counseling regarding the central fill shipment; and
(b) provide a telephone number or website by which a medical cannabis cardholder may contact a pharmacy medical provider for counseling.

Section 68. Section 26-61b-605 is enacted to read:

26-61b-605. State central fill shipment transportation.

(1) The state central fill medical cannabis pharmacy shall ensure that the state central fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis device to each local health department in the state within 24 hours of receiving a request for a state central fill shipment resulting from a recommendation of a qualified medical provider under Section 26-61b-603.

(2) (a) The department may contract with a private entity for the entity to serve as a courier for the state dispensary central fill medical cannabis pharmacy, delivering state central fill shipments to local health departments for distribution to medical cannabis cardholders.

(b) If the department enters into a contract described in Subsection (2)(a), the department shall:

(i) issue the contract described in Subsection (2)(a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

(ii) impose security and personnel requirements on the contracted private entity.
sufficient to ensure the security and safety of state central fill shipments; and

(3) Except for an individual with a valid medical cannabis card who transports a shipment the individual receives, an individual may not transport a state central fill shipment unless the individual is:

(a) a registered state central fill agent; or

(b) an agent of the private courier described in Subsection (2).

(4) An individual transporting a state central fill shipment shall possess a transportation manifest that:

(a) includes a unique identifier that links the state central fill shipment to a relevant inventory control system;

(b) includes origin and destination information for a state central fill shipment the individual is transporting; and

(c) indicates the departure and arrival times and locations of the individual transporting the state central fill shipment.

(5) In addition to the requirements in Subsections (3) and (4), the department may establish by rule, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting state central fill shipments that are related to safety for human consumption of cannabis or a cannabis product.

(6)(a) It is unlawful for an individual to transport a state central fill shipment with a manifest that does not meet the requirements of Subsection (4).

(b) Except as provided in Subsection (6)(c), an individual who violates Subsection (6)(a):

(i) is guilty of an infraction; and

(ii) subject to a $100 fine.

(c) If the individual described in Subsection (6)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

(a) this chapter does not apply; and

(b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
Substances Act.

Section 69. Section 26-61b-606 is enacted to read:

26-61b-606. Local health department distribution agent -- Background check --

Registration card -- Rebuttable presumption.

(1) An individual may not serve as a local health department distribution agent unless:

(a) the individual is an employee of a local health department; and

(b) the department registers the individual as a local health department distribution agent.

(2) (a) The department shall, within 15 days after the day on which the department receives a complete application from a local health department on behalf of a prospective local health department distribution agent, register and issue a local health department distribution agent registration card to the prospective agent if the local health department:

(i) provides to the department:

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

(B) the name and location of the local health department where the prospective agent seeks to act as a local health department distribution agent;

(C) a fingerprint card in a form acceptable to the department; and

(D) the prospective agent's consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation;

(ii) pays a fee to the department in an amount that the department sets in accordance with Section 63J-1-504; and

(iii) as reported under Subsection (2)(c), has not been convicted for an offense that is a felony under state or federal law.

(b) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each prospective agent described in Subsection (2)(a).

(c) The Department of Public Safety shall:

(i) complete a Federal Bureau of Investigation criminal background check for each prospective agent who is the subject of a department request under Subsection (2)(b); and

(ii) report the results of the background check to the department.

(3) The department shall designate on an individual's local health department
distribution agent registration card the name of the local health department where the
individual is registered as an agent.

(4) (a) A local health department distribution agent shall comply with a certification
standard that the department develops, in collaboration with the Division of Occupational and
Professional Licensing and the Board of Pharmacy, or a third-party certification standard that
the department designates by rule in collaboration with the Division of Occupational and
Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection
(4)(a) includes training in:

(i) Utah medical cannabis law;
(ii) the state central fill medical cannabis pharmacy shipment process; and
(iii) local health department distribution agent best practices.

(5) The department may revoke or refuse to issue or renew the local health department
distribution agent registration card of an individual who:

(a) violates the requirements of this chapter; or
(b) is convicted of an offense that is a felony under state or federal law.

(6) A local health department distribution agent who the department has registered
under this section shall carry the agent's local health department distribution agent registration
card with the agent at all times when:

(a) the agent is on the premises of the local health department; and
(b) the agent is handling a shipment of cannabis or cannabis product from the state
central fill medical cannabis pharmacy.

(7) If a local health department distribution agent handling a shipment of cannabis or
cannabis product from the state central fill medical cannabis pharmacy possesses the shipment
in compliance with Subsection (6):

(a) there is a rebuttable presumption that the agent possesses the shipment legally; and
(b) there is no probable cause, based solely on the agent's possession of the shipment,
that the agent is engaging in illegal activity.

(8) A local health department distribution agent who violates Subsection (6) is:

(a) guilty of an infraction; and
Section 70. Section 26-61b-607 is enacted to read:

26-61b-607. Local health department distribution.

(1) Each local health department shall designate a sufficient number of personnel to ensure that at least one individual is available at all times during business hours:

(a) whom the department has registered as a local health department distribution agent; and

(b) to distribute state central fill shipments to medical cannabis cardholders in accordance with this section.

(2) An individual may not retrieve a shipment from the state central fill medical cannabis pharmacy at a local health department unless the individual presents:

(a) a form of identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card; and

(b) a valid medical cannabis card under the same name that appears on the identification described in Subsection (2)(a).

(3) Before a local health department distribution agent distributes a state central fill shipment to a medical cannabis cardholder, the local health department distribution agent shall:

(a) verify the shipment information using the state electronic verification system;

(b) ensure that the individual satisfies the identification requirements in Subsection (2);

(c) verify that payment is complete; and

(d) record the completion of the shipment transaction in the electronic verification system.

