

UTAH MEDICAL CANNABIS ACT

2019 GENERAL SESSION

STATE OF UTAH

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;

- 33 ▶ provides for a process of state central fill shipment of medical cannabis and
- 34 cannabis product to a local health department for patient retrieval;
- 35 ▶ imposes heightened criminal penalties for improperly selling medical cannabis,
- 36 including to a minor;
- 37 ▶ creates an affirmative defense to prosecution for certain individuals before the
- 38 medical cannabis card program is operational;
- 39 ▶ creates protections from state prosecution for the lawful possession, use, and sale of
- 40 medical cannabis;
- 41 ▶ prohibits a court from considering the lawful use of medical cannabis in a custody
- 42 proceeding;
- 43 ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
- 44 product; and
- 45 ▶ makes technical and conforming changes.

46 **Money Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 None

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 452

53 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 446

54 **10-9a-104**, as last amended by Laws of Utah 2017, Chapter 84

55 **17-27a-104**, as last amended by Laws of Utah 2017, Chapter 84

56 **26-61-202**, as last amended by Laws of Utah 2018, Chapter 110

57 **30-3-10**, as last amended by Laws of Utah 2017, Chapters 67 and 224

58 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 446

59 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

60 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 72

61 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 280

62 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 295

63 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters

- 64 333 and 446
- 65 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333,
- 66 446, and 452
- 67 **58-67-304**, as last amended by Laws of Utah 2018, Chapters 282 and 318
- 68 **58-85-102**, as last amended by Laws of Utah 2018, Chapter 333
- 69 **58-85-104**, as last amended by Laws of Utah 2018, Chapter 333
- 70 **58-85-105**, as last amended by Laws of Utah 2018, Chapter 333
- 71 **59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
- 72 **62A-4a-202.1**, as last amended by Laws of Utah 2012, Chapters 221 and 293
- 73 **78A-6-508 (Superseded 07/01/19)**, as last amended by Laws of Utah 2014, Chapter
- 74 409
- 75 **78A-6-508 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

76 ENACTS:

- 77 **4-41b-101**, Utah Code Annotated 1953
- 78 **4-41b-102**, Utah Code Annotated 1953
- 79 **4-41b-103**, Utah Code Annotated 1953
- 80 **4-41b-104**, Utah Code Annotated 1953
- 81 **4-41b-201**, Utah Code Annotated 1953
- 82 **4-41b-202**, Utah Code Annotated 1953
- 83 **4-41b-203**, Utah Code Annotated 1953
- 84 **4-41b-204**, Utah Code Annotated 1953
- 85 **4-41b-301**, Utah Code Annotated 1953
- 86 **4-41b-302**, Utah Code Annotated 1953
- 87 **4-41b-303**, Utah Code Annotated 1953
- 88 **4-41b-401**, Utah Code Annotated 1953
- 89 **4-41b-402**, Utah Code Annotated 1953
- 90 **4-41b-403**, Utah Code Annotated 1953
- 91 **4-41b-404**, Utah Code Annotated 1953
- 92 **4-41b-405**, Utah Code Annotated 1953
- 93 **4-41b-406**, Utah Code Annotated 1953

94 **4-41b-501**, Utah Code Annotated 1953
95 **4-41b-502**, Utah Code Annotated 1953
96 **4-41b-601**, Utah Code Annotated 1953
97 **4-41b-602**, Utah Code Annotated 1953
98 **4-41b-603**, Utah Code Annotated 1953
99 **4-41b-701**, Utah Code Annotated 1953
100 **4-41b-702**, Utah Code Annotated 1953
101 **4-41b-801**, Utah Code Annotated 1953
102 **4-41b-802**, Utah Code Annotated 1953
103 **26-61b-101**, Utah Code Annotated 1953
104 **26-61b-102**, Utah Code Annotated 1953
105 **26-61b-103**, Utah Code Annotated 1953
106 **26-61b-104**, Utah Code Annotated 1953
107 **26-61b-105**, Utah Code Annotated 1953
108 **26-61b-106**, Utah Code Annotated 1953
109 **26-61b-107**, Utah Code Annotated 1953
110 **26-61b-108**, Utah Code Annotated 1953
111 **26-61b-109**, Utah Code Annotated 1953
112 **26-61b-110**, Utah Code Annotated 1953
113 **26-61b-111**, Utah Code Annotated 1953
114 **26-61b-112**, Utah Code Annotated 1953
115 **26-61b-113**, Utah Code Annotated 1953
116 **26-61b-201**, Utah Code Annotated 1953
117 **26-61b-202**, Utah Code Annotated 1953
118 **26-61b-203**, Utah Code Annotated 1953
119 **26-61b-204**, Utah Code Annotated 1953
120 **26-61b-301**, Utah Code Annotated 1953
121 **26-61b-302**, Utah Code Annotated 1953
122 **26-61b-303**, Utah Code Annotated 1953
123 **26-61b-304**, Utah Code Annotated 1953
124 **26-61b-401**, Utah Code Annotated 1953

- 125 **26-61b-402**, Utah Code Annotated 1953
- 126 **26-61b-403**, Utah Code Annotated 1953
- 127 **26-61b-404**, Utah Code Annotated 1953
- 128 **26-61b-501**, Utah Code Annotated 1953
- 129 **26-61b-502**, Utah Code Annotated 1953
- 130 **26-61b-503**, Utah Code Annotated 1953
- 131 **26-61b-504**, Utah Code Annotated 1953
- 132 **26-61b-505**, Utah Code Annotated 1953
- 133 **26-61b-506**, Utah Code Annotated 1953
- 134 **26-61b-507**, Utah Code Annotated 1953
- 135 **26-61b-601**, Utah Code Annotated 1953
- 136 **26-61b-602**, Utah Code Annotated 1953
- 137 **26-61b-603**, Utah Code Annotated 1953
- 138 **26-61b-604**, Utah Code Annotated 1953
- 139 **26-61b-605**, Utah Code Annotated 1953
- 140 **26-61b-606**, Utah Code Annotated 1953
- 141 **26-61b-607**, Utah Code Annotated 1953
- 142 **26-61b-608**, Utah Code Annotated 1953
- 143 **26-61b-609**, Utah Code Annotated 1953
- 144 **26-61b-610**, Utah Code Annotated 1953
- 145 **26-61b-611**, Utah Code Annotated 1953
- 146 **26-61b-701**, Utah Code Annotated 1953
- 147 **26-61b-702**, Utah Code Annotated 1953
- 148 **26-61b-703**, Utah Code Annotated 1953
- 149 **53-1-106.5**, Utah Code Annotated 1953
- 150 **58-37-3.7**, Utah Code Annotated 1953
- 151 **58-37-3.8**, Utah Code Annotated 1953
- 152 **58-37-3.9**, Utah Code Annotated 1953
- 153 REPEALS:
- 154 **4-41-201**, as enacted by Laws of Utah 2018, Chapter 446

155 **4-41-202**, as enacted by Laws of Utah 2018, Chapter 446
156 **4-41-203**, as enacted by Laws of Utah 2018, Chapter 446
157 **4-41-204**, as enacted by Laws of Utah 2018, Chapter 446
158 **4-41-301**, as enacted by Laws of Utah 2018, Chapter 446
159 **4-41-302**, as enacted by Laws of Utah 2018, Chapter 446
160 **4-41-304**, as enacted by Laws of Utah 2018, Chapter 446
161 **4-43-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
162 **4-43-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
163 **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
164 **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
165 **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
166 **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
167 **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
168 **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
169 **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
170 **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
171 **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
172 **4-43-601 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
173 **4-43-602 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
174 **4-43-701 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
175 **4-43-702 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
176 **4-43-703 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
177 **4-43-801 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
178 **26-65-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
179 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
180 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
181 **26-65-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
182 **26-65-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
183 **58-67-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
184 **58-68-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
185 **58-85-103.5**, as enacted by Laws of Utah 2018, Chapter 333

186 **58-88-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
187 **58-88-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
188 **58-88-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
189 **58-88-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
190 **59-29-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
191 **59-29-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
192 **59-29-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
193 **59-29-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
194 **59-29-105 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
195 **59-29-106 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
196 **59-29-107 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
197 **59-29-108 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

198

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

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

201 **4-41-102. Definitions.**

202 For purposes of this chapter:

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

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

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

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

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

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

214 (5) "Industrial hemp license" means a license issued by the department to a person for
215 the purpose of participating in a research pilot program.

216 (6) "Industrial hemp product" means a product derived from, or made by, processing
217 industrial hemp plants or industrial hemp parts.

218 (7) "Licensee" means an individual or business entity possessing a license issued by the
219 department under this chapter to grow, cultivate, process, or market industrial hemp or an
220 industrial hemp product.

221 (8) "Medicinal dosage form" means the same as that term is defined in Section
222 ~~[26-65-102]~~ 26-61b-102.

223 (9) "Person" means:

224 (a) an individual, partnership, association, firm, trust, limited liability company, or
225 corporation; and

226 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
227 liability company, or corporation.

228 (10) "Research pilot program" means a program conducted by the department in
229 collaboration with at least one licensee to study methods of cultivating, processing, or
230 marketing industrial hemp.

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

232 **CHAPTER 41b. CANNABIS PRODUCTION ESTABLISHMENTS**

233 **Part 1. General Provisions**

234 **4-41b-101. Title.**

235 This chapter is known as "Cannabis Production Establishments."

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

237 **4-41b-102. Definitions.**

238 As used in this chapter:

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

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

241 (a) possesses cannabis;

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

243 (c) sells or intends to sell cannabis to a cannabis cultivation facility or a cannabis
244 processing facility.

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

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

- 247 (b) holds a valid cannabis production establishment agent registration card.
- 248 (4) "Cannabis processing facility" means a person that:
- 249 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 250 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 251 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 252 cannabis or a cannabis extract; and
- 253 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the
- 254 state central fill medical cannabis pharmacy.
- 255 (5) "Cannabis processing facility agent" means an individual who:
- 256 (a) is an employee of a cannabis processing facility; and
- 257 (b) holds a valid cannabis production establishment agent registration card.
- 258 (6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.
- 259 (7) "Cannabis production establishment" means a cannabis cultivation facility, a
- 260 cannabis processing facility, or an independent cannabis testing laboratory.
- 261 (8) "Cannabis production establishment agent" means a cannabis cultivation facility
- 262 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 263 (9) "Cannabis production establishment agent registration card" means a registration
- 264 card that the department issues that:
- 265 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 266 (b) designates the type of cannabis production establishment for which an individual is
- 267 authorized to act as an agent.
- 268 (10) "Department" means the Department of Agriculture and Food.
- 269 (11) "Family member" means a parent, spouse, child, sibling, uncle, aunt, nephew,
- 270 niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,
- 271 daughter-in-law, grandparent, or grandchild.
- 272 (12) "Independent cannabis testing laboratory" means a person that:
- 273 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or
- 274 (b) acquires, possesses, or transports cannabis or a cannabis product with the intent to
- 275 conduct a chemical or other analysis of the cannabis or cannabis product.
- 276 (13) "Independent cannabis testing laboratory agent" means an individual who:
- 277 (a) is an employee of an independent cannabis testing laboratory; and

- 278 (b) holds a valid cannabis production establishment agent registration card.
- 279 (14) "Inventory control system" means a system described in Section 4-41b-103.
- 280 (15) "Medical cannabis card" means the same as that term is defined in Section
- 281 26-61b-102.
- 282 (16) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 283 26-61b-102.
- 284 (17) "Medical cannabis pharmacy agent" means the same as that term is defined in
- 285 Section 26-61b-102.
- 286 (18) "Medical Cannabis Restricted Account" means the account created in Section
- 287 26-61b-109.
- 288 (19) "Medicinal dosage form" means the same as that term is defined in Section
- 289 26-61b-102.
- 290 (20) "Qualified medical provider" means the same as that term is defined in Section
- 291 26-61b-102.
- 292 (21) "State central fill agent" means the same as that term is defined in Section
- 293 26-61b-102.
- 294 (22) "State central fill medical cannabis pharmacy" means the same as that term is
- 295 defined in Section 26-61b-102.
- 296 (23) "State central fill shipment" means the same as that term is defined in Section
- 297 26-61b-102.
- 298 (24) "State electronic verification system" means the system described in Section
- 299 26-61b-103.
- 300 (25) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
- 301 equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

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

303 **4-41b-103. Inventory control system.**

304 (1) Each cannabis production establishment, each medical cannabis pharmacy, and the

305 state central fill medical cannabis pharmacy shall maintain an inventory control system that

306 meets the requirements of this section.

307 (2) A cannabis production establishment, a medical cannabis pharmacy, and the state

308 central fill medical cannabis pharmacy shall ensure that the inventory control system that the

309 establishment or pharmacy maintains:

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

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

315 (c) includes a video-recording system that:

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

318 (ii) is tamper proof; and

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

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

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

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

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

330 **4-41b-104. Preemption.**

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

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

334 **Part 2. Cannabis Production Establishment**

335 **4-41b-201. Cannabis production establishment -- License.**

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

338 (2) Subject to Subsections (6) and (7) and Section 4-41b-204, the department shall,
339 within 90 days after the day on which the department receives a complete application, issue a

340 license to operate a cannabis production establishment to the applicant if the applicant submits
341 to the department:

342 (a) a proposed name and address, located in a zone described in Subsection
343 4-41b-406(1)(a) or (b), where the applicant will operate the cannabis production establishment;

344 (b) the name and address of any individual who:

345 (i) has a financial or voting interest of 2% or greater in the proposed cannabis
346 production establishment; or

347 (ii) has the power to direct the management or control of a proposed medical cannabis
348 production establishment;

349 (c) an operating plan that:

350 (i) complies with Section 4-41b-203;

351 (ii) includes operating procedures that comply with this chapter and any law the
352 municipality or county adopts in which the person is located that is consistent with Section
353 4-41b-406; and

354 (iii) the department approves;

355 (d) financial statements demonstrating that the applicant possesses a minimum of:

356 (i) \$250,000 in liquid assets available for each cannabis cultivation facility for which
357 the applicant applies; or

358 (ii) \$50,000 in liquid assets available for each cannabis processing facility or
359 independent cannabis testing laboratory for which the applicant applies;

360 (e) if the municipality or county where the proposed cannabis production establishment
361 would be located requires a local permit or license, a copy of the applicant's application for the
362 local permit or license; and

363 (f) an application fee in an amount that the department sets in accordance with Section
364 63J-1-504.

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

368 (4) Except as provided in Subsection (5), the department shall require a separate
369 license for each type of cannabis production establishment and each location of a cannabis
370 production establishment.

371 (5) The department may issue a cannabis cultivation facility license and a cannabis
372 processing facility license to a person to operate at the same physical location or at separate
373 physical locations.

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

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

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

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

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

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

387 (b) is younger than 21 years old.

388 (8) The department may revoke a license under this part:

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

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

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

395 (9) The department shall deposit the proceeds of a fee imposed under this section into
396 the Medical Cannabis Restricted Account.

397 (10) The department shall begin accepting applications under this part on or before
398 January 1, 2020.

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

400 **4-41b-202. Renewal.**

401 The department shall renew a license issued under Section 4-41b-201 every two years

402 if, at the time of renewal:

403 (1) the licensee meets the requirements of Section 4-41b-201;

404 (2) the licensee pays the department a license renewal fee in an amount the department
405 sets in accordance with Section 63J-1-504; and

406 (3) if the cannabis production establishment changes the operating plan described in
407 Section 4-41b-203 that the department approved under Subsection 4-41b-201(2)(c), the
408 department approves the new operating plan.

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

410 **4-41b-203. Operating plan.**

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

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

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

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

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

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

421 (d) a security plan;

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

425 (f) for a cannabis cultivation facility, the information described in Subsection (2);

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

427 (h) for an independent cannabis testing laboratory, the information described in
428 Subsection (4).

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

432 (3) A cannabis processing facility's operating plan shall include the facility's intended

433 cannabis processing practices, including the cannabis processing facility's intended:

434 (a) offered variety of cannabis product;

435 (b) cannabinoid extraction method;

436 (c) cannabinoid extraction equipment;

437 (d) processing equipment;

438 (e) processing techniques; and

439 (f) sanitation and food safety procedures.

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

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

444 **4-41b-204. Number of licenses -- Cannabis cultivation facilities.**

445 (1) Except as provided in Subsection (2), the department may not issue more than 15
446 licenses to operate cannabis cultivation facilities.

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

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

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

459 (i) complying with a regulatory environment;

460 (ii) tracking inventory; and

461 (iii) training, evaluating, and monitoring employees;

462 (b) an operating plan that will best ensure the safety and security of patrons and the
463 community;

464 (c) positive connections to the local community; and
465 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a
466 medicinal dosage form or cannabis products in a medicinal dosage form.

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

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

470 **Part 3. Cannabis Production Establishment Agents**

471 **4-41b-301. Cannabis production establishment agent -- Registration.**

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

474 (2) The following individuals, regardless of the individual's status as a qualified
475 medical provider, may not serve as a cannabis production establishment agent:

476 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
477 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

478 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act.

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

482 (4) The department shall, within 15 business days after the day on which the
483 department receives a complete application from a cannabis production establishment on
484 behalf of a prospective cannabis production establishment agent, register and issue a cannabis
485 production establishment agent registration card to the prospective agent if the cannabis
486 production establishment:

487 (a) provides to the department the prospective agent's name and address and the name
488 and location of a licensed cannabis production establishment where the prospective agent will
489 act as the cannabis production establishment's agent; and

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

492 (5) The department shall designate on an individual's cannabis production
493 establishment agent registration card:

494 (a) the name of the cannabis production establishment where the individual is

495 registered as an agent; and

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

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

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

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

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

504 (a) in Utah medical cannabis law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

529 **4-41b-302. Cannabis production establishment -- Criminal background checks.**

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

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

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

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

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

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

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

543 (4) The Department of Public Safety shall:

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

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

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

548 **4-41b-303. Cannabis production establishment agent registration card --**
549 **Rebuttable presumption.**

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

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

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

557 (i) two cannabis production establishments; or
558 (ii) a cannabis production establishment; and
559 (A) a medical cannabis pharmacy; or
560 (B) the state central fill medical cannabis pharmacy; and
561 (c) if the cannabis production establishment agent is an agent of a cannabis cultivating
562 facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an
563 independent cannabis testing laboratory.

564 (2) If a cannabis processing facility agent possesses cannabis, a cannabis product, or a
565 medical cannabis device and produces the registration card in the individual's possession in
566 compliance with Subsection (1) while handling cannabis, a cannabis product, or a medical
567 cannabis device at a cannabis production facility or while transporting cannabis, a cannabis
568 product, or a medical cannabis device:

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

571 (b) a law enforcement officer does not have probable cause, based solely on the agent's
572 possession of the cannabis, cannabis product, or medical cannabis device in compliance with
573 Subsection (1), to believe that the individual is engaging in illegal activity.

574 (3) A cannabis production establishment agent who fails to carry the agent's cannabis
575 production establishment agent registration card in accordance with Subsection (1) is:

576 (a) for a first or second offense:

577 (i) guilty of an infraction; and

578 (ii) subject to a \$100 fine; or

579 (b) for a third or subsequent offense:

580 (i) guilty of a class C misdemeanor; and

581 (ii) subject to a \$750 fine.

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

583 **Part 4. General Cannabis Production Establishment Operating Requirements**

584 **4-41b-401. Cannabis production establishment -- General operating**

585 **requirements.**

586 (1) (a) A cannabis production establishment shall operate in accordance with the
587 operating plan provided to the department under Section 4-41b-203.