(4) The local health department shall:

(a) store each central fill shipment that the local health department receives, until the shipment is retrieved by the recipient medical cannabis cardholder, in a single, secure, locked area that is equipped with a security system that detects and records entry into the area; and

(b) ensure that only a local health department distribution agent is able to access the area.

Section 71. Section 26-61b-608 is enacted to read:

26-61b-608. Department to set prices.
(1) The department shall set a price schedule for cannabis in a medicinal dosage form that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders through distribution to local health departments.

(2) The department shall ensure that the price schedule described in Subsection (1) takes into consideration:
   (a) the demand for medical cannabis and cannabis products dispensed through the state central fill medical cannabis pharmacy and the local health departments;
   (b) the labor required to cultivate and process cannabis into a medicinal dosage form;
   (c) the regulatory burden involved in the creation of the product; and
   (d) any other consideration the department considers necessary.

(3) The department shall ensure that the price schedule that the department sets under Subsection (1) includes a set fee that the department retains:
   (a) to fund the state central fill medical cannabis pharmacy; and
   (b) the courier described in Section 26-61b-605, if any.

Section 72.  Section 26-61b-609 is enacted to read:


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

(2) The state central fill medical cannabis pharmacy may partially fill a recommendation for a medical cannabis treatment at the request of the qualified medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.

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

(4) A state central fill medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing parameters, subject to the dosing limits in Subsection 26-61b-604(2), to fill the quantity remaining of a partially filled medical
cannabis treatment recommendation if:

(a) the state central fill medical provider determined dosing parameters for the partial fill under Subsection 26-61b-604(4); and

(b) the medical cannabis cardholder reports that:

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

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

Section 73. Section 26-61b-610 is enacted to read:

26-61b-610. Records -- Inspections.


(2) The department may inspect the records and facility of the state central fill medical cannabis pharmacy or a local health department at any time during business hours in order to determine compliance with this chapter.

(3) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(b) questioning of any relevant individual; or

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label.

(4) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(5) Failure to provide the department or the department's authorized agents immediate access during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(b) license or registration suspension or revocation; or
(c) an immediate cessation of operations under a cease and desist order that the
department issues.

Section 74. Section 26-61b-611 is enacted to read:

26-61b-611. Advertising.

(1) Except as provided in Subsection (2), the state central fill medical cannabis
pharmacy may not advertise in any medium.

(2) The state central fill medical cannabis pharmacy may maintain a website that
includes information about:

(a) the contact information for the state central fill medical cannabis pharmacy;
(b) a product or service available through shipment from the state central fill medical
cannabis pharmacy;
(c) a description of the state central fill medical cannabis pharmacy shipment process;
(d) information about retrieving a state central fill shipment at a local health
department; or
(e) educational material related to the medical use of cannabis.

Section 75. Section 26-61b-701 is enacted to read:

Part 7. Enforcement


(1) Except as provided in Sections 26-61b-502, 26-61b-605, and 26-61b-607, it is
unlawful to sell or otherwise give cannabis, a cannabis product, or a medical cannabis device to
another person.

(2) (a) Except as provided in Subsection (2)(b), a person who violates Subsection (1) is
guilty of a class B misdemeanor.

(b) An individual is not guilty under Subsection (2)(a) if the individual:
(i) is a designated caregiver; and
(ii) gives the product described in Subsection (1) to the medical cannabis cardholder
who designated the individual as a designated caregiver.

(3) (a) Except as provided in Subsection (3)(b), a person who violates Subsection (1) is
guilty of a class A misdemeanor if the individual who receives the unlawful sale or gift is a
minor.
(b) An individual is not guilty under Subsection (3)(a) if:

(i) the individual is:

(A) the parent or legal guardian, holding a medical cannabis guardian card, of the minor recipient; or

(B) the designated caregiver of the parent or legal guardian, holding a medical cannabis guardian card, of the minor recipient; and

(ii) the minor is a provisional patient cardholder.

Section 76. Section 26-61b-702 is enacted to read:

26-61b-702. Enforcement -- Fine -- Citation.

(1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter:

(i) revoke the medical cannabis pharmacy license;

(ii) refuse to renew the medical cannabis pharmacy license; or

(iii) assess the medical cannabis pharmacy an administrative penalty.

(b) The department may, for a medical cannabis pharmacy agent's or state central fill agent's violation of this chapter:

(i) revoke the medical cannabis pharmacy agent or state central fill agent registration card;

(ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent registration card; or

(iii) assess the medical cannabis pharmacy agent or state central fill agent an administrative penalty.

(2) The department shall deposit an administrative penalty imposed under this section in the General Fund.

(3) For a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, the department may:

(a) assess the person a fine in an amount that the department sets, in accordance with Section 63J-1-504, of up to $5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.
(4) The department may not revoke a medical cannabis pharmacy's license without first directing the medical cannabis pharmacy to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(5) If, within 20 calendar days after the day on which the department issues a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(6) The department may, for a person who fails to comply with a citation under this section:
   (a) refuse to issue or renew the person's license agent registration card; or
   (b) suspend, revoke, or place on probation the person's license or agent registration card.

(7) If the department makes a final determination under this section that an individual violated a provision of this chapter, the individual is guilty of an infraction.