588 (b) A cannabis production establishment shall notify the department before a change in
589 the cannabis production establishment's operating plan.

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

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

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

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

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

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

602 (2) A cannabis production establishment shall operate:

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

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

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

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

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

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

617 (a) tracks and monitors the individual at all times while the individual is at the
618 cannabis production establishment; and

- 619 (b) maintains a record of the individual's access, including arrival and departure.
620 (6) A cannabis production establishment shall operate in a facility that has:
621 (a) a single, secure public entrance;
622 (b) a security system with a backup power source that:
623 (i) detects and records entry into the cannabis production establishment; and
624 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis
625 production establishment is closed; and
626 (c) a lock or equivalent restrictive security feature on any area where the cannabis
627 production establishment stores cannabis or a cannabis product.

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

629 **4-41b-402. Inspections.**

- 630 (1) The department may inspect the records and facility of a cannabis production
631 establishment at any time during business hours to determine if the cannabis production
632 establishment complies with this chapter.
633 (2) An inspection under this section may include:
634 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
635 physical or electronic information;
636 (b) questioning of any relevant individual; or
637 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
638 or label.
639 (3) In making an inspection under this section, the department may freely access any
640 area and review and make copies of a book, record, paper, document, data, or other physical or
641 electronic information, including financial data, sales data, shipping data, pricing data, and
642 employee data.
643 (4) Failure to provide the department or the department's authorized agents immediate
644 access during business hours in accordance with this section may result in:
645 (a) the imposition of a civil monetary penalty that the department sets in accordance
646 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
647 (b) license or registration suspension or revocation; or
648 (c) an immediate cessation of operations under a cease and desist order that the
649 department issues.

650 Section 15. Section **4-41b-403** is enacted to read:

651 **4-41b-403. Advertising.**

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

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

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

657 **4-41b-404. Cannabis, cannabis product, or medical cannabis device**
658 **transportation.**

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

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

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

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

668 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
669 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the
670 cardholder is authorized to transport under this chapter, an individual described in Subsection
671 (1) shall possess a transportation manifest that:

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

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

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

678 (3) In addition to the requirements in Subsections (1) and (2), the department may
679 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
680 Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a

681 medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis
682 product, or medical cannabis device remains safe for human consumption.

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

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

689 (i) guilty of an infraction; and

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

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

694 (i) this chapter does not apply; and

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

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

698 **4-41b-405. Excess and disposal.**

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

701 (2) A cannabis production establishment shall:

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

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

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

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

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

708 (iv) other regulations that the department makes in accordance with Title 63G, Chapter
709 3, Utah Administrative Rulemaking Act.

710 (3) It is unlawful to transport or dispose of medical cannabis waste other than as
711 provided in this section.

712 Section 18. Section **4-41b-406** is enacted to read:

713 **4-41b-406. Local control.**

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

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

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

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

724 **Part 5. Cannabis Cultivation Facility Operating Requirements**

725 **4-41b-501. Cannabis cultivation facility -- Operating requirements.**

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

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

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

732 (b) each unique harvest of cannabis plants;

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

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

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

739 **4-41b-502. Cannabis -- Labeling and child-resistant packaging.**

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

742 (1) label the cannabis with a label that has a unique batch identification number that is

743 connected to the inventory control system; or

744 (2) package the cannabis in a container that is:

745 (a) tamper evident; and

746 (b) not appealing to children.

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

748 **Part 6. Cannabis Processing Facility Operating Requirements**

749 **4-41b-601. Cannabis processing facility -- Operating requirements -- General.**

750 (1) A cannabis processing facility shall ensure that a cannabis product the cannabis
751 processing facility sells complies with the requirements of this part.

752 (2) If a cannabis processing facility extracts cannabinoids from cannabis using a
753 hydrocarbon process, the cannabis processing facility shall:

754 (a) extract the cannabinoids under a blast hood; and

755 (b) use a system to reclaim solvents.

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

757 **4-41b-602. Cannabis product -- Labeling and child-resistant packaging.**

758 (1) For any cannabis product that a cannabis processing facility processes or produces,
759 the facility shall:

760 (a) label the cannabis product with a label that:

761 (i) clearly and unambiguously states that the cannabis product contains cannabis;

762 (ii) clearly displays the amount of tetrahydrocannabinol and cannabidiol in the
763 cannabis product;

764 (iii) has a unique identification number that:

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

766 (B) identifies the unique cannabis product manufacturing process the cannabis
767 processing facility used to manufacture the cannabis product;

768 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
769 used to create the cannabis product;

770 (v) does not display an image, word, or phrase that the facility knows or should know
771 appeals to children; and

772 (vi) discloses each ingredient and possible allergen; and

773 (b) package the cannabis product in a medicinal dosage form in a container that:

- 774 (i) except for a blister pack, is tamper evident and tamper resistant;
775 (ii) does not appeal to children;
776 (iii) is not similar to a candy container;
777 (iv) except for a blister pack, is opaque;
778 (v) complies with child-resistant effectiveness standards that the United States
779 Consumer Product Safety Commission establishes; and
780 (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating
781 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP
782 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed
783 by a qualified medical provider."
- 784 (2) For any cannabis or cannabis product that the cannabis processing facility processes
785 into a gelatin-based cube, the facility shall:
- 786 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
787 other image of the content of the container; and
- 788 (b) include on the label described in Subsection (1)(a) a warning about the risks of
789 over-consumption.
- 790 Section 23. Section **4-41b-603** is enacted to read:
- 791 **4-41b-603. Cannabis product -- Product quality.**
- 792 (1) A cannabis processing facility may not produce a cannabis product in a physical
793 form that:
- 794 (a) the facility knows or should know appeals to children;
795 (b) is designed to mimic or could be mistaken for a candy product; or
796 (c) for a product used in vaporization, includes a candy-like flavor or another flavor
797 that the facility knows or should know appeals to children.
- 798 (2) A cannabis processing facility may not manufacture a cannabis product by applying
799 a cannabis agent only to the surface of a pre-manufactured food product that the cannabis
800 processing facility does not produce.
- 801 (3) A cannabis product may vary in the cannabis product's labeled cannabinoid profile
802 by up to 10% of the indicated amount of a given cannabinoid, by weight.
- 803 (4) The department shall adopt by rule, in accordance with Title 63G, Chapter 3, Utah
804 Administrative Rulemaking Act, human safety standards for the manufacture of cannabis

805 products that are consistent with best practices for the use of cannabis.

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

807 **Part 7. Independent Cannabis Testing Laboratories**

808 **4-41b-701. Cannabis and cannabis product testing.**

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

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

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

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

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

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

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

826 **4-41b-702. Reporting -- Inspections -- Seizure by the department.**

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

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

831 (i) the department; and

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

834 (b) retain possession of the cannabis or cannabis product batch for one week in order to
835 investigate the cause of the defective batch and to make a determination; and

836 (c) allow the cannabis production establishment that prepared the cannabis or cannabis
837 product batch to appeal the determination described in Subsection (1)(b) to the department.

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

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

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

848 **Part 8. Enforcement**

849 **4-41b-801. Enforcement -- Fine -- Citation.**

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

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

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

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

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

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

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

865 (ii) the individual produced cannabis or a cannabis product batch that contains a
866 substance, other than cannabis, that poses a significant threat to human health.

867 (b) If the department makes the determination about a person described in Subsection
868 (3)(a), the department shall:

869 (i) issue the person a written citation;

870 (ii) attempt to negotiate a stipulated settlement;

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

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

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

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

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

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

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

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

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

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

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

896 (i) guilty of an infraction; and

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

898 (b) If the department makes a final determination under this section that an individual
899 willfully, knowingly, or deliberately violated a provision of this chapter or violated this chapter
900 three or more times, the individual is:

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

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

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

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

906 **4-41b-802. Report.**

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

909 (a) the number of applications and renewal applications that the department receives;

910 (b) the number of each type of cannabis production facility that the department licenses
911 in each county;

912 (c) the amount of cannabis that licensees grow;

913 (d) the amount of cannabis that licensees manufacture into cannabis products;

914 (e) the number of licenses the department revokes; and

915 (f) the expenses incurred and revenues generated from the medical cannabis program.

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

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

919 **7-1-401. Fees payable to commissioner.**

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

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

925 (b) at the following rates:

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

927 (A) 65 cents per \$1,000; or

928 (B) \$500;

- 929 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;
- 930 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;
- 931 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;
- 932 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;
- 933 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and
- 934 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.
- 935 (2) A financial institution with a trust department shall pay a fee determined in
- 936 accordance with Subsection (7) for each examination of the trust department by a state
- 937 examiner.
- 938 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall
- 939 pay a basic fee of \$25 instead of the fee required under Subsection (1).
- 940 (4) A trust company that is not a depository institution or a subsidiary of a depository
- 941 institution holding company shall pay:
- 942 (a) an annual fee of \$500; and
- 943 (b) an additional fee determined in accordance with Subsection (7) for each
- 944 examination by a state examiner.
- 945 (5) Any person or institution under the jurisdiction of the department that does not pay
- 946 a fee under Subsections (1) through (4) shall pay:
- 947 (a) an annual fee of \$200; and
- 948 (b) an additional fee determined in accordance with Subsection (7) for each
- 949 examination by a state examiner.
- 950 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,
- 951 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[~~or 7-26-201~~] shall pay:
- 952 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the
- 953 person:
- 954 (A) is a person with authority to transact business as:
- 955 (I) a depository institution[~~;~~], a trust company[~~;~~], or [~~(H)~~] any other person
- 956 described in Section 7-1-501 as being subject to the jurisdiction of the department; and
- 957 (B) has total assets in an amount less than \$5,000,000; or
- 958 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and
- 959 (b) all reasonable expenses incurred in processing the application.

960 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55
961 per hour:

962 (i) for each examiner; and

963 (ii) per hour worked.

964 (b) For an examination of a branch or office of a financial institution located outside of
965 this state, in addition to the per diem assessment under this Subsection (7), the institution shall
966 pay all reasonable travel, lodging, and other expenses incurred by each examiner while
967 conducting the examination.

968 (8) In addition to a fee under Subsection (5), a person registering under Section
969 7-23-201 or 7-24-201 shall pay an original registration fee of \$300.

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

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

973 **10-9a-104. Stricter requirements or higher standards.**

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

976 (2) A municipality may not impose:

977 (a) a requirement or standard that conflicts with a provision of this chapter, other state
978 law, or federal law[-]; or

979 (b) stricter requirements or higher standards than are required by:

980 (i) Section 4-41b-406; and

981 (ii) Section 26-61b-507.

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

983 **17-27a-104. Stricter requirements or higher standards.**

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

986 (2) A county may not impose:

987 (a) a requirement or standard that conflicts with a provision of this chapter, other state
988 law, or federal law[-]; or

989 (b) stricter requirements or higher standards than are required by:

990 (i) Section 4-41b-406; and

991 (ii) Section 26-61b-507.

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

993 **26-61-202. Cannabinoid Product Board -- Duties.**

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

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

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

998 (2) Based on the research described in Subsection (1), the board shall evaluate the
999 safety, risks, and efficacy of cannabis, cannabinoid products, and expanded cannabinoid
1000 products, including:

1001 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded
1002 cannabinoid products;

1003 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; and

1004 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products
1005 with other treatments.

1006 (3) Based on the board's evaluation under Subsection (2), the board shall develop
1007 guidelines for a physician recommending treatment with cannabis, a cannabinoid product [~~or~~],
1008 and an expanded cannabinoid product that [~~includes~~] include a list of medical conditions, if
1009 any, that the board determines are appropriate for treatment with cannabis, a cannabinoid
1010 product, or an expanded cannabinoid product.

1011 (4) The board shall submit the guidelines described in Subsection (3) to:

1012 (a) the director of the Division of Occupational and Professional Licensing; and

1013 (b) the Health and Human Services Interim Committee.

1014 (5) The board shall report the board's findings before November 1 of each year to the
1015 Health and Human Services Interim Committee.

1016 (6) Guidelines that the board develops in accordance with this section may not limit the
1017 availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted
1018 under Title 4, Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b,
1019 Utah Medical Cannabis Act.

1020 Section 32. Section **26-61b-101** is enacted to read:

1021 **CHAPTER 61b. MEDICAL CANNABIS ACT**

1022 **Part 1. General Provisions**1023 **26-61b-101. Title.**1024 This chapter is known as "Utah Medical Cannabis Act."1025 Section 33. Section **26-61b-102** is enacted to read:1026 **26-61b-102. Definitions.**1027 As used in this chapter:1028 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single
1029 dose of cannabis or a cannabis product in a blister pack.1030 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each
1031 containing no more than a single dose of cannabis or a cannabis product.1032 (3) "Cannabis" means the same as that term is defined in Section 58-37-3.7.1033 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
1034 4-41b-102.1035 (5) "Cannabis processing facility" means the same as that term is defined in Section
1036 4-41b-102.1037 (6) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.1038 (7) "Cannabis production establishment agent" means the same as that term is defined
1039 in Section 4-41b-102.1040 (8) "Cannabis production establishment agent registration card" means the same as that
1041 term is defined in Section 4-41b-102.1042 (9) "Department" means the Department of Health.1043 (10) "Designated caregiver" means an individual:1044 (a) whom an individual with a medical cannabis patient card or a medical cannabis
1045 guardian card designates as the patient's caregiver; and1046 (b) who registers with the department under Section 26-61b-202.1047 (11) "Dosing parameters" means quantity, routes, and frequency of administration for a
1048 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a
1049 medicinal dosage form.1050 (12) "Independent cannabis testing laboratory" means the same as that term is defined
1051 in Section 4-41b-102.1052 (13) "Inventory control system" means the system described in Section 4-41b-103.

1053 (14) "Local health department" means the same as that term is defined in Section
1054 26A-1-102.

1055 (15) "Local health department distribution agent" means an agent designated and
1056 registered to distribute state central fill shipments under Sections 26-61b-606 and 607.

1057 (16) "Medical cannabis card" means a medical cannabis patient card, a medical
1058 cannabis guardian card, or a medical cannabis caregiver card.

1059 (17) "Medical cannabis caregiver card" means an official card that:

1060 (a) the department issues to an individual whom a medical cannabis patient cardholder
1061 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1062 (b) is connected to the electronic verification system.

1063 (18) "Medical cannabis device" means the same as that term is defined in Section
1064 58-37-3.7.

1065 (19) "Medical cannabis guardian card" means an official card that:

1066 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1067 condition; and

1068 (b) is connected to the electronic verification system.

1069 (20) "Medical cannabis patient card" means an official card that:

1070 (a) the department issues to an individual with a qualifying condition; and

1071 (b) is connected to the electronic verification system.

1072 (21) "Medical cannabis pharmacy" means a person that:

1073 (a) (i) acquires or intends to acquire:

1074 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
1075 form from a cannabis processing facility; or

1076 (B) a medical cannabis device; or

1077 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
1078 dosage form, or a medical cannabis device; and

1079 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
1080 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

1081 (22) "Medical cannabis pharmacy agent" means an individual who:

1082 (a) is an employee of a medical cannabis pharmacy; and

1083 (b) who holds a valid medical cannabis pharmacy agent registration card.

1084 (23) "Medical cannabis pharmacy agent registration card" means a registration card
1085 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
1086 agent.

1087 (24) "Medical Cannabis Restricted Account" means the account created in Section
1088 26-61b-109.

1089 (25) (a) "Medicinal dosage form" means:

1090 (i) for processed medical cannabis or a medical cannabis product, the following in
1091 single dosage form with a specific and consistent cannabinoid content:

1092 (A) a tablet;

1093 (B) a capsule;

1094 (C) a concentrated oil;

1095 (D) a liquid suspension;

1096 (E) a topical preparation;

1097 (F) a transdermal preparation;

1098 (G) a sublingual preparation;

1099 (H) a cube that is designed for ingestion through chewing or holding in the mouth for
1100 slow dissolution; or

1101 (I) for use only after the individual's qualifying condition has failed to substantially
1102 respond to at least two other forms described in this Subsection (25)(a)(i), a resin or wax;

1103 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:

1104 (A) containing a specific and consistent dosage amount that does not exceed one gram
1105 and that varies by no more than 10% across the blister pack; and

1106 (B) labeled with a barcode that provides information connected to an inventory control
1107 system and the individual blister's content and weight; and

1108 (iii) a form measured in grams, milligrams, or milliliters.

1109 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1110 (i) the medical cannabis cardholder has recently removed from the blister pack
1111 described in Subsection (25)(a)(ii) for use; and

1112 (ii) does not exceed the quantity described in Subsection (25)(a)(ii).

1113 (c) "Medicinal dosage form" does not include:

1114 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in

1115 Subsection (25)(b); or

1116 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
1117 on a nail or other metal object that is heated by a flame, including a blowtorch.

1118 (26) "Pharmacy medical provider" means the medical provider required to be on site at
1119 a medical cannabis pharmacy under Section 26-61b-404.

1120 (27) "Provisional patient card" means a card that:

1121 (a) the department issues to a minor with a qualifying condition for whom:

1122 (i) a qualified medical provider has recommended a medical cannabis treatment; and

1123 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1124 legal guardian; and

1125 (b) is connected to the electronic verification system.

1126 (28) "Qualified medical provider" means an individual who is qualified to recommend
1127 treatment with cannabis in a medicinal dosage form under Section 26-61b-107.

1128 (29) "Qualifying condition" means a condition described in Section 26-61b-105.

1129 (30) "State central fill agent" means an employee of the state central fill medical
1130 cannabis pharmacy that the department registers in accordance with Section 26-61b-602.

1131 (31) "State central fill medical cannabis pharmacy" means the central fill pharmacy that
1132 the department creates in accordance with Section 26-61b-601.

1133 (32) "State central fill medical provider" means a physician or pharmacist that the state
1134 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders
1135 in accordance with Section 26-61b-601.

1136 (33) "State central fill shipment" means a shipment of cannabis in a medicinal dosage
1137 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state
1138 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis
1139 cardholder in a local health department.

1140 (34) "State electronic verification system" means the system described in Section
1141 26-61b-103.

1142 Section 34. Section **26-61b-103** is enacted to read:

1143 **26-61b-103. Electronic verification system.**

1144 (1) The Department of Agriculture and Food, the department, the Department of Public
1145 Safety, and the Department of Technology Services shall:

1146 (a) enter into a memorandum of understanding in order to determine the function and
1147 operation of a state electronic verification system in accordance with Subsection (2);

1148 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1149 Procurement Code, to develop a request for proposals for a third-party provider to develop and
1150 maintain the state electronic verification system in coordination with the Department of
1151 Technology Services; and

1152 (c) select a third-party provider who meets the requirements contained in the request
1153 for proposals issued under Subsection (1)(b).

1154 (2) The Department of Agriculture and Food, the department, the Department of Public
1155 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
1156 2020, the state electronic verification system described in Subsection (1):

1157 (a) allows an individual, with the individual's qualified medical provider in the
1158 qualified medical provider's office, to apply for a medical cannabis patient card or, if
1159 applicable, a medical cannabis guardian card;

1160 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1161 cannabis guardian card in accordance with Sections 20-61b-201 and 202;

1162 (c) allows a qualified medical provider to:

1163 (i) access records regarding an individual to review the individual's medical cannabis
1164 history;

1165 (ii) electronically recommend, during a visit with a patient, treatment with cannabis in
1166 a medicinal dosage form or a cannabis product in a medical dosage form and optionally
1167 recommend dosing parameters;

1168 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1169 medical cannabis guardian cardholder:

1170 (A) for the qualified medical provider who originally recommended a medical cannabis
1171 treatment, using telehealth services, as that term is defined in Section 26-60-102; or

1172 (B) for a qualified medical provider who did not originally recommend the medical
1173 cannabis treatment, during a visit with a patient; and

1174 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment
1175 in accordance with Section 26-61b-602;

1176 (d) syncs or otherwise communicates with existing patient electronic health records;

1177 (e) connects with an inventory control system that a medical cannabis pharmacy and
1178 the state central fill medical cannabis pharmacy use to track in real time and archive purchases
1179 of any cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or
1180 medical cannabis device, including:

1181 (i) the time and date of each purchase;

1182 (ii) the quantity and type of cannabis, cannabis product, or medical cannabis device
1183 purchased;

1184 (iii) any cannabis production establishment, any medical cannabis pharmacy, or the
1185 state central fill medical cannabis pharmacy associated with the cannabis, cannabis product, or
1186 medical cannabis device; and

1187 (iv) the personally identifiable information of the medical cannabis cardholder who
1188 made the purchase;

1189 (f) provides access to the department and the Department of Agriculture and Food to
1190 the extent necessary to carry out the department's and the Department of Agriculture and Food's
1191 functions and responsibilities under this chapter and under Title 4, Chapter 41b, Cannabis
1192 Production Establishments;

1193 (g) provides access to and interaction with the state central fill medical cannabis
1194 pharmacy, state central fill agents, and local health department distribution agents, to facilitate
1195 the state central fill shipment process;

1196 (h) provides access to state or local law enforcement:

1197 (i) during a traffic stop for the purpose of determining if the individual subject to the
1198 traffic stop is in compliance with state medical cannabis law; or

1199 (ii) after obtaining a warrant; and

1200 (i) creates a record each time a person accesses the database that identifies the person
1201 who accesses the database and the individual whose records the person accesses.

1202 (3) The department may release de-identified data that the system collects for the
1203 purpose of:

1204 (a) conducting medical research; and

1205 (b) providing the report required by Section 26-61b-603.

1206 Section 35. Section **26-61b-104** is enacted to read:

1207 **26-61b-104. Preemption.**

1208 This chapter preempts any ordinance or rule enacted by a political subdivision of the
1209 state regarding a medical cannabis pharmacy or a medical cannabis card.

1210 Section 36. Section **26-61b-105** is enacted to read:

1211 **26-61b-105. Qualifying condition.**

1212 (1) By designating a particular condition under Subsection (2) for which the use of
1213 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
1214 state that:

1215 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
1216 treatment for the condition; or

1217 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

1218 (2) For the purposes of this chapter, each of the following conditions is a qualifying
1219 condition:

1220 (a) HIV or acquired immune deficiency syndrome;

1221 (b) Alzheimer's disease;

1222 (c) amyotrophic lateral sclerosis;

1223 (d) cancer;

1224 (e) cachexia;

1225 (f) persistent nausea that is not significantly responsive to traditional treatment, except
1226 for nausea related to pregnancy;

1227 (g) Crohn's disease or ulcerative colitis;

1228 (h) epilepsy or debilitating seizures;

1229 (i) multiple sclerosis or persistent and debilitating muscle spasms;

1230 (j) post-traumatic stress disorder that a psychiatrist has diagnosed;

1231 (k) autism;

1232 (l) a terminal illness when the patient's remaining life expectancy is less than six
1233 months;

1234 (m) a condition resulting in the individual receiving hospice care;

1235 (n) a rare condition or disease that:

1236 (i) affects less than 200,000 individuals in the United States, as defined in Section 526
1237 of the Federal Food, Drug, and 1340 Cosmetic Act; and

1238 (ii) is not substantially responsive to:

- 1239 (A) conventional medications other than opioids or opiates; or
1240 (B) physical interventions;
1241 (o) pain lasting longer than two weeks that is not substantially responsive to:
1242 (i) conventional medications other than opioids or opiates; or
1243 (ii) physical interventions; and
1244 (p) a condition that the compassionate use board approves under Section 26-61b-106
1245 on an individual, case-by-case basis.

1246 Section 37. Section **26-61b-106** is enacted to read:

1247 **26-61b-106. Compassionate use board.**

1248 (1) The department shall establish a compassionate use board consisting of:

1249 (a) five qualified medical providers that the department appoints who are:

1250 (i) knowledgeable about and experienced with the medicinal use of cannabis; and

1251 (ii) certified by the appropriate board in the specialty of neurology, pain medicine and

1252 pain management, medical oncology, psychiatry, infectious disease, internal medicine,

1253 pediatrics, or gastroenterology; and

1254 (b) as a nonvoting member and the chair of the board, the director of the department or
1255 the director's designee.

1256 (2) (a) Of the members of the board that the department first appoints:

1257 (i) two shall serve an initial term of two years; and

1258 (ii) the remaining members shall serve an initial term of four years.

1259 (b) After an initial term described in Subsection (2)(a) expires:

1260 (i) each term is four years; and

1261 (ii) each board member is eligible for reappointment.

1262 (c) A member of the board may serve until a successor is appointed.

1263 (3) Three members constitute a quorum of the compassionate use board.

1264 (4) A member of the compassionate use board:

1265 (a) may not receive compensation or benefits for the member's service; and

1266 (b) may receive per diem and travel expenses in accordance with Section 63A-3-106,

1267 Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106
1268 and 63A-3-107.

1269 (5) The compassionate use board shall:

1270 (a) review and recommend for department approval an individual who is not otherwise
1271 qualified to receive a medical cannabis card to obtain a medical cannabis card for
1272 compassionate use if:

1273 (i) the individual offers, in the board's discretion, satisfactory evidence that the
1274 individual suffers from an intractable condition that substantially impairs the individual's
1275 quality of life; and

1276 (ii) the board determines it is in the best interest of the individual to allow the
1277 compassionate use of medical cannabis;

1278 (b) meet to receive or review compassionate use petitions at least quarterly unless no
1279 petitions are pending, and as often as necessary if there are more petitions than the board can
1280 receive or review during the board's regularly scheduled meetings;

1281 (c) complete a review of each petition and recommend to the department approval or
1282 denial of the applicant for qualification for a medical cannabis patient card or a medical
1283 cannabis guardian card within 90 days after the day on which the board received the petition;
1284 and

1285 (d) report, before November 1 of each year, to the Health and Human Services Interim
1286 Committee:

1287 (i) the number of compassionate use approvals the board issued during the past year;
1288 and

1289 (ii) the types of conditions for which the board approved compassionate use.

1290 (6) The department shall review any compassionate use that the board approves to
1291 determine whether the board properly exercised the board's discretion under this section.

1292 (7) If the department determines that the board properly approved an individual for
1293 compassionate use under this section, the department shall issue a medical cannabis patient
1294 card or a medical cannabis guardian card.

1295 (8) Any individually identifiable health information contained in a petition that the
1296 board or department receives under this section is a protected record in accordance with Title
1297 63G, Chapter 2, Government Records Access and Management Act.

1298 (9) The compassionate use board shall annually report the board's activity to the
1299 cannabis product board created in Section 26-61-201.

1300 Section 38. Section **26-61b-107** is enacted to read:

1301 **26-61b-107. Qualified medical provider registration -- Continuing education --**
1302 **Treatment recommendation.**

1303 (1) An individual may not recommend a medical cannabis treatment unless the
1304 department registers the individual as a qualified medical provider in accordance with this
1305 section.

1306 (2) (a) The department shall, within 15 days after the day on which the department
1307 receives an application from an individual, register and issue a qualified medical provider
1308 registration card to the individual if the individual provides to the department:

1309 (i) the individual's name and address;

1310 (ii) a report detailing the individual's completion of the applicable continuing education
1311 requirement described in Subsection (3); and

1312 (iii) evidence that the individual:

1313 (A) has the authority to write a prescription and is licensed under Title 58, Chapter 67,
1314 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1315 (B) is licensed to prescribe a controlled substance in accordance with Title 58, Chapter
1316 37, Utah Controlled Substances Act; and

1317 (C) possesses the authority, in accordance with the individual's scope of practice, to
1318 prescribe a Schedule II controlled substance.

1319 (b) The department may not register an individual as a qualified medical provider if the
1320 individual is:

1321 (i) a pharmacy medical provider or a state central fill medical provider; or

1322 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
1323 cultivation facility or a medical cannabis pharmacy.

1324 (3) (a) An individual shall complete the continuing education described in this
1325 Subsection (3) in the following amounts:

1326 (i) for an individual as a condition precedent to registration, four hours; and

1327 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
1328 every two years.

1329 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

1330 (i) complete continuing education:

1331 (A) regarding the topics described in Subsection (3)(d); and

1332 (B) offered by the department under Subsection (3)(c) or an accredited or approved
1333 continuing education provider that the department recognizes as offering continuing education
1334 appropriate for the recommendation of cannabis to patients; and

1335 (ii) make a continuing education report to the department in accordance with a process
1336 that the department establishes by rule, in collaboration with the Division of Occupational and
1337 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
1338 3, Utah Administrative Rulemaking Act.

1339 (c) The department may, in consultation with the Division of Occupational and
1340 Professional Licensing, develop the continuing education described in this Subsection (3).

1341 (d) The continuing education described in this Subsection (3) may discuss:

1342 (i) the provisions of this chapter;

1343 (ii) general information about medical cannabis under federal and state law;

1344 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1345 including risks and benefits;

1346 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1347 patient in pain management, risk management, potential addiction, or palliative care; and

1348 (v) best practices for recommending the form and dosage of medical cannabis products
1349 based on the qualifying condition underlying a medical cannabis recommendation.

1350 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
1351 recommend a medical cannabis treatment to more than 20% of the qualified medical provider's
1352 patients at any given time.

1353 (b) A qualified medical provider may recommend a medical cannabis treatment to
1354 more than 20% of the qualified medical provider's patients if the appropriate American medical
1355 board has certified the qualified medical provider in the specialty of anesthesiology,
1356 gastroenterology, neurology, oncology, pain and palliative care, physiatry, or psychiatry.

1357 (5) A qualified medical provider may recommend a medical cannabis treatment to an
1358 individual under this chapter only in the course of a physician-patient relationship after the
1359 qualified medical provider has completed a full assessment of the patient's condition and
1360 medical history.

1361 (6) (a) Except as provided in Subsection (6)(b), a qualified medical provider may not
1362 advertise that the qualified medical provider recommends medical cannabis treatment.

1363 (b) For purposes of Subsection (6)(a), the communication of the following, through a
1364 website, does not constitute advertising:

1365 (i) a green cross;

1366 (ii) a qualifying condition that the qualified medical provider treats; or

1367 (iii) a scientific study regarding medical cannabis use.

1368 (7) (a) A qualified medical provider registration card expires two years after the day on
1369 which the department issues the card.

1370 (b) The department shall renew a qualified medical provider's registration card if the
1371 provider:

1372 (i) applies for renewal;

1373 (ii) is eligible for a qualified medical provider registration card under this section;

1374 (iii) certifies to the department in a renewal application that the information in

1375 Subsection (2)(a) is accurate or updates the information; and

1376 (iv) submits a report detailing the completion of the continuing education requirement
1377 described in Subsection (3).

1378 (8) A qualified medical provider may not receive any compensation or benefit for the
1379 qualified medical provider's medical cannabis treatment recommendation from:

1380 (a) a cannabis production establishment or an owner, officer, director, board member,
1381 employee, or agent of a cannabis production establishment;

1382 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
1383 employee, or agent of a medical cannabis pharmacy; or

1384 (c) a qualified medical provider or pharmacy medical provider.

1385 Section 39. Section **26-61b-108** is enacted to read:

1386 **26-61b-108. Standard of care -- Medical practitioners not liable -- No private**
1387 **right of action.**

1388 (1) If a qualified medical provider recommends treatment with cannabis in a medicinal
1389 dosage form or a cannabis product in a medicinal dosage form to a patient in compliance with
1390 this chapter, the provider is not subject to the following solely for participating in the
1391 recommendation process:

1392 (a) civil or criminal liability; or

1393 (b) licensure sanctions under Title 58, Chapter 67, Utah Medical Practice Act, or Title

1394 58, Chapter 68, Utah Osteopathic Medical Practice Act.

1395 (2) Before January 1, 2021, a physician who has the authority to write a prescription, is
1396 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1397 Osteopathic Medical Practice Act, and recommends a medical cannabis treatment to a patient is
1398 not subject to the following solely for participating in recommending the treatment:

1399 (a) civil or criminal liability; or

1400 (b) a licensure sanction under Title 58, Chapter 67, Utah Medical Practice Act, or Title
1401 58, Chapter 68, Utah Osteopathic Medical Practice Act.

1402 Section 40. Section **26-61b-109** is enacted to read:

1403 **26-61b-109. Medical Cannabis Restricted Account -- Creation.**

1404 (1) There is created in the General Fund a restricted account known as the "Medical
1405 Cannabis Restricted Account."

1406 (2) The account created in this section is funded from:

1407 (a) money the Department of Agriculture and Food deposits into the account under
1408 Title 4, Chapter 41b, Cannabis Production Establishments;

1409 (b) money the department deposits into the account under this chapter;

1410 (c) appropriations the Legislature makes to the account; and

1411 (d) the interest described in Subsection (3).

1412 (3) Interest earned on the account shall be deposited into the account.

1413 (4) The department, in consultation with the Department of Agriculture and Food, may
1414 only use money in the account to fund the state medical cannabis program, including:

1415 (a) Title 26, Chapter 61b, Utah Medical Cannabis Act; and

1416 (b) Title 4, Chapter 41b, Cannabis Production Establishments.

1417 Section 41. Section **26-61b-110** is enacted to read:

1418 **26-61b-110. State Central Fill Medical Cannabis Pharmacy Restricted Account --**
1419 **Creation.**

1420 (1) There is created in the General Fund a restricted account known as the "State
1421 Central Fill Medical Cannabis Pharmacy Restricted Account."

1422 (2) The account created in this section is funded from:

1423 (a) money the state central fill medical cannabis pharmacy deposits into the account
1424 under this chapter;

1425 (b) appropriations the Legislature makes to the account; and

1426 (c) the interest described in Subsection (3).

1427 (3) Interest earned on the account shall be deposited into the account.

1428 (4) The department may only use money in the account to fund the operation of the
1429 state central fill medical cannabis pharmacy.

1430 Section 42. Section **26-61b-111** is enacted to read:

1431 **26-61b-111. Nondiscrimination for medical care, housing, employment.**

1432 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
1433 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
1434 product in a medicinal dosage form:

1435 (a) is the equivalent of the authorized use of any other medication used at the discretion
1436 of a physician; and

1437 (b) does not constitute the use of an illicit substance or otherwise disqualify an
1438 individual from needed medical care.

1439 (2) A landlord may not refuse to lease to or otherwise penalize an individual solely for
1440 the individual's status as a medical cannabis cardholder, unless failing to do so would cause the
1441 landlord to lose a monetary or licensing-related benefit under federal law.

1442 (3) An employer may not refuse to hire, suspend, terminate, take an adverse
1443 employment action against, or otherwise penalize an individual solely for the individual's status
1444 as a medical cannabis cardholder, unless failing to do so would cause the employer to lose a
1445 monetary or licensing-related benefit under federal law.

1446 Section 43. Section **26-61b-112** is enacted to read:

1447 **26-61b-112. No insurance requirement.**

1448 Nothing in this chapter requires an insurer, a third-party administrator, or an employer
1449 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

1450 Section 44. Section **26-61b-113** is enacted to read:

1451 **26-61b-113. No effect on use of hemp extract -- Cannabidiol.**

1452 Nothing in this chapter prohibits an individual:

1453 (1) with a valid hemp extract registration card that the department issues under Section
1454 26-56-103 from possessing, administering, or using hemp extract in accordance with Section
1455 58-37-4.3; or

1456 (2) from purchasing, selling, possessing, or using a cannabidiol product in accordance
1457 with Section 4-41-402.

1458 Section 45. Section **26-61b-201** is enacted to read:

1459 **Part 2. Medical Cannabis Card Registration**

1460 **26-61b-201. Medical cannabis patient card -- Medical cannabis guardian card**

1461 **Application -- Fees -- Studies.**

1462 (1) On or before March 1, 2020, the department shall, within 15 days after the day on
1463 which an individual who satisfies the eligibility criteria in this section or Section 26-61b-202
1464 submits an application in accordance with this section or Section 26-61b-202:

1465 (a) issue a medical cannabis patient card to an individual described in Subsection

1466 (2)(a);

1467 (b) issue a medical cannabis guardian card to an individual described in Subsection

1468 (2)(b);

1469 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

1470 (d) issue a medical cannabis caregiver card to an individual described in Subsection

1471 26-61b-202(4).

1472 (2) (a) An individual is eligible for a medical cannabis patient card if:

1473 (i) the individual is at least 18 years old;

1474 (ii) the individual is a Utah resident;

1475 (iii) the individual's qualified medical provider recommends treatment with medical

1476 cannabis in accordance with Subsection (4);

1477 (iv) the individual signs an acknowledgment stating that the individual received the

1478 information described in Subsection (8);

1479 (v) the individual pays to the department a fee in an amount that the department sets in

1480 accordance with Section 63J-1-504, plus the cost of the criminal background check described

1481 in Section 26-61b-203; and

1482 (vi) the individual has not been convicted of a drug distribution offense that is a felony

1483 under either state or federal law, unless the individual completes any imposed sentence seven

1484 or more years before the day on which the individual applies for a medical cannabis patient

1485 card.

1486 (b) An individual is eligible for a medical cannabis guardian card if the individual:

- 1487 (i) is at least 18 years old;
1488 (ii) is a Utah resident;
1489 (iii) is the parent or legal guardian of a minor for whom the minor's qualified medical
1490 provider recommends a medical cannabis treatment;
1491 (iv) the individual signs an acknowledgment stating that the individual received the
1492 information described in Subsection (8); and
1493 (v) pays to the department a fee in an amount that the department sets in accordance
1494 with Section 63J-1-504.
- 1495 (c) (i) A minor is eligible for a provisional patient card if:
1496 (A) the minor has a qualifying condition;
1497 (B) the minor's qualified medical provider recommends a medical cannabis treatment
1498 to address the minor's qualifying condition; and
1499 (C) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
1500 under Subsection (2)(b).
- 1501 (ii) The department shall automatically issue a provisional patient card to the minor
1502 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
1503 guardian card to the minor's parent or legal guardian.
- 1504 (3) (a) An individual who is eligible for a medical cannabis card described in
1505 Subsection (2)(a) or (b) shall submit an application to the department:
1506 (i) through an electronic application connected to the state electronic verification
1507 system;
1508 (ii) with the recommending qualified medical provider while in the recommending
1509 qualified medical provider's office; and
1510 (iii) with information including:
1511 (A) the applicant's name, gender, age, and address;
1512 (B) for a medical cannabis guardian card, the name, gender, and age of the minor
1513 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
1514 and
1515 (C) for a provisional patient card, the name of the minor's parent or legal guardian who
1516 holds the associated medical cannabis guardian card.
- 1517 (b) The department shall ensure that a medical cannabis card the department issues

1518 under this section contains the information described in Subsection (3)(a)(iii).