Section 77. Section 26-61b-703 is enacted to read:


(1) By the November interim meeting each year, the department shall report to the Health and Human Services Interim Committee on:
   (a) the number of applications and renewal applications filed for medical cannabis cards;
   (b) the number of qualifying patients and designated caregivers;
   (c) the nature of the debilitating medical conditions of the qualifying patients;
   (d) the age and county of residence of cardholders;
   (e) the number of medical cannabis cards revoked;
   (f) the number of practitioners providing recommendations for qualifying patients;
   (g) the number of license applications and renewal license applications received;
   (h) the number of licenses the department has issued in each county;
   (i) the number of licenses the department has revoked;
   (j) the quantity and timeliness of state central fill shipments, including the amount of time between recommendation to the state central fill medical cannabis pharmacy and arrival of a state central fill shipment at a local health department;
   (k) the market share of state central fill shipments;
(l) the expenses incurred and revenues generated from the medical cannabis program; 
(m) the expenses incurred and revenues generated from the state central fill medical cannabis pharmacy, including a profit and loss statement; and 
(n) an analysis of product availability, including the price differential between comparable products, in medical cannabis pharmacies and the state central fill medical cannabis pharmacy.

(2) The department may not include personally identifying information in the report described in this section.

Section 78. Section 30-3-10 is amended to read:

30-3-10. Custody of children in case of separation or divorce -- Custody consideration.

(1) If a married couple having one or more minor children are separated, or their marriage is declared void or dissolved, the court shall make an order for the future care and custody of the minor children as it considers appropriate.

(a) In determining any form of custody, including a change in custody, the court shall consider the best interests of the child without preference for either parent solely because of the biological sex of the parent and, among other factors the court finds relevant, the following:

(i) in accordance with Subsection (7), the past conduct and demonstrated moral standards of each of the parties;
(ii) which parent is most likely to act in the best interest of the child, including allowing the child frequent and continuing contact with the noncustodial parent;
(iii) the extent of bonding between the parent and child, meaning the depth, quality, and nature of the relationship between a parent and child;
(iv) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201; and
(v) those factors outlined in Section 30-3-10.2.

(b) There is a rebuttable presumption that joint legal custody, as defined in Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

(i) domestic violence in the home or in the presence of the child;
(ii) special physical or mental needs of a parent or child, making joint legal custody unreasonable;
(iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or
(iv) any other factor the court considers relevant including those listed in this section and Section 30-3-10.2.

(c) (i) The person who desires joint legal custody shall file a proposed parenting plan in accordance with Sections 30-3-10.8 and 30-3-10.9.

(ii) A presumption for joint legal custody may be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of the child.

(d) A child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the child be heard and there is no other reasonable method to present the child's testimony.

(e) (i) The court may inquire of a child and take into consideration the child's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the child's custody or parent-time otherwise.

(ii) The desires of a child 14 years of age or older shall be given added weight, but is not the single controlling factor.

(f) (i) If an interview with a child is conducted by the court pursuant to Subsection (1)(e), the interview shall be conducted by the judge in camera.

(ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with a child is the only method to ascertain the child's desires regarding custody.

(2) In awarding custody, the court shall consider, among other factors the court finds relevant, which parent is most likely to act in the best interests of the child, including allowing the child frequent and continuing contact with the noncustodial parent as the court finds appropriate.

(3) If the court finds that one parent does not desire custody of the child, the court shall take that evidence into consideration in determining whether to award custody to the other parent.

(4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.
(b) The court may not consider the disability of a parent as a factor in awarding custody or modifying an award of custody based on a determination of a substantial change in circumstances, unless the court makes specific findings that:

(i) the disability significantly or substantially inhibits the parent's ability to provide for the physical and emotional needs of the child at issue; and

(ii) the parent with a disability lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.

(5) This section establishes neither a preference nor a presumption for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.

(6) When an issue before the court involves custodial responsibility in the event of a deployment of one or both parents who are servicemembers, and the servicemember has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

(7) In considering the past conduct and demonstrated moral standards of each party under Subsection (1)(a)(i) or any other factor a court finds relevant, the court may not discriminate against a parent because of or otherwise consider the parent's:

(a) lawful possession or use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act; or

(b) the parent's status as a:

(i) cannabis production establishment agent, as that term is defined in Section 4-41b-102;

(ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61b-102; or

(iii) a state central fill agent, as that term is defined in Section 26-61b-102; or

(iv) a medical cannabis cardholder in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act.

Section 79. Section 41-6a-517 (Superseded 07/01/19) is amended to read:
41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
(b) "Practitioner" means the same as that term is defined in Section 58-37-2.
(c) "Prescribe" means the same as that term is defined in Section 58-37-2.
(d) "Prescription" means the same as that term is defined in Section 58-37-2.

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;
(b) prescribed by a practitioner for use by the accused; [or]
(c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act; or
(d) otherwise legally ingested.

(4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:

(a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
(b) revoke, for a period of two years, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
and within a period of 10 years after the date of the prior violation.

(7) The Driver License Division shall, if the person is 19 years of age or older but
under 21 years of age on the date of arrest:
(a) suspend, until the person is 21 years of age or for a period of one year, whichever is
longer, the driver license of a person convicted under Subsection (2) of an offense committed
on or after July 1, 2011; or
(b) revoke, until the person is 21 years of age or for a period of two years, whichever is
longer, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
and within a period of 10 years after the date of the prior violation.

(8) The Driver License Division shall, if the person is under 19 years of age on the date
of arrest:
(a) suspend, until the person is 21 years of age, the driver license of a person convicted
under Subsection (2) of an offense committed on or after July 1, 2009; or
(b) revoke, until the person is 21 years of age, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
and within a period of 10 years after the date of the prior violation.

(9) The Driver License Division shall subtract from any suspension or revocation
period the number of days for which a license was previously suspended under Section
53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
which the record of conviction is based.

(10) The Driver License Division shall:
(a) deny, suspend, or revoke a person's license for the denial and suspension periods in
effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
committed prior to July 1, 2009; or
(b) deny, suspend, or revoke the operator's license of a person for the denial,
suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
the person was 20 years of age or older but under 21 years of age at the time of arrest; and

(ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.

(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;

(c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);

(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);

(e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

(f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);

(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and

(h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

(ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).

(12) If the court shortens a person's license suspension period in accordance with the
requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.

(13) (a) The court shall notify the Driver License Division if a person fails to:
   (i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or
   (ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(14) The court:
   (a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and
   (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

(15) (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

(b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.

(c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.

(d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Section 80. Section 41-6a-517 (Effective 07/01/19) is amended to read:

41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:
   (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
   (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
"Prescribe" means the same as that term is defined in Section 58-37-2.

"Prescription" means the same as that term is defined in Section 58-37-2.

In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;
(b) prescribed by a practitioner for use by the accused or recommended by a physician for use by the accused; [or]
(c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act; or
(d) otherwise legally ingested.

A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:

(a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or
(b) revoke, for a period of two years, the driver license of a person if:
(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

The Driver License Division shall, if the person is 19 years of age or older but
under 21 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or

(b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(b) revoke, until the person is 21 years of age, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(10) The Driver License Division shall:

(a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or

(b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

(i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and

(ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.
(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;

(c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);

(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);

(e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

(f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);

(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and

(h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

(ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).

(12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.

(13) (a) The court shall notify the Driver License Division if a person fails to:
(i) complete all court ordered screening and assessment, educational series, and
substance abuse treatment; or
(ii) pay all fines and fees, including fees for restitution and treatment costs.
(b) Upon receiving the notification, the division shall suspend the person's driving
privilege in accordance with Subsections 53-3-221(2) and (3).

(14) The court:
(a) shall order supervised probation in accordance with Section 41-6a-507 for a person
convicted under Subsection (2); and
(b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

(15) (a) A court that reported a conviction of a violation of this section to the Driver
License Division may shorten the suspension period imposed under Subsection (6) before
completion of the suspension period if the person is participating in or has successfully
completed a 24-7 sobriety program as defined in Section 41-6a-515.5.
(b) If the court shortens a person's license suspension period in accordance with the
requirements of this Subsection (15), the court shall forward to the Driver License Division the
order shortening the person's suspension period.
(c) The court shall notify the Driver License Division if a person fails to complete all
requirements of a 24-7 sobriety program.
(d) Upon receiving the notification described in Subsection (15)(c), the division shall
suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Section 81. Section 53-1-106.5 is enacted to read:

53-1-106.5. Utah Medical Cannabis Act -- Department duties.
In addition to the duties described in Section 53-1-106, the department shall:
(1) provide standards for training peace officers and law enforcement agencies in the
use of the state electronic verification system; and
(2) collaborate with the Department of Health and the Department of Agriculture and
Food to provide standards for training peace officers and law enforcement agencies in medical

cannabis law.

Section 82. Section 58-17b-302 is amended to read:

58-17b-302. License required -- License classifications for pharmacy facilities.
(1) A license is required to act as a pharmacy, except:
(a) as specifically exempted from licensure under Section 58-1-307; and
(b) for the operation of a medical cannabis pharmacy or the state central fill medical cannabis pharmacy under Title 26, Chapter 61b, Utah Medical Cannabis Act.
(2) The division shall issue a pharmacy license to a facility that qualifies under this chapter in the classification of a:
(a) class A pharmacy;
(b) class B pharmacy;
(c) class C pharmacy;
(d) class D pharmacy;
(e) class E pharmacy; or
(f) dispensing medical practitioner clinic pharmacy.
(3) (a) Each place of business shall require a separate license.
(b) If multiple pharmacies exist at the same address, a separate license shall be required for each pharmacy.
(4) (a) The division may further define or supplement the classifications of pharmacies.
(b) The division may impose restrictions upon classifications to protect the public health, safety, and welfare.
(5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall have a pharmacist-in-charge, except as otherwise provided by rule.
(6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy, the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities of the pharmacy, regardless of the form of the business organization.

Section 83. Section 58-17b-310 is amended to read:

58-17b-310. Continuing education.
(1) The division in collaboration with the board may establish by rule continuing education requirements for each classification of licensure under this chapter.
(2) The division shall accept and apply toward the hour requirement in Subsection (1) continuing education that a pharmacist completes in accordance with Sections 26-61b-404 and 26-61b-601.