1519 (4) To recommend a medical cannabis treatment to a patient or to renew a
1520 recommendation, a qualified medical provider shall:

1521 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
1522 a medicinal dosage form:

1523 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1524 guardian's valid form of identification that is a valid United States federal- or state-issued photo
1525 identification, including a driver license, a United States passport, a United States passport
1526 card, or a United States military identification card;

1527 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1528 or legal guardian in:

1529 (A) the state electronic verification system; and

1530 (B) the controlled substance database created in Section 58-37f-201; and

1531 (iii) consider the recommendation in light of the patient's qualifying condition and
1532 history of medical cannabis and controlled substance use; and

1533 (b) state in the qualified medical provider's recommendation that the patient:

1534 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1535 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1536 product in a medicinal dosage form.

1537 (5) A card that the department issues under this section is valid for the lesser of:

1538 (a) an amount of time that the qualified medical provider determines; or

1539 (b) (i) for the first issuance, 30 days;

1540 (ii) for the first renewal, 60 days; or

1541 (iii) for a renewal after the first renewal, six months.

1542 (6) (a) A medical cannabis card that the department issues under Subsection (2)(a) or

1543 (b) is renewable if, at the time of renewal, the cardholder meets the requirements of Subsection
1544 (2)(a) or (b).

1545 (b) A cardholder under Subsection (2)(a) or (b) may renew the cardholder's card:

1546 (i) using the application process described in Subsection (3); or

1547 (ii) through phone or video conference with the qualified medical provider who made

1548 the recommendation underlying the card, at the qualifying medical provider's discretion.

1549 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1550 pay to the department a renewal fee in an amount that:

1551 (i) the department sets in accordance with Section 63J-1-504; and

1552 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1553 comparison to the original application process.

1554 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1555 patient card renews automatically at the time the minor's parent or legal guardian renews the
1556 parent or legal guardian's associated medical cannabis guardian card.

1557 (7) (a) A cardholder under this section shall carry the cardholder's valid card with the
1558 patient's name.

1559 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder, may
1560 purchase, in accordance with this chapter and the recommendation underlying the card,
1561 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1562 medical cannabis device.

1563 (ii) A cardholder under this section may possess or transport, in accordance with this
1564 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1565 cannabis product in a medicinal dosage form, or a medical cannabis device.

1566 (iii) To address the qualifying condition or a symptom associated with the qualifying
1567 condition underlying the medical cannabis treatment recommendation:

1568 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1569 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1570 or a medical cannabis device; and

1571 (B) a medical cannabis guardian cardholder may assist the associated provisional
1572 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1573 product in a medicinal dosage form, or a medical cannabis device.

1574 (c) If neither a licensed medical cannabis pharmacy nor the state central fill medical
1575 cannabis pharmacy is operating within the state after January 1, 2021, a cardholder under this
1576 section is not subject to prosecution for the possession of:

1577 (i) marijuana or tetrahydrocannabinol in a medicinal dosage form; or

1578 (ii) marijuana drug paraphernalia.

1579 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,

1580 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1581 to an individual receiving a medical cannabis card:

1582 (a) risks associated with medical cannabis treatment;

1583 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1584 medical cannabis treatment is an efficacious treatment or cure for that condition, as described
1585 in Subsection 26-61b-105(1); and

1586 (c) other relevant warnings and safety information that the department determines.

1587 (9) The department may establish procedures by rule, in accordance with Title 63G,
1588 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1589 provisions of this section.

1590 (10) (a) A person may submit to the department a request to conduct a medical research
1591 study using medical cannabis cardholder data that the state electronic verification system
1592 contains.

1593 (b) The department shall review a request described in Subsection (10)(a) to determine
1594 whether the medical research study is valid.

1595 (c) If the department makes a determination under Subsection (10)(b) that the medical
1596 research study is valid, the department shall notify each relevant cardholder asking for the
1597 cardholder's consent to participate in the study.

1598 (d) The department may release, for the purposes of a study described in this
1599 Subsection (10), information about a cardholder under this section who consents to participate
1600 under Subsection (10)(c).

1601 (e) The department may establish standards for a medical research study's validity, by
1602 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1603 Section 46. Section **26-61b-202** is enacted to read:

1604 **26-61b-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1605 **Revocation.**

1606 (1) A cardholder described in Section 26-61b-201 may designate up to two individuals
1607 to serve as a designated caregiver for the cardholder if a qualified medical provider determines
1608 that, because of physical difficulty or undue hardship, the cardholder needs assistance to obtain
1609 the medical cannabis treatment that the qualified medical provider recommends.

1610 (2) An individual that the department registers as a designated caregiver under this

1611 section:

1612 (a) may carry a valid medical cannabis caregiver card;

1613 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1614 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1615 dosage form, or a medical cannabis device on behalf of the medical cannabis cardholder who
1616 designated the caregiver;

1617 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1618 or for a service that the designated caregiver provides in relation to the role as a designated
1619 caregiver;

1620 (d) may accept reimbursement from the designating medical cannabis cardholder for
1621 direct costs the designated caregiver incurs for assisting with the cardholder's medicinal use of
1622 cannabis; and

1623 (e) if neither a licensed medical cannabis pharmacy nor the state central fill medical
1624 cannabis pharmacy is operating within the state after January 1, 2021, is not subject to
1625 prosecution for the possession of marijuana or tetrahydrocannabinol in a medicinal dosage
1626 form or marijuana drug paraphernalia.

1627 (3) (a) The department shall, within 15 days after the day on which an individual
1628 submits an application in compliance with this section, issue a medical cannabis card to the
1629 applicant if:

1630 (i) the applicant is designated as a caregiver under Subsection (1); and

1631 (ii) complies with this section.

1632 (b) The department shall ensure that a medical cannabis caregiver card contains the
1633 information described in Subsection (5)(b).

1634 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1635 (a) is at least 21 years old;

1636 (b) is a Utah resident;

1637 (c) pays to the department a fee in an amount that the department sets in accordance
1638 with Section 63J-1-504, plus the cost of the criminal background check described in Section
1639 26-61b-203;

1640 (d) signs an acknowledgment stating that the applicant received the information
1641 described 196 in Subsection 26-61b-201(8); and

1642 (e) has not been convicted of a drug distribution offense that is a felony under either
1643 state or federal law, unless the individual completes any imposed sentence seven or more years
1644 before the day on which the individual submits the application.

1645 (5) An individual who is eligible for a medical cannabis caregiver card shall:

1646 (a) submit an application for a medical cannabis caregiver card to the department
1647 through an electronic application connected to the state electronic verification system; and

1648 (b) submit the following information in the application described in Subsection (5)(a):

1649 (i) the applicant's name, gender, age, and address;

1650 (ii) the name, gender, age, and address of the cardholder described in Section
1651 26-61b-201 who designated the applicant; and

1652 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1653 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
1654 cannabis guardian cardholder.

1655 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1656 department issues under this section is valid for the lesser of:

1657 (a) an amount of time that the cardholder described in Section 26-61b-201 who
1658 designated the caregiver determines; or

1659 (b) the amount of time remaining before the card of the cardholder described in Section
1660 26-61b-201 expires.

1661 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1662 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1663 cardholder described in Section 26-61b-201 who designated the caregiver:

1664 (i) renews the cardholder's card; and

1665 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1666 (b) The department shall provide a method in the card renewal process to allow a
1667 cardholder described in Section 26-61b-201 who has designated a caregiver to:

1668 (i) signify that the cardholder renews the caregiver's designation;

1669 (ii) remove a caregiver's designation; or

1670 (iii) designate a new caregiver.

1671 (8) The department may revoke a medical cannabis caregiver card if the designated
1672 caregiver:

1673 (a) violates this chapter; or

1674 (b) is convicted of an offense that is a felony under either state or federal law.

1675 Section 47. Section **26-61b-203** is enacted to read:

1676 **26-61b-203. Designated caregiver -- Criminal background check.**

1677 (1) An individual that the department registers as a designated caregiver under Section
1678 26-61b-202 shall submit to a criminal background check in accordance with Subsection (2).

1679 (2) Each designated caregiver shall, upon registration and once every two calendar
1680 years after registration:

1681 (a) submit to the department a fingerprint card in a form acceptable to the department
1682 and the Department of Public Safety; and

1683 (b) consent to a fingerprint background check by:

1684 (i) the Utah Bureau of Criminal Identification; and

1685 (ii) the Federal Bureau of Investigation.

1686 (3) The department shall request that the Department of Public Safety complete a
1687 Federal Bureau of Investigation criminal background check for each designated caregiver who
1688 makes a submission in accordance with Subsection (2).

1689 (4) The Department of Public Safety shall:

1690 (a) complete a Federal Bureau of Investigation criminal background check for each
1691 designated caregiver who is the subject of a department request under Subsection (3); and

1692 (b) report the results of the background check to the department.

1693 Section 48. Section **26-61b-204** is enacted to read:

1694 **26-61b-204. Medical cannabis card -- Patient and designated caregiver**
1695 **requirements -- Rebuttable presumption.**

1696 (1) (a) A medical cannabis cardholder who possesses cannabis in a medicinal dosage
1697 form or a cannabis product in a medicinal dosage form that the cardholder purchased under this
1698 chapter shall:

1699 (i) carry at all times the cardholder's medical cannabis card;

1700 (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a
1701 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

1702 (A) was sold from a licensed medical cannabis pharmacy or the state central fill
1703 medical cannabis pharmacy; and

1704 (B) includes an identification number that links the cannabis or cannabis product to the
1705 inventory control system; and

1706 (iii) possess not more than:

1707 (A) 113 grams of unprocessed cannabis; or

1708 (B) an amount of cannabis product that contains 20 grams of tetrahydrocannabinol.

1709 (b) If a medical cannabis cardholder possesses between 113 and 226 grams of
1710 unprocessed cannabis or an amount of cannabis product that contains between 20 and 40 grams
1711 of tetrahydrocannabinol, the cardholder is:

1712 (i) guilty of a class B misdemeanor; and

1713 (ii) subject to a fine of \$1,000.

1714 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
1715 as that term is defined in Section 31A-22-627.

1716 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder or a
1717 provisional patient cardholder may not use, in public view, cannabis or a cannabis product.

1718 (c) In the event of an emergency medical condition, an individual described in
1719 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
1720 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
1721 medicinal dosage form or a cannabis product in a medicinal dosage form.

1722 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
1723 in a medicinal dosage form or a cannabis product in a medicinal dosage form in compliance
1724 with Subsection (1), or a medical cannabis device that corresponds with the cannabis or
1725 cannabis product:

1726 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
1727 cannabis product, or medical cannabis device legally; and

1728 (b) there is no probable cause, based solely on the cardholder's possession of the
1729 cannabis, cannabis product, or medical cannabis device, to believe that the cardholder is
1730 engaging in illegal activity.

1731 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
1732 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
1733 device, and the individual represents to the law enforcement officer that the individual holds a
1734 valid medical cannabis card, but the individual does not have the medical cannabis card in the

1735 individual's possession at the time of the stop by the law enforcement officer, the law
1736 enforcement officer shall attempt to access the state electronic verification system to determine
1737 whether the individual holds a valid medical cannabis card.

1738 (b) If the law enforcement officer is able to verify that the individual described in
1739 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

1740 (i) may not arrest or take the individual into custody for the sole reason that the
1741 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
1742 medicinal dosage form, or a medical cannabis device; and

1743 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

1744 (5) An individual who possesses cannabis in a medicinal dosage form, a cannabis
1745 product in a medicinal dosage form, or a medical cannabis device in violation of Subsection
1746 (1)(a) or (b) is:

1747 (a) guilty of an infraction; and

1748 (b) subject to a \$100 fine.

1749 Section 49. Section **26-61b-301** is enacted to read:

1750 **Part 3. Medical Cannabis Pharmacy License**

1751 **26-61b-301. Medical cannabis pharmacy -- License -- Eligibility.**

1752 (1) A person may not operate as a medical cannabis pharmacy without a license that
1753 the department issues under this part.

1754 (2) (a) Subject to Subsection (4) and to Section 26-61b-304, the department shall,
1755 within 90 business days after the day on which the department receives a complete application,
1756 issue a license to operate a medical cannabis pharmacy to the applicant if the applicant submits
1757 to the department:

1758 (i) subject to Subsection (2)(b), a proposed name and address where the applicant will
1759 operate the medical cannabis pharmacy;

1760 (ii) the name and address of an individual who:

1761 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1762 pharmacy; or

1763 (B) has the power to direct or cause the management or control of a proposed cannabis
1764 production establishment;

1765 (iii) financial statements demonstrating that the applicant possesses a minimum of

- 1766 \$125,000 in liquid assets available for each application submitted to the department;
1767 (iv) an operating plan that:
1768 (A) complies with Section 26-61b-303; and
1769 (B) includes operating procedures to comply with the operating requirements for a
1770 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
1771 law that is consistent with Section 26-61b-507;
1772 (v) if the municipality or county where the proposed medical cannabis pharmacy would
1773 be located requires a local permit or license, a copy of the applicant's submitted application for
1774 the local permit or license; and
1775 (vi) an application fee in an amount that the department sets in accordance with
1776 Section 63J-1-504.
- 1777 (b) A person may locate a medical cannabis pharmacy within an area in which local
1778 zoning allows for the operation of either:
1779 (i) a business that sells alcohol; or
1780 (ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or
1781 17-50-333.
- 1782 (3) If the department determines that an applicant is eligible for a license under this
1783 section, the department shall charge the applicant an initial license fee in an amount the
1784 department sets in accordance with Section 63J-1-504.
- 1785 (4) The department may not issue a license to operate a medical cannabis pharmacy to
1786 an applicant if an individual described in Subsection (2)(a)(ii):
1787 (a) has been convicted of an offense that is a felony under either state or federal law; or
1788 (b) is younger than 21 years old.
- 1789 (5) The department may revoke a license under this part if:
1790 (a) the medical cannabis pharmacy does not begin operations within one year after the
1791 day on which the department issues the initial license;
1792 (b) the medical cannabis pharmacy makes the same class of violation of this chapter
1793 three times; or
1794 (c) the owner or operator of the medical cannabis pharmacy is convicted, between
1795 renewals, of a felony.
- 1796 (6) The department shall deposit the proceeds of a fee the department imposes under

1797 this section into the Medical Cannabis Restricted Account.

1798 (7) The department shall begin accepting applications under this part on or before
1799 March 1, 2020.

1800 (8) Notwithstanding this chapter, if the United States Congress reschedules marijuana
1801 under the Controlled Substances Act:

1802 (a) each medical cannabis pharmacy shall, within one year after the day on which
1803 marijuana is rescheduled:

1804 (i) cease operations; or

1805 (ii) operate as a pharmacy, in accordance with Title 26, Chapter 17b, Pharmacy
1806 Practice Act;

1807 (b) a medical professional authorized to prescribe medications in the relevant schedule
1808 may only recommend or prescribe marijuana in accordance with the restrictions on that
1809 schedule, including use of the controlled substance database created in Section 58-37f-201; and

1810 (c) an individual authorized to dispense medications in the relevant schedule may only
1811 dispense marijuana in accordance with the restrictions on that schedule, including use of the
1812 controlled substance database created in Section 58-37f-201.

1813 Section 50. Section **26-61b-302** is enacted to read:

1814 **26-61b-302. Renewal.**

1815 (1) The department shall renew a person's license under this part every two years if, at
1816 the time of renewal:

1817 (a) the person meets the requirements of Section 26-61b-301; and

1818 (b) the person pays the department a license renewal fee in an amount that the
1819 department sets in accordance with Section 63J-1-504.

1820 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
1821 pharmacy's license, the department shall publish notice of an available license:

1822 (i) in a newspaper of general circulation for the geographic area in which the medical
1823 cannabis pharmacy license is available; or

1824 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

1825 (b) The department may establish criteria, in collaboration with the Division of
1826 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
1827 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis

1828 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

1829 Section 51. Section **26-61b-303** is enacted to read:

1830 **26-61b-303. Operating plan.**

1831 A person applying for a medical cannabis pharmacy license shall submit to the
1832 department a proposed operation plan for the medical cannabis pharmacy that complies with
1833 this section and that includes:

1834 (1) a description of the physical characteristics of the proposed facility, including a
1835 floor plan and an architectural elevation;

1836 (2) a description of the credentials and experience of:

1837 (a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

1838 (b) any highly skilled or experienced prospective employee;

1839 (3) the medical cannabis pharmacy's employee training standards;

1840 (4) a security plan; and

1841 (5) a description of the medical cannabis pharmacy's inventory control system,
1842 including a plan to make the inventory control system compatible with the state electronic
1843 verification system.

1844 Section 52. Section **26-61b-304** is enacted to read:

1845 **26-61b-304. Maximum number of licenses.**

1846 (1) (a) Except as provided in Subsection (1)(b), the department may not issue more
1847 than five medical cannabis pharmacy licenses.

1848 (b) (i) In addition to the licenses described in Subsection (1)(a), the department may
1849 issue two additional licenses if the state central fill medical cannabis facility is not operational
1850 by January 1, 2021.

1851 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the
1852 department may issue two additional licenses if the state central fill medical cannabis facility is
1853 not operational by July 1, 2021.

1854 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),
1855 the department may issue one additional license if the state central fill medical cannabis facility
1856 is not operational by January 1, 2022.

1857 (2) If there are more qualified applicants than there are available licenses for medical
1858 cannabis pharmacies, the department shall:

- 1859 (a) evaluate each applicant and award the license to the applicant that best
1860 demonstrates:
- 1861 (i) experience with establishing and successfully operating a business that involves
1862 complying with a regulatory environment, tracking inventory, and training, evaluating, and
1863 monitoring employees;
- 1864 (ii) an operating plan that:
- 1865 (A) will best ensure the safety and security of patrons and the community; and
1866 (B) mirrors as closely as possible a traditional pharmacy;
- 1867 (iii) positive connections to the local community;
1868 (iv) the suitability of the proposed location and the location's accessibility for
1869 qualifying patients; and
- 1870 (v) the extent to which the applicant can reduce the cost of cannabis or cannabis
1871 products for patients; and
- 1872 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably
1873 maximize access to the largest number of medical cannabis cardholders.
- 1874 (3) The department may conduct a face-to-face interview with an applicant for a
1875 license that the department evaluates under Subsection (2).

1876 Section 53. Section **26-61b-401** is enacted to read:

1877 **Part 4. Medical Cannabis Pharmacy Agents**

1878 **26-61b-401. Medical cannabis pharmacy agent -- Registration.**

- 1879 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1880 cannabis pharmacy unless the department registers the individual as a medical cannabis
1881 pharmacy agent.
- 1882 (2) Except as provided in Section 26-61b-404, the following individuals, regardless of
1883 the individual's status as a qualified medical provider, may not act as a medical cannabis
1884 pharmacy agent:
- 1885 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
1886 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 1887 (b) a physician's assistant licensed under Title 58, Chapter 70A, Physician Assistant
1888 Act; or
- 1889 (c) an advanced practice registered nurse licensed under Title 58, Chapter 31B, Nurse

1890 Practice Act.

1891 (3) The department shall, within 15 days after the day on which the department
1892 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1893 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1894 registration card to the prospective agent if the medical cannabis pharmacy:

1895 (a) provides to the department the prospective agent's name and address and the name
1896 and location of the licensed medical cannabis pharmacy where the prospective agent seeks to
1897 act as the medical cannabis pharmacy agent; and

1898 (b) pays a fee to the department in an amount that the department sets in accordance
1899 with Section 63J-1-504.

1900 (4) The department shall designate on an individual's medical cannabis pharmacy agent
1901 registration card the name of the medical cannabis pharmacy where the individual is registered
1902 as an agent.

1903 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1904 the department develops in collaboration with the Division of Occupational and Professional
1905 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
1906 designates by rule, in collaboration with the Division of Occupational and Professional
1907 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1908 Administrative Rulemaking Act.