Section 84. Section 58-17b-502 is amended to read:
3254 **58-17b-502. Unprofessional conduct.**
3255 "Unprofessional conduct" includes:
3256 (1) willfully deceiving or attempting to deceive the division, the board, or their agents
3257 as to any relevant matter regarding compliance under this chapter;
3258 (2) (a) except as provided in Subsection (2)(b):
3259 (i) paying or offering rebates to practitioners or any other health care providers, or
3260 receiving or soliciting rebates from practitioners or any other health care provider; or
3261 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
3262 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
3263 provider, for the purpose of obtaining referrals.
3264 (b) Subsection (2)(a) does not apply to:
3265 (i) giving or receiving price discounts based on purchase volume;
3266 (ii) passing along pharmaceutical manufacturer's rebates; or
3267 (iii) providing compensation for services to a veterinarian.
3268 (3) misbranding or adulteration of any drug or device or the sale, distribution, or
3269 dispensing of any outdated, misbranded, or adulterated drug or device;
3270 (4) engaging in the sale or purchase of drugs or devices that are samples or packages
3271 bearing the inscription "sample" or "not for resale" or similar words or phrases;
3272 (5) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription Drug
3273 Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it has
3274 left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section
3275 58-17b-503, or the manufacturer's sealed container, as defined in rule;
3276 (6) an act in violation of this chapter committed by a person for any form of
3277 compensation if the act is incidental to the person's professional activities, including the
3278 activities of a pharmacist, pharmacy intern, or pharmacy technician;
3279 (7) except as provided in Title 26, Chapter 61b, Utah Medical Cannabis Act, violating:
3280 (a) the federal Controlled Substances Act, Title II, P.L. 91-513;
3281 (b) Title 58, Chapter 37, Utah Controlled Substances Act; or
3282 (c) rules or regulations adopted under either act;
3283 (8) requiring or permitting pharmacy interns or technicians to engage in activities
3284 outside the scope of practice for their respective license classifications, as defined in this
chapter and division rules made in collaboration with the board, or beyond their scope of
training and ability;
(9) administering:
   (a) without appropriate training, as defined by rule;
   (b) without a physician's order, when one is required by law; and
   (c) in conflict with a practitioner's written guidelines or written protocol for
       administering;
(10) disclosing confidential patient information in violation of the provisions of the
1936, as amended, or other applicable law;
(11) engaging in the practice of pharmacy without a licensed pharmacist designated as
the pharmacist-in-charge;
(12) failing to report to the division any adverse action taken by another licensing
jurisdiction, government agency, law enforcement agency, or court for conduct that in
substance would be considered unprofessional conduct under this section;
(13) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
form which is regularly and commonly available from a manufacturer in quantities and
strengths prescribed by a practitioner; and
(14) failing to act in accordance with Title 26, Chapter 64, Family Planning Access
Act, when dispensing a self-administered hormonal contraceptive under a standing order.
Section 85. Section 58-37-3.6 (Superseded 07/01/19) is amended to read:
58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a
cannabinoid product or expanded cannabinoid product pursuant to an approved study.
(1) As used in this section:
   [(a) “Cannabinoid product” means a product intended for human ingestion that:]
   [(i) contains an extract or concentrate that is obtained from cannabis;]
   [(ii) is prepared in a medicinal dosage form; and]
   [(iii) contains at least 10 units of cannabidiol for every one unit of
tetrahydrocannabinol:]
   [(b) (a) "Cannabis" means any part of the plant cannabis sativa, whether growing or
not.]
"Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

"Expanded cannabinoid product" means a product intended for human ingestion that:

- contains an extract or concentrate that is obtained from cannabis;
- is prepared in a medicinal dosage form; and
- contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

"Medicinal dosage form" means:

- a tablet;
- a capsule;
- a concentrated oil;
- a liquid suspension;
- a transdermal preparation; or
- a sublingual preparation.

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

(2) Notwithstanding any other provision of this chapter, an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61, Cannabinoid Research Act.

(3) Notwithstanding any other provision of this chapter, an individual who grows, processes, or possesses cannabis is not subject to the penalties described in this title for the growth, processing, or possession of marijuana to the extent that the individual is authorized to grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any rules made pursuant to Section 4-41-204.

(4) Notwithstanding any other provision of this chapter, an individual who possesses or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's
possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]

Section 86. Section 58-37-3.6 (Effective 07/01/19) is amended to read:

58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a cannabinoid product or expanded cannabinoid product pursuant to an approved study.

(1) As used in this section:

(a) "Cannabinoid product" means the same as that term is defined in Section 58-37-3.6 (Effective 07/01/19).

(b) "Cannabidiol product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

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

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

(e) "Expanded cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(f) "Medicinal dosage form" means:

(i) a tablet;

(ii) a capsule;

(iii) a concentrated oil;

(iv) a liquid suspension;

(v) a transdermal preparation; or

(vi) a sublingual preparation.

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

(2) Notwithstanding any other provision of this chapter:
(a) an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61, Cannabinoid Research Act; and

[(b) an individual who grows, processes, possesses, transports, or distributes cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent that the individual's growth, processing, possession, transportation, or distribution of the cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol Producers; and]

[(c)] (b) a person who processes, possesses, or sells cannabidiol is not subject to the penalties described in this title if:

(i) the person is a cannabidiol-qualified pharmacy; or

(ii) the person is an individual whose physician has recommended use of the cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified pharmacy.

[(3) Notwithstanding any other provision of this chapter, an individual who grows, processes, or possesses cannabis is not subject to the penalties described in this title for the growth, processing, or possession of marijuana to the extent that the individual is authorized to grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any rules made pursuant to Section 4-41-204.]

[(4) Notwithstanding any other provision of this chapter, an individual who possesses or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]

Section 87. Section 58-37-3.7 is enacted to read:

58-37-3.7. Exemption for possession or use of cannabis to treat a qualifying condition.

(1) As used in this section:

(a) "Cannabis" means marijuana.
(b) "Cannabis product" means a product that:
   (i) is intended for human ingestion; and
   (ii) contains cannabis or tetrahydrocannabinol.

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

(d) "Marijuana" means the same as that term is defined in Section 58-37-2.

(e) (i) "Medical cannabis device" means a device that an individual uses to ingest
cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
   (ii) "Medical cannabis device" does not include a device that:
   (A) facilitates cannabis combustion; or
   (B) an individual uses to ingest substances other than cannabis.

(f) "Medicinal dosage form" means the same as that term is defined in Section
26-61b-102.

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

(2) Notwithstanding any other provision of law, except as otherwise provided in this
section:
   (a) an individual is not subject to a penalty described in this title for the following
   conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41b,
   Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:
   (i) possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or
   offering to sell cannabis or a cannabis product; or
   (ii) possessing cannabis or a cannabis product with the intent to engage in any of the
   conduct described in Subsection (2)(a)(i); and
   (b) an individual is not subject to a penalty described in this title regarding drug
   paraphernalia if the individual, in accordance with Title 4, Chapter 41b, Cannabis Production
   Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:
   (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
device; or
   (ii) possesses a medical cannabis device with the intent to engage in any of the conduct
described in Subsection (2)(b)(i).

(3) An individual who is assessed a penalty or convicted of a crime under Title 4,
Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act, is not subject to a penalty described in this chapter for:

(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product; or

(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

Section 88. Section 58-37-3.8 is enacted to read:

**58-37-3.8. Affirmative defense.**

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

(b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

(c) "Medical cannabis card" means the same as that term is defined in Section 26-61b-102.

(d) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.7.

(e) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-61b-102.

(f) "Medicinal dosage form" means the same as that term is defined in Section 26-61b-102.

(g) "Qualified medical provider" means the same as that term is defined in Section 26-61b-102.

(h) "Qualifying condition" means the same as that term is defined in Section 26-61b-102.

(i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-3.7.

(2) Before January 1, 2021, it is an affirmative defense to criminal charges against an individual under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

(a) at the time of the arrest, the individual:

(i) (A) had been diagnosed with a qualifying condition; and

(B) had a pre-existing relationship with a qualified medical provider who believed that the individual's illness described in Subsection (2)(a)(i)(A) can benefit from the use in
question; or

(ii) (A) for possession, was a medical cannabis cardholder; or

(B) for use, was a medical cannabis patient cardholder or a minor with a qualifying condition under the supervision of a medical cannabis guardian cardholder; and

(b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity described in Subsection 26-61b-502(2).

(3) It is an affirmative defense to a criminal charge against an individual for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

(a) the individual:

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

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

(iii) had been diagnosed with a qualifying condition as described in Section 26-61b-105; and

(b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity described in Subsection 26-61b-502(2).

(4) A court shall, for a charge that the court dismisses under Subsection (2) or (3), dismiss the charge without prejudice.

Section 89. Section 58-37-3.9 is enacted to read:


(1) A law enforcement officer that an agency that receives state or local government funds employs may not expend any state or local resources, including the officer's time, to:

(a) effect any arrest or seizure of cannabis, as that term is defined in Section 58-37-3.7, or conduct any investigation on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that the activity is in compliance with the state medical cannabis laws; or

(b) provide any information or logistical support related to an activity described in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

(2) An agency or political subdivision of the state may not take an adverse action
against a person for providing a professional service, in accordance with the state medical

cannabis laws, to a medical cannabis pharmacy, as that term is defined in Section 26-61b-102,
the state central fill medical cannabis pharmacy, as that term is defined in Section 26-61b-102,
or a cannabis production establishment, as that term is defined in Section 4-41b-102, on the
sole basis that the service is a violation of federal law.

Section 90. Section 58-67-304 is amended to read:

58-67-304. License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each
two-year licensure cycle or other cycle defined by division rule:
   (a) complete qualified continuing professional education requirements in accordance
       with the number of hours and standards defined by division rule made in collaboration with the
       board;
   (b) appoint a contact person for access to medical records and an alternate contact
       person for access to medical records in accordance with Subsection 58-67-302(1)(j);
   (c) if the licensee practices medicine in a location with no other persons licensed under
       this chapter, provide some method of notice to the licensee's patients of the identity and
       location of the contact person and alternate contact person for the licensee; and
   (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
       successfully complete the educational methods and programs described in Subsection
       58-67-807(4).

(2) If a renewal period is extended or shortened under Section 58-67-303, the
continuing education hours required for license renewal under this section are increased or
decreased proportionally.

(3) An application to renew a license under this chapter shall:
   (a) require a physician to answer the following question: "Do you perform elective
       abortions in Utah in a location other than a hospital?"; and
   (b) immediately following the question, contain the following statement: "For purposes
       of the immediately preceding question, elective abortion means an abortion other than one of
       the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
       necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
       substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
the woman is pregnant as a result of rape or incest."

(4) In order to assist the Department of Health in fulfilling its responsibilities relating
to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
division shall, within 30 days after the day on which it renews the physician's license under this
chapter, inform the Department of Health in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection
(3)(a).

(5) The division shall accept and apply toward the hour requirement in Subsection
(1)(a) and continuing education that a physician completes in accordance with Sections
26-61b-107 and 26-61b-601.

Section 91. Section 58-85-102 is amended to read:


As used in this chapter:

[(1) "Cannabis" means cannabis that has been grown by a state-approved grower and
processed into a medicinal dosage form.]

[(2) "Cannabis-based treatment" means a course of treatment involving cannabis.]

[(3) (1) "Eligible patient" means an individual who has been diagnosed with a
terminal illness by a physician.

[(4) "Health care facility" means the same as that term is defined in Section
26-55-102.]

[(5) (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

[(6) (3) "Investigational device" means a device that:
(a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and
(b) has successfully completed the United States Food and Drug Administration Phase
1 testing for an investigational device described in 21 C.F.R. Part 812.

[(7) (4) "Investigational drug" means a drug that:
(a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and
(b) has successfully completed the United States Food and Drug Administration Phase
testing for an investigational new drug described in 21 C.F.R. Part 312.

[(8) "Medicinal dosage form" means the same as that term is defined in Section 58-37-2.6.]