1909 (6) The department shall ensure that the certification standard described in Subsection
1910 (5) includes training in:

1911 (a) Utah medical cannabis law; and

1912 (b) medical cannabis pharmacy best practices.

1913 (7) The department may revoke the medical cannabis pharmacy agent registration card
1914 of or refuse to issue a medical cannabis pharmacy agent registration card to an individual who:

1915 (a) violates the requirements of this chapter; or

1916 (b) is convicted of an offense that is a felony under state or federal law.

1917 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1918 day on which the department issues or renews the card.

1919 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1920 agent:

1921 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1922 section;

1923 (ii) certifies to the department in a renewal application that the information in
1924 Subsection (3)(a) is accurate or updates the information; and

1925 (iii) pays to the department a renewal fee in an amount that:

1926 (A) the department sets in accordance with Section 63J-1-504; and

1927 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1928 comparison to the original application process.

1929 Section 54. Section **26-61b-402** is enacted to read:

1930 **26-61b-402. Medical cannabis pharmacy agents -- Criminal background checks.**

1931 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the
1932 time of application, from each individual who has a financial or voting interest of two percent
1933 or greater in the applicant or who has the power to direct or cause the management or control of
1934 the applicant:

1935 (a) a fingerprint card in a form acceptable to the department; and

1936 (b) consent to a fingerprint background check by the Utah Bureau of Criminal
1937 Identification and the Federal Bureau of Investigation.

1938 (2) The department shall request that the Department of Public Safety complete a
1939 Federal Bureau of Investigation criminal background check for each individual described in
1940 Subsection (1).

1941 (3) The Department of Public Safety shall:

1942 (a) complete a Federal Bureau of Investigation criminal background check for each
1943 individual who is the subject of a department request under Subsection (2); and

1944 (b) report the results of the background check to the department.

1945 Section 55. Section **26-61b-403** is enacted to read:

1946 **26-61b-403. Medical cannabis pharmacy agent registration card -- Rebuttable**
1947 **presumption.**

1948 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
1949 pharmacy agent registration card with the individual at all times when:

1950 (a) the individual is on the premises of a medical cannabis pharmacy; and

1951 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis

1952 product in a medicinal dosage form, or a medical cannabis device between a cannabis
1953 production establishment and a medical cannabis pharmacy.

1954 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
1955 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
1956 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
1957 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
1958 cannabis device in compliance with Subsection (1):

1959 (a) there is a rebuttable presumption that the individual possesses the cannabis,
1960 cannabis product, or medical cannabis device legally; and

1961 (b) there is no probable cause, based solely on the individual's possession of the
1962 cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), that
1963 the individual is engaging in illegal activity.

1964 (3) (a) Except as provided in Subsection (3)(b), an individual who violates Subsection
1965 (1) is:

1966 (i) guilty of an infraction; and

1967 (ii) subject to a \$100 fine.

1968 (b) An individual who willfully, knowingly, or deliberately violates a provision of this
1969 chapter or who violates this chapter three or more times is:

1970 (i) guilty of a class B misdemeanor; and

1971 (ii) subject to a \$1,000 fine.

1972 Section 56. Section **26-61b-404** is enacted to read:

1973 **26-61b-404. Pharmacy medical providers -- Registration -- Continuing education.**

1974 (1) (a) A medical cannabis pharmacy:

1975 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1976 Practice Act, as a pharmacy medical provider;

1977 (ii) may employ a physician who has the authority to write a prescription and is
1978 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1979 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1980 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1981 works onsite during all business hours; and

1982 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as

1983 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
1984 cannabis pharmacy.

1985 (b) An individual may not serve as a pharmacy medical provider unless the department
1986 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

1987 (2) (a) The department shall, within 15 days after the day on which the department
1988 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
1989 medical provider, register and issue a pharmacy medical provider registration card to the
1990 prospective pharmacy medical provider if the medical cannabis pharmacy:

1991 (i) provides to the department:

1992 (A) the prospective pharmacy medical provider's name and address;

1993 (B) the name and location of the licensed medical cannabis pharmacy where the
1994 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1995 (C) a report detailing the completion of the continuing education requirement described
1996 in Subsection (3); and

1997 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
1998 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
1999 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
2000 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2001 (ii) pays a fee to the department in an amount that the department sets in accordance
2002 with Section 63J-1-504.

2003 (b) The department may not register a qualified medical provider or a state central fill
2004 medical provider as a pharmacy medical provider.

2005 (3) (a) A pharmacy medical provider shall complete the continuing education described
2006 in this Subsection (3) in the following amounts:

2007 (i) as a condition precedent to registration, four hours; and

2008 (ii) as a condition precedent to renewal of the registration, four hours every two years.

2009 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

2010 (i) complete continuing education:

2011 (A) regarding the topics described in Subsection (3)(d); and

2012 (B) offered by the department under Subsection (3)(c) or an accredited or approved

2013 continuing education provider that the department recognizes as offering continuing education

2014 appropriate for the medical cannabis pharmacy practice; and
2015 (ii) make a continuing education report to the department in accordance with a process
2016 that the department establishes by rule, in collaboration with the Division of Occupational and
2017 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
2018 3, Utah Administrative Rulemaking Act.

2019 (c) The department may, in consultation with the Division of Occupational and
2020 Professional Licensing, develop the continuing education described in this Subsection (3).

2021 (d) The continuing education described in this Subsection (3) may discuss:

2022 (i) the provisions of this chapter;

2023 (ii) general information about medical cannabis under federal and state law;

2024 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2025 including risks and benefits;

2026 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2027 patient in pain management, risk management, potential addiction, and palliative care; or

2028 (v) best practices for recommending the form and dosage of a medical cannabis
2029 product based on the qualifying condition underlying a medical cannabis recommendation.

2030 (4) (a) A pharmacy medical provider registration card expires two years after the day
2031 on which the department issues or renews the card.

2032 (b) A pharmacy medical provider may renew the provider's registration card if the
2033 provider:

2034 (i) is eligible for a pharmacy medical provider registration card under this section;

2035 (ii) certifies to the department in a renewal application that the information in

2036 Subsection (2)(a) is accurate or updates the information;

2037 (iii) submits a report detailing the completion of the continuing education requirement
2038 described in Subsection (3); and

2039 (iv) pays to the department a renewal fee in an amount that:

2040 (A) the department sets in accordance with Section 63J-1-504; and

2041 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
2042 comparison to the original application process.

2043 Section 57. Section **26-61b-501** is enacted to read:

2044 **Part 5. Medical Cannabis Pharmacy Operation**

- 2045 **26-61b-501. Operating requirements -- General.**
- 2046 (1) (a) A medical cannabis pharmacy shall operate:
- 2047 (i) at the physical address provided to the department under Section 26-61b-301; and
- 2048 (ii) in accordance with the operating plan provided to the department under Section
- 2049 26-61b-303.
- 2050 (b) A medical cannabis pharmacy shall notify the department before a change in the
- 2051 medical cannabis pharmacy's physical address or operating plan.
- 2052 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 2053 (a) is at least 18 years old; and
- 2054 (b) except as provided in Subsection (5), possesses a valid:
- 2055 (i) medical cannabis pharmacy agent registration card; or
- 2056 (ii) medical cannabis card.
- 2057 (3) A medical cannabis pharmacy may not employ an individual who is younger than
- 2058 21 years old.
- 2059 (4) (a) A medical cannabis pharmacy shall conduct a background check into the
- 2060 criminal history of each individual before the individual becomes an agent of the medical
- 2061 cannabis pharmacy.
- 2062 (b) A medical cannabis pharmacy may not employ an individual who has been
- 2063 convicted of an offense that is a felony under either state or federal law.
- 2064 (5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an
- 2065 individual who is not a medical cannabis pharmacy agent to access the medical cannabis
- 2066 pharmacy if the medical cannabis pharmacy tracks and monitors the individual at all times
- 2067 while the individual is at the medical cannabis pharmacy and maintains a record of the
- 2068 individual's access.
- 2069 (6) A medical cannabis pharmacy shall operate in a facility that has:
- 2070 (a) a single, secure public entrance;
- 2071 (b) a security system with a backup power source that:
- 2072 (i) detects and records entry into the medical cannabis pharmacy; and
- 2073 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 2074 cannabis pharmacy is closed; and
- 2075 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a

2076 cannabis product.

2077 (7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
2078 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
2079 26-61b-502(2).

2080 (8) A medical cannabis pharmacy may not allow an individual to consume cannabis on
2081 the property or premises of the medical cannabis pharmacy.

2082 (9) A medical cannabis pharmacy may not sell cannabis or a cannabis product without
2083 first indicating on the cannabis or cannabis product label the name of the medical cannabis
2084 pharmacy.

2085 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
2086 following information regarding each recommendation underlying a transaction:

2087 (i) the qualified medical provider's name, address, and telephone number;

2088 (ii) the patient's name and address;

2089 (iii) the date of issuance;

2090 (iv) dosing parameters or an indication that the qualified medical provider did not
2091 recommend specific dosing parameters; and

2092 (v) if the patient did not complete the transaction, the name of the medical cannabis
2093 cardholder who completed the transaction.

2094 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless
2095 the cannabis or cannabis product has a label securely affixed to the container indicating the
2096 following minimum information:

2097 (i) the name, address, and telephone number of the medical cannabis pharmacy;

2098 (ii) the unique identification number that the medical cannabis pharmacy assigns;

2099 (iii) the date of the sale;

2100 (iv) the name of the patient;

2101 (v) the name of the qualified medical provider who recommended the medical cannabis
2102 treatment;

2103 (vi) directions for use and cautionary statements, if any;

2104 (vii) the amount dispensed and the cannabinoid content;

2105 (viii) the beyond use date; and

2106 (ix) any other requirements that the department determines, in consultation with the

2107 Division of Occupational and Professional Licensing and the Board of Pharmacy.

2108 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

2109 (a) unless the medical cannabis cardholder has had a consultation under Subsection

2110 26-61b-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of

2111 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling

2112 with the pharmacy medical provider who is a pharmacist; and

2113 (b) provide a telephone number or website by which the cardholder may contact a

2114 pharmacy medical provider for counseling.

2115 Section 58. Section **26-61b-502** is enacted to read:

2116 **26-61b-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**

2117 **Reporting -- Form of cannabis or cannabis product.**

2118 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this

2119 chapter:

2120 (i) cannabis in a medicinal dosage form;

2121 (ii) a cannabis product in a medicinal dosage form;

2122 (iii) a medical cannabis device; or

2123 (iv) educational material related to the medical use of cannabis.

2124 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to

2125 an individual with:

2126 (i) a medical cannabis card; and

2127 (ii) corresponding identification that is a valid United States federal- or state-issued

2128 photo identification, including a driver license, a United States passport, a United States

2129 passport card, or a United States military identification card.

2130 (2) A medical cannabis pharmacy may not dispense:

2131 (a) to a medical cannabis cardholder in any one 14-day period, more than the lesser of:

2132 (i) an amount that the relevant qualified medical provider recommends; or

2133 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form

2134 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol

2135 in the cannabis; or

2136 (B) an amount of cannabis products that is in a medicinal dosage form and that

2137 contains, in total, greater than 10 grams of tetrahydrocannabinol;

2138 (b) to a medical cannabis cardholder whose primary residence is located more than 100
2139 miles from the nearest medical cannabis pharmacy or local health department, in any one
2140 30-day period, more than the lesser of:

2141 (i) an amount that the relevant qualified medical provider recommends; or

2142 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
2143 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
2144 cannabidiol in the cannabis; or

2145 (B) an amount of cannabis products that is in a medicinal dosage form and that
2146 contains, in total, greater than 20 grams of tetrahydrocannabinol; or

2147 (c) to an individual whose qualified medical provider did not recommend dosing
2148 parameters, until the individual consults with the pharmacy medical provider in accordance
2149 with Subsection (4), any cannabis or cannabis products.

2150 (3) An individual with a medical cannabis card may not purchase:

2151 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
2152 in any one 14-day period; or

2153 (b) if the relevant qualified medical provider did not recommend dosing parameters,
2154 until the individual consults with the pharmacy medical provider in accordance with
2155 Subsection (4), any cannabis or cannabis products.

2156 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis
2157 product but does not provide dosing parameters, before the relevant medical cannabis
2158 cardholder may obtain cannabis in a medicinal dosage form or a cannabis product in a
2159 medicinal dosage form, the pharmacy medical provider shall determine the best course of
2160 treatment through consultation with the cardholder regarding:

2161 (a) the patient's qualifying condition underlying the recommendation from the qualified
2162 medical provider;

2163 (b) indications for available treatments; and

2164 (c) dosing parameters.

2165 (5) A medical cannabis pharmacy shall:

2166 (a) (i) access the state electronic verification system before dispensing cannabis or a
2167 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
2168 where applicable, the associated patient has met the maximum amount of cannabis or cannabis

2169 products described in Subsection (2); and
2170 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
2171 maximum amount described in Subsection (2):
2172 (A) decline the sale; and
2173 (B) notify the qualified medical provider who made the underlying recommendation;
2174 (b) submit a record to the state electronic verification system each time the medical
2175 cannabis pharmacy dispenses cannabis or a cannabis product to a medical cannabis cardholder;
2176 (c) package any cannabis or cannabis product that is in a blister pack in a container
2177 that:
2178 (i) complies with Subsection 4-41b-602(2);
2179 (ii) is tamper-resistant and tamper-evident; and
2180 (iii) opaque; and
2181 (d) for a product that is a cube that is designed for ingestion through chewing or
2182 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
2183 of over-consumption.
2184 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis pharmacy may not
2185 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
2186 intentionally designed or constructed to resemble a cigarette.
2187 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
2188 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
2189 individual's respiratory system.
2190 (7) A medical cannabis pharmacy may not give, at no cost, a product that the medical
2191 cannabis pharmacy is allowed to sell under Subsection (1).
2192 Section 59. Section **26-61b-503** is enacted to read:
2193 **26-61b-503. Partial filling.**
2194 (1) As used in this section, "partially fill" means to provide less than the full amount of
2195 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
2196 medical provider recommended specific dosing parameters.
2197 (2) A pharmacy medical provider may partially fill a recommendation for a medical
2198 cannabis treatment at the request of the qualified medical provider who issued the medical
2199 cannabis treatment recommendation or the medical cannabis cardholder.

2200 (3) The department shall make rules, in collaboration with the Division of
2201 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
2202 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
2203 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
2204 recommendation.

2205 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
2206 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
2207 limits in Subsection 26-61b-502(2), to fill the quantity remaining of a partially filled medical
2208 cannabis treatment recommendation if:

2209 (a) the pharmacy medical provider determined dosing parameters for the partial fill
2210 under Subsection 26-61b-502(4); and

2211 (b) the medical cannabis cardholder reports that:

2212 (i) the partial fill did not substantially affect the qualifying condition underlying the
2213 medical cannabis recommendation; or

2214 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
2215 unable to successfully use the partial fill.

2216 Section 60. Section **26-61b-504** is enacted to read:

2217 **26-61b-504. Records -- Inspections.**

2218 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
2219 treatment recommendation files and other records in accordance with this chapter, department
2220 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
2221 104-191, 110 Stat. 1936, as amended.

2222 (2) The department may inspect the records and facility of a medical cannabis
2223 pharmacy at any time during business hours in order to determine if the medical cannabis
2224 pharmacy complies with this chapter.

2225 (3) An inspection under this section may include:

2226 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
2227 physical or electronic information;

2228 (b) questioning of any relevant individual;

2229 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
2230 or label.

2231 (4) In making an inspection under this section, the department may freely access any
2232 area and review and make copies of a book, record, paper, document, data, or other physical or
2233 electronic information, including financial data, sales data, shipping data, pricing data, and
2234 employee data.

2235 (5) Failure to provide the department or the department's authorized agents immediate
2236 access during business hours in accordance with this section may result in:

2237 (a) the imposition of a civil monetary penalty that the department sets in accordance
2238 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2239 (b) license or registration suspension or revocation; or

2240 (c) an immediate cessation of operations under a cease and desist order that the
2241 department issues.

2242 Section 61. Section **26-61b-505** is enacted to read:

2243 **26-61b-505. Advertising.**

2244 (1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may
2245 not advertise in any medium.

2246 (2) A medical cannabis pharmacy may use signage on the outside of the medical
2247 cannabis pharmacy that includes only:

2248 (a) the medical cannabis pharmacy's name and hours of operation; and

2249 (b) a green cross.

2250 (3) A medical cannabis pharmacy may maintain a website that includes information
2251 about:

2252 (a) the location and hours of operation of the medical cannabis pharmacy;

2253 (b) a product or service available at the medical cannabis pharmacy;

2254 (c) personnel affiliated with the medical cannabis pharmacy;

2255 (d) best practices that the medical cannabis pharmacy upholds; and

2256 (e) educational material related to the medical use of cannabis.

2257 Section 62. Section **26-61b-506** is enacted to read:

2258 **26-61b-506. Cannabis, cannabis product, or medical cannabis device**
2259 **transportation.**

2260 (1) Only the following individuals may transport cannabis in a medicinal dosage form,
2261 a cannabis product in a medicinal dosage form, or a medical cannabis device under this

2262 chapter:

2263 (a) a registered medical cannabis pharmacy agent;

2264 (b) a registered state central fill agent;

2265 (c) a courier for a state central fill shipment described in Section 26-61b-605; or

2266 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment

2267 that the cardholder is authorized to transport.

2268 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter

2269 61b, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment that the

2270 cardholder is authorized to transport, an individual described in Subsection (1) shall possess a

2271 transportation manifest that:

2272 (a) includes a unique identifier that links the cannabis, cannabis product, or medical

2273 cannabis device to a relevant inventory control system;

2274 (b) includes origin and destination information for cannabis, a cannabis product, or a

2275 medical cannabis device that the individual is transporting; and

2276 (c) identifies the departure and arrival times and locations of the individual

2277 transporting the cannabis, cannabis product, or medical cannabis device.

2278 (3) In addition to the requirements in Subsections (1) and (2), the department may

2279 establish by rule, in collaboration with the Division of Occupational and Professional Licensing

2280 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative

2281 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a

2282 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that the

2283 cannabis, cannabis product, or medical cannabis device remains safe for human consumption.

2284 (4) (a) It is unlawful for a registered medical cannabis pharmacy agent, a registered

2285 state central fill agent, or a courier described in Section 26-61b-605 to make a transport

2286 described in this section with a manifest that does not meet the requirements of this section.

2287 (b) Except as provided in Subsection (4)(c), an agent or courier who violates

2288 Subsection (4)(a) is:

2289 (i) guilty of an infraction; and

2290 (ii) subject to a \$100 fine.

2291 (c) If the individual described in Subsection (4)(a) is transporting more cannabis,

2292 cannabis product, or medical cannabis devices than the manifest identifies, except for a de

2293 minimis administrative error:

2294 (a) this chapter does not apply; and

2295 (b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
2296 Substances Act.

2297 Section 63. Section **26-61b-507** is enacted to read:

2298 **26-61b-507. Local control.**

2299 (1) A municipality or county may not:

2300 (a) enact a zoning ordinance that prohibits a medical cannabis pharmacy from

2301 operating at a location within the municipality's or county's jurisdiction in which at least one of
2302 the following is allowed to operate:

2303 (i) a business that sells alcohol; or

2304 (ii) a retail tobacco specialty business, as that term is defined in Section 10-8-41.6 or
2305 17-50-333; or

2306 (b) deny or revoke a permit or license to operate a medical cannabis pharmacy on the
2307 sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the
2308 legal status of cannabis.

2309 (2) A municipality or county may enact an ordinance that:

2310 (a) is not in conflict with this chapter; and

2311 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the
2312 municipality or county.

2313 Section 64. Section **26-61b-601** is enacted to read:

2314 **Part 6. State central fill pharmacy shipment process.**

2315 **26-61b-601. Department to establish state central fill medical cannabis pharmacy**

2316 **-- Duties -- Pharmacy medical provider registration -- Continuing education.**

2317 (1) On or before July 1, 2020, the department shall establish a state central fill medical
2318 cannabis pharmacy as described in this section.

2319 (2) The state central fill medical cannabis pharmacy shall:

2320 (a) procure cannabis that a cannabis processing facility processes into a medicinal
2321 dosage form;

2322 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage
2323 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a

2324 qualified medical provider's recommendation to address a qualifying condition;
2325 (c) transport a state central fill shipment, in accordance with Section 26-61b-605, to the
2326 relevant local health department for distribution, in accordance with Section 26-61b-607;
2327 (d) (i) process and accept electronic payment for a transaction involving a state central
2328 fill shipment; and
2329 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under
2330 Subsection (2)(d)(i) into the State Central Fill Medical Cannabis Pharmacy Restricted Account
2331 created in Section 26-61b-110.
2332 (3) (a) An individual may not enter the state central fill medical cannabis pharmacy
2333 unless:
2334 (i) the individual is a state central fill agent or an employee of the state central fill
2335 medical cannabis pharmacy;
2336 (ii) the individual is an employee of the department; or
2337 (iii) a state central fill agent escorts the individual at all times.
2338 (b) An individual who violates Subsection (3)(a) is:
2339 (i) guilty of an infraction; and
2340 (ii) subject to a \$100 fine.
2341 (4) (a) The state central fill medical cannabis pharmacy:
2342 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,
2343 Pharmacy Practice Act, as a state central fill medical provider;
2344 (ii) may employ a physician who has the authority to write a prescription and is
2345 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
2346 Osteopathic Medical Practice Act, as a state central fill medical provider;
2347 (iii) shall ensure that a state central fill medical provider described in Subsection
2348 (4)(a)(i) works onsite during all business hours; and
2349 (iv) shall designate one state central fill medical provider described in Subsection
2350 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee
2351 the operation of and generally supervise the state central fill medical cannabis pharmacy.
2352 (b) An individual may not serve as a state central fill medical provider unless the
2353 department registers the individual as a state central fill medical provider.
2354 (5) (a) The department shall, within 15 days after the day on which the department

2355 receives an application from the state central fill medical cannabis pharmacy on behalf of a
2356 prospective state central fill medical provider, register and issue a state central fill medical
2357 provider registration card to the prospective state central fill medical provider if the state
2358 central fill medical cannabis pharmacy provides to the department:

2359 (i) the prospective state central fill medical provider's name and address; and

2360 (ii) evidence that the prospective state central fill medical provider is:

2361 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

2362 or

2363 (B) a physician who has the authority to write a prescription and is licensed under Title
2364 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical
2365 Practice Act.

2366 (b) The department may not register a qualified medical provider or a pharmacy
2367 medical provider as a state central fill medical provider.

2368 (6) (a) A state central fill medical provider shall complete the continuing education
2369 described in this Subsection (6) in the following amounts:

2370 (i) as a condition precedent to registration, four hours; and

2371 (ii) as a condition precedent to renewal, four hours every two years.

2372 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

2373 (i) complete continuing education:

2374 (A) regarding the topics described in Subsection (6)(d); and

2375 (B) offered by the department under Subsection (6)(c) or an accredited or approved

2376 continuing education provider that the department recognizes as offering continuing education
2377 appropriate for the medical cannabis pharmacy practice; and

2378 (ii) make a continuing education report to the department in accordance with a process
2379 that the department establishes by rule, in collaboration with the Division of Occupational and
2380 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
2381 3, Utah Administrative Rulemaking Act.

2382 (c) The department may, in consultation with the Division of Occupational and
2383 Professional Licensing, develop the continuing education described in this Subsection (6).

2384 (d) The continuing education described in this Subsection (6) may discuss:

2385 (i) the provisions of this chapter;

- 2386 (ii) general information about medical cannabis under federal and state law;
2387 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2388 including risks and benefits;
2389 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2390 patient in pain management, risk management, potential addiction, and palliative care; or
2391 (v) best practices for recommending the form and dosage of medical cannabis products
2392 based on the qualifying condition underlying the medical cannabis recommendation.
2393 (7) (a) A state central fill medical provider registration card expires two years after the
2394 day on which the department issues or renews the card.
2395 (b) A state central fill medical provider may renew the provider's registration card if
2396 the provider:
2397 (i) is eligible for a state central fill medical provider registration card under this
2398 section;
2399 (ii) certifies to the department in a renewal application that the information in
2400 Subsection (5) is accurate or updates the information; and
2401 (iii) submits a report detailing the completion of the continuing education requirement
2402 described in Subsection (6).
2403 Section 65. Section **26-61b-602** is enacted to read:
2404 **26-61b-602. State central fill agent -- Background check -- Registration card --**
2405 **Rebuttable presumption.**
2406 (1) An individual may not serve as a state central fill agent unless:
2407 (a) the individual is an employee of the state central fill medical cannabis pharmacy;
2408 and
2409 (b) the department registers the individual as a state central fill agent.
2410 (2) (a) The department shall, within 15 days after the day on which the department
2411 receives a complete application from the state central fill medical cannabis pharmacy on behalf
2412 of a prospective state central fill agent, register and issue a state central fill agent registration
2413 card to the prospective agent if the state central fill medical cannabis pharmacy:
2414 (i) provides to the department:
2415 (A) the prospective agent's name and address;
2416 (B) a fingerprint card in a form acceptable to the department; and

2417 (C) the prospective agent's consent to a fingerprint background check by the Utah
2418 Bureau of Criminal Identification and the Federal Bureau of Investigation; and

2419 (ii) as reported under Subsection (2)(c), has not been convicted of an offense that is a
2420 felony under state or federal law.

2421 (b) The department shall request that the Department of Public Safety complete a
2422 Federal Bureau of Investigation criminal background check for each prospective agent
2423 described in Subsection (2)(a).

2424 (c) The Department of Public Safety shall:

2425 (i) complete a Federal Bureau of Investigation criminal background check for each
2426 prospective agent who is the subject of a department request under Subsection (2)(b); and

2427 (ii) report the results of the background check to the department.

2428 (3) (a) A state central fill agent shall comply with a certification standard that the
2429 department develops, in collaboration with the Division of Occupational and Professional
2430 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
2431 designates by rule, in collaboration with the Division of Occupational and Professional
2432 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
2433 Administrative Rulemaking Act.

2434 (b) The department shall ensure that the certification standard described in Subsection
2435 (3)(a) includes continuing education in:

2436 (i) Utah medical cannabis law;

2437 (ii) the state central fill medical cannabis pharmacy shipment process; and

2438 (iii) state central fill agent best practices.

2439 (4) The department may revoke or refuse to issue the state central fill agent registration
2440 card of an individual who:

2441 (a) violates the requirements of this chapter; or

2442 (b) is convicted of an offense that is a felony under state or federal law.

2443 (5) (a) A state central fill agent registration card expires two years after the day on
2444 which the department issues or renews the card.

2445 (b) A state central fill agent may renew the agent's registration card if the agent:

2446 (i) is eligible for a state central fill registration card under this section; and

2447 (ii) certifies to the department in a renewal application that the information in

2448 Subsection (2)(a) is accurate or updates the information.

2449 (6) A state central fill agent who the department registers under this section shall carry
2450 the individual's state central fill agent registration card with the individual at all times when:

2451 (a) the individual is on the premises of the state central fill medical cannabis pharmacy;

2452 and

2453 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
2454 product in a medicinal dosage form, or a medical cannabis device between a cannabis
2455 production establishment and the state central fill medical cannabis pharmacy.

2456 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis
2457 device handles the cannabis, cannabis product, or medical cannabis device in compliance with
2458 Subsection (6):

2459 (a) there is a rebuttable presumption that the individual possesses the cannabis,
2460 cannabis product, or medical cannabis device legally; and

2461 (b) there is no probable cause, based solely on the individual's handling of the
2462 cannabis, cannabis product, or medical cannabis device, that the individual is engaging in
2463 illegal activity.

2464 (8) An individual who violates Subsection (6) is:

2465 (a) guilty of an infraction; and

2466 (b) subject to a \$100 fine.

2467 Section 66. Section **26-61b-603** is enacted to read:

2468 **26-61b-603. Recommendation.**

2469 (1) When an individual receives a recommendation for a medical cannabis treatment
2470 from the individual's qualified medical provider, the individual may initiate a shipment from
2471 the state central fill medical cannabis pharmacy to a local health department by:

2472 (a) contacting the state central fill medical cannabis pharmacy directly; or

2473 (b) requesting that the qualified medical provider initiate the shipment through the state
2474 electronic verification system.

2475 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central
2476 fill agent shall:

2477 (a) verify the shipment information using the state electronic verification system;

2478 (b) process payment, including contacting the medical cannabis cardholder to complete

2479 payment if necessary;

2480 (c) prepare the shipment in accordance with Section 26-61b-604;

2481 (d) record the preparation of the shipment in the electronic verification system; and

2482 (e) place the shipment for transportation in accordance with Section 26-61b-605.

2483 Section 67. Section **26-61b-604** is enacted to read:

2484 **26-61b-604. State central fill shipment preparation.**

2485 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a

2486 local health department a product other than:

2487 (i) cannabis in medicinal dosage form;

2488 (ii) a cannabis product in medicinal dosage form;

2489 (iii) a medical cannabis device; or

2490 (iv) educational material related to the medical use of cannabis.

2491 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed

2492 in Subsection (1)(a) in response to a request for shipment described in Subsection

2493 26-61b-603(1).

2494 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

2495 (a) for a medical cannabis cardholder in any one 14-day period, more than the lesser of:

2496 (i) an amount that the relevant qualified medical provider recommends; or

2497 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form

2498 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol

2499 in the cannabis; or

2500 (B) an amount of cannabis products that is in a medicinal dosage form and that

2501 contains, in total, greater than 10 grams of tetrahydrocannabinol;

2502 (b) to a medical cannabis cardholder whose primary residence is located more than 100

2503 miles from the nearest medical cannabis pharmacy or local health department, in any one

2504 30-day period, more than the lesser of:

2505 (i) an amount that the relevant qualified medical provider recommends; or

2506 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage

2507 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and

2508 cannabidiol in the cannabis; or

2509 (B) an amount of cannabis products that is in a medicinal dosage form and that

2510 contains, in total, greater than 20 grams of tetrahydrocannabinol; or

2511 (c) for an individual whose qualified medical provider did not recommend dosing
2512 parameters, any cannabis or cannabis product, until the individual consults with the state
2513 central fill medical provider in accordance with Subsection (4).

2514 (3) A medical cannabis cardholder may not receive a state central fill shipment
2515 containing:

2516 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
2517 in any one 14-day period; or

2518 (b) if the relevant qualified medical provider did not recommend dosing parameters,
2519 any cannabis or cannabis product, until the cardholder consults with the state central fill
2520 medical provider in accordance with Subsection (4).

2521 (4) If a qualified medical provider recommends treatment with cannabis or a cannabis
2522 product but does not provide dosing parameters, before the medical cannabis cardholder may
2523 receive a state central fill shipment the state central fill medical provider shall determine the
2524 best course of treatment through consultation with the cardholder regarding:

2525 (a) the patient's qualifying condition underlying the recommendation from the qualified
2526 medical provider;

2527 (b) indications for available treatments; and

2528 (c) dosing parameters.

2529 (5) The state central fill medical cannabis pharmacy shall:

2530 (a) (i) access the state electronic verification system before preparing a shipment of
2531 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where
2532 applicable, the associated patient has met the maximum amount of cannabis or cannabis
2533 product described in Subsection (2); and

2534 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
2535 maximum amount described in Subsection (2):

2536 (A) decline the request to prepare the shipment; and

2537 (B) notify the qualified medical provider that made the recommendation;

2538 (b) submit a record to the state electronic verification system each time the state central
2539 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,
2540 or a medical cannabis device;

2541 (c) package any cannabis or cannabis product that is in a blister pack in a container

2542 that:

2543 (i) complies with Subsection 4-41b-602(2);

2544 (ii) is tamper-resistant and tamper-evident; and

2545 (iii) opaque; and

2546 (d) for any product that is a cube that is designed for ingestion through chewing or

2547 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks

2548 of over-consumption.

2549 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis

2550 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device

2551 that is intentionally designed or constructed to resemble a cigarette.

2552 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis

2553 device that warms cannabis material into a vapor without the use of a flame and that delivers

2554 cannabis to an individual's respiratory system.

2555 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product

2556 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

2557 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's

2558 records the following information regarding each recommendation underlying a transaction:

2559 (i) the qualified medical provider's name, address, and telephone number;

2560 (ii) the patient's name and address;

2561 (iii) the date of issuance;

2562 (iv) dosing parameters or an indication that the qualified medical provider did not

2563 recommend specific dosing parameters; and

2564 (v) the name and the address of the medical cannabis cardholder if the cardholder is not

2565 the patient.

2566 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a

2567 cannabis product unless the cannabis or cannabis product has a label securely affixed to the

2568 container indicating the following minimum information:

2569 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

2570 (ii) the unique identification number that the state central fill medical cannabis

2571 pharmacy assigns;

- 2572 (iii) the date of the sale;
2573 (iv) the name of the medical cannabis cardholder;
2574 (v) the name of the qualified medical provider who recommends the medical cannabis
2575 treatment;
2576 (vi) directions for use and cautionary statements, if any;
2577 (vii) the amount dispensed and the cannabinoid content;
2578 (viii) the beyond use date; and
2579 (ix) any other requirements that the department determines, in consultation with the
2580 Division of Occupational and Professional Licensing and the Board of Pharmacy.
2581 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or
2582 a state central fill agent shall:
2583 (a) include in each central fill shipment written counseling regarding the central fill
2584 shipment; and
2585 (b) provide a telephone number or website by which a medical cannabis cardholder
2586 may contact a pharmacy medical provider for counseling.
2587 Section 68. Section **26-61b-605** is enacted to read:
2588 **26-61b-605. State central fill shipment transportation.**
2589 (1) The state central fill medical cannabis pharmacy shall ensure that the state central
2590 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in
2591 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis
2592 device to each local health department in the state within 24 hours of receiving a request for a
2593 state central fill shipment resulting from a recommendation of a qualified medical provider
2594 under Section 26-61b-603.
2595 (2) (a) The department may contract with a private entity for the entity to serve as a
2596 courier for the state dispensary central fill medical cannabis pharmacy, delivering state central
2597 fill shipments to local health departments for distribution to medical cannabis cardholders.
2598 (b) If the department enters into a contract described in Subsection (2)(a), the
2599 department shall:
2600 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,
2601 Chapter 6a, Utah Procurement Code;
2602 (ii) impose security and personnel requirements on the contracted private entity

2603 sufficient to ensure the security and safety of state central fill shipments; and
2604 (iii) provide regular oversight of the contracted private entity.
2605 (3) Except for an individual with a valid medical cannabis card who transports a
2606 shipment the individual receives, an individual may not transport a state central fill shipment
2607 unless the individual is:
2608 (a) a registered state central fill agent; or
2609 (b) an agent of the private courier described in Subsection (2).
2610 (4) An individual transporting a state central fill shipment shall possess a transportation
2611 manifest that:
2612 (a) includes a unique identifier that links the state central fill shipment to a relevant
2613 inventory control system;
2614 (b) includes origin and destination information for a state central fill shipment the
2615 individual is transporting; and
2616 (c) indicates the departure and arrival times and locations of the individual transporting
2617 the state central fill shipment.
2618 (5) In addition to the requirements in Subsections (3) and (4), the department may
2619 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
2620 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
2621 Rulemaking Act, requirements for transporting state central fill shipments that are related to
2622 safety for human consumption of cannabis or a cannabis product.
2623 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a
2624 manifest that does not meet the requirements of Subsection (4).
2625 (b) Except as provided in Subsection (6)(c), an individual who violates Subsection
2626 (6)(a):
2627 (i) is guilty of an infraction; and
2628 (ii) subject to a \$100 fine.
2629 (c) If the individual described in Subsection (6)(a) is transporting more cannabis,
2630 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
2631 minimis administrative error:
2632 (a) this chapter does not apply; and
2633 (b) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled

2634 Substances Act.

2635 Section 69. Section **26-61b-606** is enacted to read:

2636 **26-61b-606. Local health department distribution agent -- Background check --**

2637 **Registration card -- Rebuttable presumption.**

2638 (1) An individual may not serve as a local health department distribution agent unless:

2639 (a) the individual is an employee of a local health department; and

2640 (b) the department registers the individual as a local health department distribution

2641 agent.

2642 (2) (a) The department shall, within 15 days after the day on which the department
2643 receives a complete application from a local health department on behalf of a prospective local
2644 health department distribution agent, register and issue a local health department distribution
2645 agent registration card to the prospective agent if the local health department:

2646 (i) provides to the department:

2647 (A) the prospective agent's name and address;

2648 (B) the name and location of the local health department where the prospective agent
2649 seeks to act as a local health department distribution agent;

2650 (C) a fingerprint card in a form acceptable to the department; and

2651 (D) the prospective agent's consent to a fingerprint background check by the Utah

2652 Bureau of Criminal Identification and the Federal Bureau of Investigation;

2653 (ii) pays a fee to the department in an amount that the department sets in accordance
2654 with Section 63J-1-504; and

2655 (iii) as reported under Subsection (2)(c), has not been convicted for an offense that is a
2656 felony under state or federal law.

2657 (b) The department shall request that the Department of Public Safety complete a
2658 Federal Bureau of Investigation criminal background check for each prospective agent
2659 described in Subsection (2)(a).

2660 (c) The Department of Public Safety shall:

2661 (i) complete a Federal Bureau of Investigation criminal background check for each
2662 prospective agent who is the subject of a department request under Subsection (2)(b); and

2663 (ii) report the results of the background check to the department.

2664 (3) The department shall designate on an individual's local health department

2665 distribution agent registration card the name of the local health department where the
2666 individual is registered as an agent.

2667 (4) (a) A local health department distribution agent shall comply with a certification
2668 standard that the department develops, in collaboration with the Division of Occupational and
2669 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that
2670 the department designates by rule in collaboration with the Division of Occupational and
2671 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
2672 3, Utah Administrative Rulemaking Act.

2673 (b) The department shall ensure that the certification standard described in Subsection
2674 (4)(a) includes training in:

2675 (i) Utah medical cannabis law;

2676 (ii) the state central fill medical cannabis pharmacy shipment process; and

2677 (iii) local health department distribution agent best practices.

2678 (5) The department may revoke or refuse to issue or renew the local health department
2679 distribution agent registration card of an individual who:

2680 (a) violates the requirements of this chapter; or

2681 (b) is convicted of an offense that is a felony under state or federal law.

2682 (6) A local health department distribution agent who the department has registered
2683 under this section shall carry the agent's local health department distribution agent registration
2684 card with the agent at all times when:

2685 (a) the agent is on the premises of the local health department; and

2686 (b) the agent is handling a shipment of cannabis or cannabis product from the state
2687 central fill medical cannabis pharmacy.

2688 (7) If a local health department distribution agent handling a shipment of cannabis or
2689 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment
2690 in compliance with Subsection (6):

2691 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

2692 (b) there is no probable cause, based solely on the agent's possession of the shipment,
2693 that the agent is engaging in illegal activity.