[(9) "Physician" means an individual who is licensed under:
(a) Title 58, Chapter 67, Utah Medical Practice Act; or
(b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

[(10) "State-approved grower and processor" means a person who grows cannabis pursuant to state law and processes the cannabis into a medicinal dosage form.]

[(11) "Terminal illness" means a condition of a patient that:
(a) as determined by a physician:
(i) is likely to pose a greater risk to the patient than the risk posed to the patient by treatment with an investigational drug or investigational device; and
(ii) will inevitably lead to the patient's death; and
(b) presents the patient, after the patient has explored conventional therapy options, with no treatment option that is satisfactory or comparable to treatment with an investigational drug or device.

Section 92. Section 58-85-104 is amended to read:

58-85-104. Standard of care -- Medical practitioners not liable -- No private right of action.

(1) It is not a breach of the applicable standard of care for a physician, other licensed health care provider, or hospital to treat an eligible patient with an investigational drug or investigational device under this chapter.

[(b) It is not a breach of the applicable standard of care for a physician to recommend a cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility to aid or assist in any way a terminally ill patient's use of cannabis.]

(2) A physician, other licensed health care provider, or hospital that treats an eligible patient with an investigational drug or investigational device under this chapter[, or a physician who recommends a cannabis-based treatment to a terminally ill patient or a health care facility that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under this chapter,] may not, for any harm done to the eligible patient by the investigational drug or device, [or for any harm done to the terminally ill patient by the cannabis-based treatment,] be
subject to:
(a) civil liability;
(b) criminal liability; or
(c) licensure sanctions under:
   (i) for a physician:
      (A) Title 58, Chapter 67, Utah Medical Practice Act; or
      (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
   (ii) for the other licensed health care provider, the act governing the other licensed
      health care provider's license; or
   (iii) for the hospital [or health care facility], Title 26, Chapter 21, Health Care Facility
      Licensing and Inspection Act.

(3) This chapter does not:
(a) require a manufacturer of an investigational drug or investigational device to agree
to make an investigational drug or investigational device available to an eligible patient or an
eligible patient's physician;
(b) require a physician to agree to:
   (i) administer an investigational drug to an eligible patient under this chapter; or
   (ii) treat an eligible patient with an investigational device under this chapter; or
   [(iii) recommend a cannabis-based treatment to a terminally ill patient; or]
   (c) create a private right of action for an eligible patient:
      (i) against a physician or hospital, for the physician's or hospital's refusal to:
          (A) administer an investigational drug to an eligible patient under this chapter;
          (B) treat an eligible patient with an investigational device under this chapter; or
          [(C) recommend a cannabis-based treatment to the terminally ill patient; or]
      (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient
with an investigational drug or an investigational device under this chapter.

Section 93. Section 58-85-105 is amended to read:


(1) This chapter does not:
(a) require an insurer to cover the cost of:
   (i) administering an investigational drug under this chapter; or
(ii) treating a patient with an investigational device under this chapter; or

[(iii) a cannabis-based treatment; or]

(b) prohibit an insurer from covering the cost of:

(i) administering an investigational drug under this chapter; or

(ii) treating a patient with an investigational device under this chapter;

[(iii) a cannabis-based treatment;]

(2) Except as described in Subsection (3), an insurer may deny coverage to an eligible patient who is treated with an investigational drug or investigational device, for harm to the eligible patient caused by the investigational drug or investigational device.

(3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

(a) the eligible patient's preexisting condition;

(b) benefits that commenced before the day on which the eligible patient is treated with the investigational drug or investigational device; or

(c) palliative or hospice care for an eligible patient that has been treated with an investigational drug or device, but is no longer receiving curative treatment with the investigational drug or device.

Section 94. Section 59-12-104.9 (Effective 07/01/19) is amended to read:

59-12-104.9 (Effective 07/01/19). Exemption from sales tax for cannabis.

(1) As used in this section:

[(a) "Cannabidiol product" means the same as that term is defined in Section 4-41-102.]

[(b) "Cannabidiol-qualified pharmacy" means the same as that term is defined in Section 58-88-102.]

(a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

(b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

(c) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-61b-102.

(d) "Medicinal dosage form" means the same as that term is defined in Section 26-61b-102.

(2) In addition to the exemptions described in Section 59-12-104, the sale by a [cannabidiol-qualified pharmacy of a cannabidiol product] medical cannabis pharmacy or state
central fill medical cannabis pharmacy of the following is not subject to the taxes imposed by this chapter imposes.

(a) cannabis in a medicinal dosage form;
(b) a cannabis product in a medicinal dosage form; or
(c) a medical cannabis device.

Section 95. Section 62A-4a-202.1 is amended to read:

62A-4a-202.1. Entering home of a child -- Taking a child into protective custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or emergency placement.

(1) A peace officer or child welfare worker may not:
(a) enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless authorized under Subsection 78A-6-106(2); or
(b) remove a child from the child's home or take a child into custody under this section solely on the basis of:
   (i) educational neglect, truancy, or failure to comply with a court order to attend school; or
   (ii) the possession or use, in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as those terms are defined in Section 26-61b-102.

(2) A child welfare worker within the division may take action under Subsection (1) accompanied by a peace officer, or without a peace officer when a peace officer is not reasonably available.

(3) (a) If possible, consistent with the child's safety and welfare, before taking a child into protective custody, the child welfare worker shall also determine whether there are services available that, if provided to a parent or guardian of the child, would eliminate the need to remove the child from the custody of the child's parent or guardian.
(b) If the services described in Subsection (3)(a) are reasonably available, they shall be utilized.
(c) In determining whether the services described in Subsection (3)(a) are reasonably available, and in making reasonable efforts to provide those services, the child's health, safety,
and welfare shall be the child welfare worker's paramount concern.