2694 (8) A local health department distribution agent who violates Subsection (6) is:

2695 (a) guilty of an infraction; and

2696 (b) subject to a \$100 fine.

2697 Section 70. Section **26-61b-607** is enacted to read:

2698 **26-61b-607. Local health department distribution.**

2699 (1) Each local health department shall designate a sufficient number of personnel to
2700 ensure that at least one individual is available at all times during business hours:

2701 (a) whom the department has registered as a local health department distribution agent;
2702 and

2703 (b) to distribute state central fill shipments to medical cannabis cardholders in
2704 accordance with this section.

2705 (2) An individual may not retrieve a shipment from the state central fill medical
2706 cannabis pharmacy at a local health department unless the individual presents:

2707 (a) a form of identification that is a valid United States federal- or state-issued photo
2708 identification, including a driver license, a United States passport, a United States passport
2709 card, or a United States military identification card; and

2710 (b) a valid medical cannabis card under the same name that appears on the
2711 identification described in Subsection (2)(a).

2712 (3) Before a local health department distribution agent distributes a state central fill
2713 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

2714 (a) verify the shipment information using the state electronic verification system;

2715 (b) ensure that the individual satisfies the identification requirements in Subsection (2);

2716 (c) verify that payment is complete; and

2717 (d) record the completion of the shipment transaction in the electronic verification
2718 system.

2719 (4) The local health department shall:

2720 (a) store each central fill shipment that the local health department receives, until the
2721 shipment is retrieved by the recipient medical cannabis cardholder, in a single, secure, locked
2722 area that is equipped with a security system that detects and records entry into the area; and

2723 (b) ensure that only a local health department distribution agent is able to access the
2724 area.

2725 Section 71. Section **26-61b-608** is enacted to read:

2726 **26-61b-608. Department to set prices.**

2727 (1) The department shall set a price schedule for cannabis in a medicinal dosage form
2728 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders
2729 through distribution to local health departments.

2730 (2) The department shall ensure that the price schedule described in Subsection (1)
2731 takes into consideration:

2732 (a) the demand for medical cannabis and cannabis products dispensed through the state
2733 central fill medical cannabis pharmacy and the local health departments;

2734 (b) the labor required to cultivate and process cannabis into a medicinal dosage form;

2735 (c) the regulatory burden involved in the creation of the product; and

2736 (d) any other consideration the department considers necessary.

2737 (3) The department shall ensure that the price schedule that the department sets under
2738 Subsection (1) includes a set fee that the department retains:

2739 (a) to fund the state central fill medical cannabis pharmacy; and

2740 (b) the courier described in Section 26-61b-605, if any.

2741 Section 72. Section **26-61b-609** is enacted to read:

2742 **26-61b-609. Partial filling.**

2743 (1) As used in this section, "partially fill" means to provide less than the full amount of
2744 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
2745 medical provider recommended specific dosing parameters.

2746 (2) The state central fill medical cannabis pharmacy may partially fill a
2747 recommendation for a medical cannabis treatment at the request of the qualified medical
2748 provider who issued the medical cannabis treatment recommendation or the medical cannabis
2749 cardholder.

2750 (3) The department shall make rules in collaboration with the Division of Occupational
2751 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
2752 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity
2753 supplied, and quantity remaining of a partially filled medical cannabis treatment
2754 recommendation.

2755 (4) A state central fill medical provider who is a pharmacist may, upon the request of a
2756 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
2757 limits in Subsection 26-61b-604(2), to fill the quantity remaining of a partially filled medical

2758 cannabis treatment recommendation if:

2759 (a) the state central fill medical provider determined dosing parameters for the partial
2760 fill under Subsection 26-61b-604(4); and

2761 (b) the medical cannabis cardholder reports that:

2762 (i) the partial fill did not substantially affect the qualifying condition underlying the
2763 medical cannabis recommendation; or

2764 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
2765 unable to successfully use the partial fill.

2766 Section 73. Section **26-61b-610** is enacted to read:

2767 **26-61b-610. Records -- Inspections.**

2768 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's
2769 medical cannabis treatment recommendation files and other records in accordance with this
2770 chapter, department rules, and the federal Health Insurance Portability and Accountability Act
2771 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

2772 (2) The department may inspect the records and facility of the state central fill medical
2773 cannabis pharmacy or a local health department at any time during business hours in order to
2774 determine compliance with this chapter.

2775 (3) An inspection under this section may include:

2776 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
2777 physical or electronic information;

2778 (b) questioning of any relevant individual; or

2779 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
2780 or label.

2781 (4) In making an inspection under this section, the department may freely access any
2782 area and review and make copies of a book, record, paper, document, data, or other physical or
2783 electronic information, including financial data, sales data, shipping data, pricing data, and
2784 employee data.

2785 (5) Failure to provide the department or the department's authorized agents immediate
2786 access during business hours in accordance with this section may result in:

2787 (a) the imposition of a civil monetary penalty that the department sets in accordance
2788 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2789 (b) license or registration suspension or revocation; or
2790 (c) an immediate cessation of operations under a cease and desist order that the
2791 department issues.

2792 Section 74. Section **26-61b-611** is enacted to read:

2793 **26-61b-611. Advertising.**

2794 (1) Except as provided in Subsection (2), the state central fill medical cannabis
2795 pharmacy may not advertise in any medium.

2796 (2) The state central fill medical cannabis pharmacy may maintain a website that
2797 includes information about:

2798 (a) the contact information for the state central fill medical cannabis pharmacy;

2799 (b) a product or service available through shipment from the state central fill medical
2800 cannabis pharmacy;

2801 (c) a description of the state central fill medical cannabis pharmacy shipment process;

2802 (d) information about retrieving a state central fill shipment at a local health

2803 department; or

2804 (e) educational material related to the medical use of cannabis.

2805 Section 75. Section **26-61b-701** is enacted to read:

2806 **Part 7. Enforcement**

2807 **26-61b-701. Enforcement -- Misdemeanor.**

2808 (1) Except as provided in Sections 26-61b-502, 26-61b-605, and 26-61b-607, it is
2809 unlawful to sell or otherwise give cannabis, a cannabis product, or a medical cannabis device to
2810 another person.

2811 (2) (a) Except as provided in Subsection (2)(b), a person who violates Subsection (1) is
2812 guilty of a class B misdemeanor.

2813 (b) An individual is not guilty under Subsection (2)(a) if the individual:

2814 (i) is a designated caregiver; and

2815 (ii) gives the product described in Subsection (1) to the medical cannabis cardholder
2816 who designated the individual as a designated caregiver.

2817 (3) (a) Except as provided in Subsection (3)(b), a person who violates Subsection (1) is
2818 guilty of a class A misdemeanor if the individual who receives the unlawful sale or gift is a
2819 minor.

2820 (b) An individual is not guilty under Subsection (3)(a) if:

2821 (i) the individual is:

2822 (A) the parent or legal guardian, holding a medical cannabis guardian card, of the
2823 minor recipient; or

2824 (B) the designated caregiver of the parent or legal guardian, holding a medical cannabis
2825 guardian card, of the minor recipient; and

2826 (ii) the minor is a provisional patient cardholder.

2827 Section 76. Section **26-61b-702** is enacted to read:

2828 **26-61b-702. Enforcement -- Fine -- Citation.**

2829 (1) (a) The department may, for a medical cannabis pharmacy's violation of this
2830 chapter:

2831 (i) revoke the medical cannabis pharmacy license;

2832 (ii) refuse to renew the medical cannabis pharmacy license; or

2833 (iii) assess the medical cannabis pharmacy an administrative penalty.

2834 (b) The department may, for a medical cannabis pharmacy agent's or state central fill
2835 agent's violation of this chapter:

2836 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration
2837 card;

2838 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent
2839 registration card; or

2840 (iii) assess the medical cannabis pharmacy agent or state central fill agent an
2841 administrative penalty.

2842 (2) The department shall deposit an administrative penalty imposed under this section
2843 in the General Fund.

2844 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
2845 of a violation in an adjudicative proceeding under this section, the department may:

2846 (a) assess the person a fine in an amount that the department sets, in accordance with
2847 Section 63J-1-504, of up to \$5,000 per violation, in accordance with a fine schedule that the
2848 department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
2849 Rulemaking Act; or

2850 (b) order the person to cease and desist from the action that creates a violation.

2851 (4) The department may not revoke a medical cannabis pharmacy's license without first
2852 directing the medical cannabis pharmacy to appear before an adjudicative proceeding
2853 conducted under Title 63G, Chapter 4, Administrative Procedures Act.

2854 (5) If, within 20 calendar days after the day on which the department issues a citation
2855 for a violation of this chapter, the person that is the subject of the citation fails to request a
2856 hearing to contest the citation, the citation becomes the department's final order.

2857 (6) The department may, for a person who fails to comply with a citation under this
2858 section:

2859 (a) refuse to issue or renew the person's license agent registration card; or

2860 (b) suspend, revoke, or place on probation the person's license or agent registration
2861 card.

2862 (7) If the department makes a final determination under this section that an individual
2863 violated a provision of this chapter, the individual is guilty of an infraction.

2864 Section 77. Section **26-61b-703** is enacted to read:

2865 **26-61b-703. Report.**

2866 (1) By the November interim meeting each year, the department shall report to the
2867 Health and Human Services Interim Committee on:

2868 (a) the number of applications and renewal applications filed for medical cannabis
2869 cards;

2870 (b) the number of qualifying patients and designated caregivers;

2871 (c) the nature of the debilitating medical conditions of the qualifying patients;

2872 (d) the age and county of residence of cardholders;

2873 (e) the number of medical cannabis cards revoked;

2874 (f) the number of practitioners providing recommendations for qualifying patients;

2875 (g) the number of license applications and renewal license applications received;

2876 (h) the number of licenses the department has issued in each county;

2877 (i) the number of licenses the department has revoked;

2878 (j) the quantity and timeliness of state central fill shipments, including the amount of

2879 time between recommendation to the state central fill medical cannabis pharmacy and arrival of
2880 a state central fill shipment at a local health department;

2881 (k) the market share of state central fill shipments;

2882 (l) the expenses incurred and revenues generated from the medical cannabis program;
2883 (m) the expenses incurred and revenues generated from the state central fill medical
2884 cannabis pharmacy, including a profit and loss statement; and
2885 (n) an analysis of product availability, including the price differential between
2886 comparable products, in medical cannabis pharmacies and the state central fill medical
2887 cannabis pharmacy.

2888 (2) The department may not include personally identifying information in the report
2889 described in this section.

2890 Section 78. Section **30-3-10** is amended to read:

2891 **30-3-10. Custody of children in case of separation or divorce -- Custody**
2892 **consideration.**

2893 (1) If a married couple having one or more minor children are separated, or their
2894 marriage is declared void or dissolved, the court shall make an order for the future care and
2895 custody of the minor children as it considers appropriate.

2896 (a) In determining any form of custody, including a change in custody, the court shall
2897 consider the best interests of the child without preference for either parent solely because of the
2898 biological sex of the parent and, among other factors the court finds relevant, the following:

2899 (i) in accordance with Subsection (7), the past conduct and demonstrated moral
2900 standards of each of the parties;

2901 (ii) which parent is most likely to act in the best interest of the child, including
2902 allowing the child frequent and continuing contact with the noncustodial parent;

2903 (iii) the extent of bonding between the parent and child, meaning the depth, quality,
2904 and nature of the relationship between a parent and child;

2905 (iv) whether the parent has intentionally exposed the child to pornography or material
2906 harmful to a minor, as defined in Section 76-10-1201; and

2907 (v) those factors outlined in Section 30-3-10.2.

2908 (b) There is a rebuttable presumption that joint legal custody, as defined in Section
2909 30-3-10.1, is in the best interest of the child, except in cases where there is:

2910 (i) domestic violence in the home or in the presence of the child;

2911 (ii) special physical or mental needs of a parent or child, making joint legal custody
2912 unreasonable;

2913 (iii) physical distance between the residences of the parents, making joint decision
2914 making impractical in certain circumstances; or

2915 (iv) any other factor the court considers relevant including those listed in this section
2916 and Section 30-3-10.2.

2917 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in
2918 accordance with Sections 30-3-10.8 and 30-3-10.9.

2919 (ii) A presumption for joint legal custody may be rebutted by a showing by a
2920 preponderance of the evidence that it is not in the best interest of the child.

2921 (d) A child may not be required by either party to testify unless the trier of fact
2922 determines that extenuating circumstances exist that would necessitate the testimony of the
2923 child be heard and there is no other reasonable method to present the child's testimony.

2924 (e) (i) The court may inquire of a child and take into consideration the child's desires
2925 regarding future custody or parent-time schedules, but the expressed desires are not controlling
2926 and the court may determine the child's custody or parent-time otherwise.

2927 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
2928 not the single controlling factor.

2929 (f) (i) If an interview with a child is conducted by the court pursuant to Subsection
2930 (1)(e), the interview shall be conducted by the judge in camera.

2931 (ii) The prior consent of the parties may be obtained but is not necessary if the court
2932 finds that an interview with a child is the only method to ascertain the child's desires regarding
2933 custody.

2934 (2) In awarding custody, the court shall consider, among other factors the court finds
2935 relevant, which parent is most likely to act in the best interests of the child, including allowing
2936 the child frequent and continuing contact with the noncustodial parent as the court finds
2937 appropriate.

2938 (3) If the court finds that one parent does not desire custody of the child, the court shall
2939 take that evidence into consideration in determining whether to award custody to the other
2940 parent.

2941 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
2942 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
2943 whether a substantial change has occurred for the purpose of modifying an award of custody.

2944 (b) The court may not consider the disability of a parent as a factor in awarding custody
2945 or modifying an award of custody based on a determination of a substantial change in
2946 circumstances, unless the court makes specific findings that:

2947 (i) the disability significantly or substantially inhibits the parent's ability to provide for
2948 the physical and emotional needs of the child at issue; and

2949 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
2950 available to supplement the parent's ability to provide for the physical and emotional needs of
2951 the child at issue.

2952 (c) Nothing in this section may be construed to apply to adoption proceedings under
2953 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

2954 (5) This section establishes neither a preference nor a presumption for or against joint
2955 physical custody or sole physical custody, but allows the court and the family the widest
2956 discretion to choose a parenting plan that is in the best interest of the child.

2957 (6) When an issue before the court involves custodial responsibility in the event of a
2958 deployment of one or both parents who are servicemembers, and the servicemember has not yet
2959 been notified of deployment, the court shall resolve the issue based on the standards in Sections
2960 78B-20-306 through 78B-20-309.

2961 (7) In considering the past conduct and demonstrated moral standards of each party
2962 under Subsection (1)(a)(i) or any other factor a court finds relevant, the court may not
2963 discriminate against a parent because of or otherwise consider the parent's:

2964 (a) lawful possession or use of cannabis in a medicinal dosage form, a cannabis
2965 product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 26,
2966 Chapter 61b, Utah Medical Cannabis Act; or

2967 (b) the parent's status as a:

2968 (i) cannabis production establishment agent, as that term is defined in Section
2969 4-41b-102;

2970 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61b-102;

2971 (iii) a state central fill agent, as that term is defined in Section 26-61b-102; or

2972 (iv) a medical cannabis cardholder in accordance with Title 26, Chapter 61b, Utah
2973 Medical Cannabis Act.

2974 Section 79. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

2975 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**
2976 **controlled substance in the body -- Penalties -- Arrest without warrant.**

2977 (1) As used in this section:

2978 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

2979 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

2980 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

2981 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

2982 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
2983 operate or be in actual physical control of a motor vehicle within this state if the person has any
2984 measurable controlled substance or metabolite of a controlled substance in the person's body.

2985 (3) It is an affirmative defense to prosecution under this section that the controlled
2986 substance was:

2987 (a) involuntarily ingested by the accused;

2988 (b) prescribed by a practitioner for use by the accused; ~~or~~

2989 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
2990 form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical
2991 Cannabis Act; or

2992 ~~(d)~~ (d) otherwise legally ingested.

2993 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
2994 misdemeanor.

2995 (b) A person who violates this section is subject to conviction and sentencing under
2996 both this section and any applicable offense under Section 58-37-8.

2997 (5) A peace officer may, without a warrant, arrest a person for a violation of this
2998 section when the officer has probable cause to believe the violation has occurred, although not
2999 in the officer's presence, and if the officer has probable cause to believe that the violation was
3000 committed by the person.

3001 (6) The Driver License Division shall, if the person is 21 years of age or older on the
3002 date of arrest:

3003 (a) suspend, for a period of 120 days, the driver license of a person convicted under
3004 Subsection (2) of an offense committed on or after July 1, 2009; or

3005 (b) revoke, for a period of two years, the driver license of a person if:

3006 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
3007 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3008 and within a period of 10 years after the date of the prior violation.

3009 (7) The Driver License Division shall, if the person is 19 years of age or older but
3010 under 21 years of age on the date of arrest:

3011 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
3012 longer, the driver license of a person convicted under Subsection (2) of an offense committed
3013 on or after July 1, 2011; or

3014 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
3015 longer, the driver license of a person if:

3016 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3017 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3018 and within a period of 10 years after the date of the prior violation.

3019 (8) The Driver License Division shall, if the person is under 19 years of age on the date
3020 of arrest:

3021 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
3022 under Subsection (2) of an offense committed on or after July 1, 2009; or

3023 (b) revoke, until the person is 21 years of age, the driver license of a person if:

3024 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3025 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3026 and within a period of 10 years after the date of the prior violation.

3027 (9) The Driver License Division shall subtract from any suspension or revocation
3028 period the number of days for which a license was previously suspended under Section
3029 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
3030 which the record of conviction is based.

3031 (10) The Driver License Division shall:

3032 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
3033 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
3034 committed prior to July 1, 2009; or

3035 (b) deny, suspend, or revoke the operator's license of a person for the denial,
3036 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

3037 (i) the person was 20 years of age or older but under 21 years of age at the time of
3038 arrest; and

3039 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
3040 July 1, 2009, and prior to July 1, 2011.

3041 (11) A court that reported a conviction of a violation of this section for a violation that
3042 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
3043 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
3044 if the person:

3045 (a) completes at least six months of the license suspension;

3046 (b) completes a screening;

3047 (c) completes an assessment, if it is found appropriate by a screening under Subsection
3048 (11)(b);

3049 (d) completes substance abuse treatment if it is found appropriate by the assessment
3050 under Subsection (11)(c);

3051 (e) completes an educational series if substance abuse treatment is not required by the
3052 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

3053 (f) has not been convicted of a violation of any motor vehicle law in which the person
3054 was involved as the operator of the vehicle during the suspension period imposed under
3055 Subsection (7)(a) or (8)(a);

3056 (g) has complied with all the terms of the person's probation or all orders of the court if
3057 not ordered to probation; and

3058 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
3059 person has not consumed a controlled substance not prescribed by a practitioner for use by the
3060 person or unlawfully consumed alcohol during the suspension period imposed under
3061 Subsection (7)(a) or (8)(a); or

3062 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
3063 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
3064 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
3065 for use by the person or unlawfully consumed alcohol during the suspension period imposed
3066 under Subsection (7)(a) or (8)(a).

3067 (12) If the court shortens a person's license suspension period in accordance with the

3068 requirements of Subsection (11), the court shall forward the order shortening the person's
3069 license suspension period prior to the completion of the suspension period imposed under
3070 Subsection (7)(a) or (8)(a) to the Driver License Division.