(4) (a) A child removed or taken into custody under this section may not be placed or kept in a secure detention facility pending court proceedings unless the child is detainable based on guidelines promulgated by the Division of Juvenile Justice Services.

(b) A child removed from the custody of the child's parent or guardian but who does not require physical restriction shall be given temporary care in:

(i) a shelter facility; or

(ii) an emergency placement in accordance with Section 62A-4a-209.

(c) When making a placement under Subsection (4)(b), the Division of Child and Family Services shall give priority to a placement with a noncustodial parent, relative, or friend, in accordance with Section 62A-4a-209.

(d) If the child is not placed with a noncustodial parent, a relative, or a designated friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor explaining why a different placement was in the child's best interest.

(5) When a child is removed from the child's home or school or taken into protective custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

(a) the parent's rights under this part, including the right to be present and participate in any court proceeding relating to the child's case;

(b) that it may be in the parent's best interest to contact an attorney and that, if the parent cannot afford an attorney, the court will appoint one;

(c) the name and contact information of a division employee the parent may contact with questions;

(d) resources that are available to the parent, including:

(i) mental health resources;

(ii) substance abuse resources; and

(iii) parenting classes; and

(e) any other information considered relevant by the division.

(6) The pamphlet or flier described in Subsection (5) shall be:

(a) evaluated periodically for its effectiveness at conveying necessary information and revised accordingly;

(b) written in simple, easy-to-understand language; and
(c) available in English and other languages as the division determines to be appropriate and necessary.

Section 96. Section 78A-6-508 (Superseded 07/01/19) is amended to read:

78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material
harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent or otherwise consider a parent's lawful possession or consumption of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as those terms are defined in Section 26-61b-102, in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.
Section 97. Section 78A-6-508 (Effective 07/01/19) is amended to read:

**78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent...
because of or otherwise consider the parent's lawful possession or consumption of [a cannabidiol product, in accordance with Title 26, Chapter 65, Cannabidiol Product Act] cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as those terms are defined in Section 26-61b-102, in accordance with Title 26, Chapter 61b, Utah Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 98. **Repealer.**

This bill repeals:
Section 4-41-201, Title.
Section 4-41-202, Definitions.
Section 4-41-203, Department to cultivate cannabis.
Section 4-41-204, Department to make rules regarding cultivation and processing.
Section 4-41-301, Department to establish a state dispensary.
Section 4-41-302, Labeling.
Section 4-41-304, Department to make rules regarding purchasers, communication
-- Report.
Section 4-43-101 (Effective 07/01/19), Title.
Section 4-43-102 (Effective 07/01/19), Definitions.
Section 4-43-201 (Effective 07/01/19), Cannabidiol processor -- Cannabidiol laboratory -- License -- Renewal.
Section 4-43-202 (Effective 07/01/19), Renewal.
Section 4-43-203 (Effective 07/01/19), Bond required for license.
Section 4-43-301 (Effective 07/01/19), Cannabidiol processor and laboratory agents.
Section 4-43-401 (Effective 07/01/19), Cannabidiol processor or cannabidiol laboratory -- General operating requirements.
Section 4-43-402 (Effective 07/01/19), Cannabidiol processor or cannabidiol laboratory -- Inspection by department.
Section 4-43-501 (Effective 07/01/19), Cannabidiol processor -- Operating requirements.
Section 4-43-502 (Effective 07/01/19), Cannabidiol product.
Section 4-43-503 (Effective 07/01/19), Cannabidiol medicine -- Labeling and packaging.
Section 4-43-601 (Effective 07/01/19), Hemp and cannabidiol product testing.
Section 4-43-602 (Effective 07/01/19), Reporting -- Inspections.
Section 4-43-701 (Effective 07/01/19), Enforcement -- Fine -- Citation.
Section 4-43-702 (Effective 07/01/19), Report to the Legislature.
Section 4-43-703 (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product
Restricted Account.

Section 4-43-801 (Effective 07/01/19), Cannabinoid Product Restricted Account -- Creation.

Section 26-65-101 (Effective 07/01/19), Title.

Section 26-65-102 (Effective 07/01/19), Definitions.

Section 26-65-103 (Effective 07/01/19), Medicinal dosage form.

Section 26-65-201 (Effective 07/01/19), Insurance coverage.

Section 26-65-202 (Effective 07/01/19), Rules -- Report to the Legislature.

Section 58-67-808 (Effective 07/01/19), Recommendation of cannabidiol products.

Section 58-68-808 (Effective 07/01/19), Recommendation of cannabidiol products.

Section 58-85-103.5, Right to request a recommendation for a cannabis-based treatment.

Section 58-88-101 (Effective 07/01/19), Title.

Section 58-88-102 (Effective 07/01/19), Definitions.

Section 58-88-103 (Effective 07/01/19), Cannabidiol-qualified pharmacy requirements.

Section 58-88-104 (Effective 07/01/19), Division to make rules -- Study.

Section 59-29-101 (Effective 07/01/19), Title.

Section 59-29-102 (Effective 07/01/19), Definitions.

Section 59-29-103 (Effective 07/01/19), Imposition of tax -- Rate -- Administration.

Section 59-29-104 (Effective 07/01/19), Collection of tax.

Section 59-29-105 (Effective 07/01/19), Deposit of tax revenue.

Section 59-29-106 (Effective 07/01/19), Records.

Section 59-29-107 (Effective 07/01/19), Rulemaking authority.

Section 59-29-108 (Effective 07/01/19), Penalties and interest.