3071 (13) (a) The court shall notify the Driver License Division if a person fails to:

3072 (i) complete all court ordered screening and assessment, educational series, and
3073 substance abuse treatment; or

3074 (ii) pay all fines and fees, including fees for restitution and treatment costs.

3075 (b) Upon receiving the notification, the division shall suspend the person's driving
3076 privilege in accordance with Subsections 53-3-221(2) and (3).

3077 (14) The court:

3078 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
3079 convicted under Subsection (2); and

3080 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
3081 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

3082 (15) (a) A court that reported a conviction of a violation of this section to the Driver
3083 License Division may shorten the suspension period imposed under Subsection (6) before
3084 completion of the suspension period if the person is participating in or has successfully
3085 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

3086 (b) If the court shortens a person's license suspension period in accordance with the
3087 requirements of this Subsection (15), the court shall forward to the Driver License Division the
3088 order shortening the person's suspension period.

3089 (c) The court shall notify the Driver License Division if a person fails to complete all
3090 requirements of a 24-7 sobriety program.

3091 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
3092 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

3093 Section 80. Section **41-6a-517 (Effective 07/01/19)** is amended to read:

3094 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**
3095 **controlled substance in the body -- Penalties -- Arrest without warrant.**

3096 (1) As used in this section:

3097 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

3098 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

- 3099 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
- 3100 (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- 3101 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
- 3102 operate or be in actual physical control of a motor vehicle within this state if the person has any
- 3103 measurable controlled substance or metabolite of a controlled substance in the person's body.
- 3104 (3) It is an affirmative defense to prosecution under this section that the controlled
- 3105 substance was:
- 3106 (a) involuntarily ingested by the accused;
- 3107 (b) prescribed by a practitioner for use by the accused or recommended by a physician
- 3108 for use by the accused; ~~or~~
- 3109 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
- 3110 form that the accused ingested in accordance with Title 26, Chapter 61b, Utah Medical
- 3111 Cannabis Act; or
- 3112 ~~(d)~~ (d) otherwise legally ingested.
- 3113 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
- 3114 misdemeanor.
- 3115 (b) A person who violates this section is subject to conviction and sentencing under
- 3116 both this section and any applicable offense under Section 58-37-8.
- 3117 (5) A peace officer may, without a warrant, arrest a person for a violation of this
- 3118 section when the officer has probable cause to believe the violation has occurred, although not
- 3119 in the officer's presence, and if the officer has probable cause to believe that the violation was
- 3120 committed by the person.
- 3121 (6) The Driver License Division shall, if the person is 21 years of age or older on the
- 3122 date of arrest:
- 3123 (a) suspend, for a period of 120 days, the driver license of a person convicted under
- 3124 Subsection (2) of an offense committed on or after July 1, 2009; or
- 3125 (b) revoke, for a period of two years, the driver license of a person if:
- 3126 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 3127 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
- 3128 and within a period of 10 years after the date of the prior violation.
- 3129 (7) The Driver License Division shall, if the person is 19 years of age or older but

3130 under 21 years of age on the date of arrest:

3131 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
3132 longer, the driver license of a person convicted under Subsection (2) of an offense committed
3133 on or after July 1, 2011; or

3134 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
3135 longer, the driver license of a person if:

3136 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3137 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3138 and within a period of 10 years after the date of the prior violation.

3139 (8) The Driver License Division shall, if the person is under 19 years of age on the date
3140 of arrest:

3141 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
3142 under Subsection (2) of an offense committed on or after July 1, 2009; or

3143 (b) revoke, until the person is 21 years of age, the driver license of a person if:

3144 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

3145 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
3146 and within a period of 10 years after the date of the prior violation.

3147 (9) The Driver License Division shall subtract from any suspension or revocation
3148 period the number of days for which a license was previously suspended under Section
3149 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
3150 which the record of conviction is based.

3151 (10) The Driver License Division shall:

3152 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
3153 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
3154 committed prior to July 1, 2009; or

3155 (b) deny, suspend, or revoke the operator's license of a person for the denial,
3156 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

3157 (i) the person was 20 years of age or older but under 21 years of age at the time of
3158 arrest; and

3159 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
3160 July 1, 2009, and prior to July 1, 2011.

3161 (11) A court that reported a conviction of a violation of this section for a violation that
3162 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
3163 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
3164 if the person:

3165 (a) completes at least six months of the license suspension;

3166 (b) completes a screening;

3167 (c) completes an assessment, if it is found appropriate by a screening under Subsection
3168 (11)(b);

3169 (d) completes substance abuse treatment if it is found appropriate by the assessment
3170 under Subsection (11)(c);

3171 (e) completes an educational series if substance abuse treatment is not required by the
3172 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

3173 (f) has not been convicted of a violation of any motor vehicle law in which the person
3174 was involved as the operator of the vehicle during the suspension period imposed under
3175 Subsection (7)(a) or (8)(a);

3176 (g) has complied with all the terms of the person's probation or all orders of the court if
3177 not ordered to probation; and

3178 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
3179 person has not consumed a controlled substance not prescribed by a practitioner for use by the
3180 person or unlawfully consumed alcohol during the suspension period imposed under
3181 Subsection (7)(a) or (8)(a); or

3182 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
3183 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
3184 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
3185 for use by the person or unlawfully consumed alcohol during the suspension period imposed
3186 under Subsection (7)(a) or (8)(a).

3187 (12) If the court shortens a person's license suspension period in accordance with the
3188 requirements of Subsection (11), the court shall forward the order shortening the person's
3189 license suspension period prior to the completion of the suspension period imposed under
3190 Subsection (7)(a) or (8)(a) to the Driver License Division.

3191 (13) (a) The court shall notify the Driver License Division if a person fails to:

3192 (i) complete all court ordered screening and assessment, educational series, and
3193 substance abuse treatment; or

3194 (ii) pay all fines and fees, including fees for restitution and treatment costs.

3195 (b) Upon receiving the notification, the division shall suspend the person's driving
3196 privilege in accordance with Subsections 53-3-221(2) and (3).

3197 (14) The court:

3198 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
3199 convicted under Subsection (2); and

3200 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
3201 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

3202 (15) (a) A court that reported a conviction of a violation of this section to the Driver
3203 License Division may shorten the suspension period imposed under Subsection (6) before
3204 completion of the suspension period if the person is participating in or has successfully
3205 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

3206 (b) If the court shortens a person's license suspension period in accordance with the
3207 requirements of this Subsection (15), the court shall forward to the Driver License Division the
3208 order shortening the person's suspension period.

3209 (c) The court shall notify the Driver License Division if a person fails to complete all
3210 requirements of a 24-7 sobriety program.

3211 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
3212 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

3213 Section 81. Section **53-1-106.5** is enacted to read:

3214 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

3215 In addition to the duties described in Section 53-1-106, the department shall:

3216 (1) provide standards for training peace officers and law enforcement agencies in the
3217 use of the state electronic verification system; and

3218 (2) collaborate with the Department of Health and the Department of Agriculture and
3219 Food to provide standards for training peace officers and law enforcement agencies in medical
3220 cannabis law.

3221 Section 82. Section **58-17b-302** is amended to read:

3222 **58-17b-302. License required -- License classifications for pharmacy facilities.**

- 3223 (1) A license is required to act as a pharmacy, except:
- 3224 (a) as specifically exempted from licensure under Section 58-1-307[-]; and
- 3225 (b) for the operation of a medical cannabis pharmacy or the state central fill medical
- 3226 cannabis pharmacy under Title 26, Chapter 61b, Utah Medical Cannabis Act.
- 3227 (2) The division shall issue a pharmacy license to a facility that qualifies under this
- 3228 chapter in the classification of a:
- 3229 (a) class A pharmacy;
- 3230 (b) class B pharmacy;
- 3231 (c) class C pharmacy;
- 3232 (d) class D pharmacy;
- 3233 (e) class E pharmacy; or
- 3234 (f) dispensing medical practitioner clinic pharmacy.
- 3235 (3) (a) Each place of business shall require a separate license.
- 3236 (b) If multiple pharmacies exist at the same address, a separate license shall be required
- 3237 for each pharmacy.
- 3238 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 3239 (b) The division may impose restrictions upon classifications to protect the public
- 3240 health, safety, and welfare.
- 3241 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall
- 3242 have a pharmacist-in-charge, except as otherwise provided by rule.
- 3243 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
- 3244 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
- 3245 of the pharmacy, regardless of the form of the business organization.
- 3246 Section 83. Section **58-17b-310** is amended to read:
- 3247 **58-17b-310. Continuing education.**
- 3248 (1) The division in collaboration with the board may establish by rule continuing
- 3249 education requirements for each classification of licensure under this chapter.
- 3250 (2) The division shall accept and apply toward the hour requirement in Subsection (1)
- 3251 continuing education that a pharmacist completes in accordance with Sections 26-61b-404 and
- 3252 26-61b-601.
- 3253 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

3285 chapter and division rules made in collaboration with the board, or beyond their scope of
3286 training and ability;

3287 (9) administering:

3288 (a) without appropriate training, as defined by rule;

3289 (b) without a physician's order, when one is required by law; and

3290 (c) in conflict with a practitioner's written guidelines or written protocol for
3291 administering;

3292 (10) disclosing confidential patient information in violation of the provisions of the
3293 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
3294 1936, as amended, or other applicable law;

3295 (11) engaging in the practice of pharmacy without a licensed pharmacist designated as
3296 the pharmacist-in-charge;

3297 (12) failing to report to the division any adverse action taken by another licensing
3298 jurisdiction, government agency, law enforcement agency, or court for conduct that in
3299 substance would be considered unprofessional conduct under this section;

3300 (13) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
3301 form which is regularly and commonly available from a manufacturer in quantities and
3302 strengths prescribed by a practitioner; and

3303 (14) failing to act in accordance with Title 26, Chapter 64, Family Planning Access
3304 Act, when dispensing a self-administered hormonal contraceptive under a standing order.

3305 Section 85. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

3306 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**
3307 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

3308 (1) As used in this section:

3309 [~~(a) "Cannabinoid product" means a product intended for human ingestion that:~~]

3310 [~~(i) contains an extract or concentrate that is obtained from cannabis;~~]

3311 [~~(ii) is prepared in a medicinal dosage form; and~~]

3312 [~~(iii) contains at least 10 units of cannabidiol for every one unit of~~
3313 ~~tetrahydrocannabinol.]~~

3314 [~~(b)~~] (a) "Cannabis" means any part of the plant cannabis sativa, whether growing or
3315 not.

3316 ~~[(c)]~~ (b) "Drug paraphernalia" means the same as that term is defined in Section
3317 58-37a-3.

3318 ~~[(d)]~~ (c) "Expanded cannabinoid product" means a product intended for human
3319 ingestion that:

3320 (i) contains an extract or concentrate that is obtained from cannabis;

3321 (ii) is prepared in a medicinal dosage form; and

3322 (iii) contains less than 10 units of cannabidiol for every one unit of
3323 tetrahydrocannabinol.

3324 ~~[(e)]~~ (d) "Medicinal dosage form" means:

3325 (i) a tablet;

3326 (ii) a capsule;

3327 (iii) a concentrated oil;

3328 (iv) a liquid suspension;

3329 (v) a transdermal preparation; or

3330 (vi) a sublingual preparation.

3331 ~~[(f)]~~ (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets
3332 the description in Subsection 58-37-4(2)(a)(iii)(AA).

3333 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
3334 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the
3335 penalties described in this title for the possession or distribution of marijuana or
3336 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
3337 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
3338 Cannabinoid Research Act.

3339 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~
3340 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~
3341 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~
3342 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~
3343 ~~rules made pursuant to Section 4-41-204.]~~

3344 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~
3345 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~
3346 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~

3347 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

3348 Section 86. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

3349 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**

3350 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

3351 (1) As used in this section:

3352 ~~[(a) "Cannabidiol product" means the same as that term is defined in Section~~
3353 ~~4-41-102.]~~

3354 ~~[(b)]~~ (a) "Cannabinoid product" means a product intended for human ingestion that:

3355 (i) contains an extract or concentrate that is obtained from cannabis;

3356 (ii) is prepared in a medicinal dosage form; and

3357 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

3358 ~~[(c)]~~ (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or
3359 not.

3360 ~~[(d)]~~ (c) "Drug paraphernalia" means the same as that term is defined in Section
3361 58-37a-3.

3362 ~~[(e)]~~ (d) "Expanded cannabinoid product" means a product intended for human
3363 ingestion that:

3364 (i) contains an extract or concentrate that is obtained from cannabis;

3365 (ii) is prepared in a medicinal dosage form; and

3366 (iii) contains less than 10 units of cannabidiol for every one unit of
3367 tetrahydrocannabinol.

3368 ~~[(f)]~~ (e) "Medicinal dosage form" means:

3369 (i) a tablet;

3370 (ii) a capsule;

3371 (iii) a concentrated oil;

3372 (iv) a liquid suspension;

3373 (v) a transdermal preparation; or

3374 (vi) a sublingual preparation.

3375 ~~[(g)]~~ (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets
3376 the description in Subsection 58-37-4(2)(a)(iii)(AA).

3377 (2) Notwithstanding any other provision of this chapter:

3378 (a) an individual who possesses or distributes a cannabinoid product or an expanded
 3379 cannabinoid product is not subject to the penalties described in this title for the possession or
 3380 distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession
 3381 or distribution of the cannabinoid product or expanded cannabinoid product complies with
 3382 Title 26, Chapter 61, Cannabinoid Research Act; and

3383 ~~[(b) an individual who grows, processes, possesses, transports, or distributes~~
 3384 ~~cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into~~
 3385 ~~cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent~~
 3386 ~~that the individual's growth, processing, possession, transportation, or distribution of the~~
 3387 ~~cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol~~
 3388 ~~Producers; and]~~

3389 [(c)] (b) a person who processes, possesses, or sells cannabidiol is not subject to the
 3390 penalties described in this title if:

3391 (i) the person is a cannabidiol-qualified pharmacy; or

3392 (ii) the person is an individual whose physician has recommended use of the
 3393 cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified
 3394 pharmacy.

3395 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~
 3396 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~
 3397 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~
 3398 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~
 3399 ~~rules made pursuant to Section 4-41-204.]~~

3400 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~
 3401 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~
 3402 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~
 3403 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

3404 Section 87. Section **58-37-3.7** is enacted to read:

3405 **58-37-3.7. Exemption for possession or use of cannabis to treat a qualifying**
 3406 **condition.**

3407 (1) As used in this section:

3408 (a) "Cannabis" means marijuana.

- 3409 (b) "Cannabis product" means a product that:
3410 (i) is intended for human ingestion; and
3411 (ii) contains cannabis or tetrahydrocannabinol.
3412 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
3413 (d) "Marijuana" means the same as that term is defined in Section 58-37-2.
3414 (e) (i) "Medical cannabis device" means a device that an individual uses to ingest
3415 cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
3416 (ii) "Medical cannabis device" does not include a device that:
3417 (A) facilitates cannabis combustion; or
3418 (B) an individual uses to ingest substances other than cannabis.
3419 (f) "Medicinal dosage form" means the same as that term is defined in Section
3420 26-61b-102.
3421 (g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
3422 equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
3423 (2) Notwithstanding any other provision of law, except as otherwise provided in this
3424 section:
3425 (a) an individual is not subject to a penalty described in this title for the following
3426 conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41b,
3427 Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:
3428 (i) possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or
3429 offering to sell cannabis or a cannabis product; or
3430 (ii) possessing cannabis or a cannabis product with the intent to engage in any of the
3431 conduct described in Subsection (2)(a)(i); and
3432 (b) an individual is not subject to a penalty described in this title regarding drug
3433 paraphernalia if the individual, in accordance with Title 4, Chapter 41b, Cannabis Production
3434 Establishments, or Title 26, Chapter 61b, Utah Medical Cannabis Act:
3435 (i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis
3436 device; or
3437 (ii) possesses a medical cannabis device with the intent to engage in any of the conduct
3438 described in Subsection (2)(b)(i).
3439 (3) An individual who is assessed a penalty or convicted of a crime under Title 4,

3440 Chapter 41b, Cannabis Production Establishments, or Title 26, Chapter 61b, Utah Medical
3441 Cannabis Act, is not subject to a penalty described in this chapter for:

3442 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis
3443 product; or

3444 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

3445 Section 88. Section **58-37-3.8** is enacted to read:

3446 **58-37-3.8. Affirmative defense.**

3447 (1) As used in this section:

3448 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.

3449 (b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.

3450 (c) "Medical cannabis card" means the same as that term is defined in Section
3451 26-61b-102.

3452 (d) "Medical cannabis device" means the same as that term is defined in Section
3453 58-37-3.7.

3454 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
3455 26-61b-102.

3456 (f) "Medicinal dosage form" means the same as that term is defined in Section
3457 26-61b-102.

3458 (g) "Qualified medical provider" means the same as that term is defined in Section
3459 26-61b-102.

3460 (h) "Qualifying condition" means the same as that term is defined in Section
3461 26-61b-102.

3462 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
3463 58-37-3.7.

3464 (2) Before January 1, 2021, it is an affirmative defense to criminal charges against an
3465 individual under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or
3466 marijuana drug paraphernalia if:

3467 (a) at the time of the arrest, the individual:

3468 (i) (A) had been diagnosed with a qualifying condition; and

3469 (B) had a pre-existing relationship with a qualified medical provider who believed that
3470 the individual's illness described in Subsection (2)(a)(i)(A) can benefit from the use in

3471 question; or
3472 (ii) (A) for possession, was a medical cannabis cardholder; or
3473 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying
3474 condition under the supervision of a medical cannabis guardian cardholder; and
3475 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity
3476 described in Subsection 26-61b-502(2).
3477 (3) It is an affirmative defense to a criminal charge against an individual for the use or
3478 possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this
3479 chapter if:
3480 (a) the individual:
3481 (i) is not a resident of Utah or has been a resident of Utah for less than 45 days;
3482 (ii) has a currently valid medical cannabis card or the equivalent of a medical cannabis
3483 card under the laws of another state, district, territory, commonwealth, or insular possession of
3484 the United States; and
3485 (iii) had been diagnosed with a qualifying condition as described in Section
3486 26-61b-105; and
3487 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity
3488 described in Subsection 26-61b-502(2).
3489 (4) A court shall, for a charge that the court dismisses under Subsection (2) or (3),
3490 dismiss the charge without prejudice.
3491 Section 89. Section **58-37-3.9** is enacted to read:
3492 **58-37-3.9. Enforcement.**
3493 (1) A law enforcement officer that an agency that receives state or local government
3494 funds employs may not expend any state or local resources, including the officer's time, to:
3495 (a) effect any arrest or seizure of cannabis, as that term is defined in Section 58-37-3.7,
3496 or conduct any investigation on the sole basis of activity the officer believes to constitute a
3497 violation of federal law if the officer has reason to believe that the activity is in compliance
3498 with the state medical cannabis laws; or
3499 (b) provide any information or logistical support related to an activity described in
3500 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.
3501 (2) An agency or political subdivision of the state may not take an adverse action

3502 against a person for providing a professional service, in accordance with the state medical
3503 cannabis laws, to a medical cannabis pharmacy, as that term is defined in Section 26-61b-102,
3504 the state central fill medical cannabis pharmacy, as that term is defined in Section 26-61b-102,
3505 or a cannabis production establishment, as that term is defined in Section 4-41b-102, on the
3506 sole basis that the service is a violation of federal law.

3507 Section 90. Section **58-67-304** is amended to read:

3508 **58-67-304. License renewal requirements.**

3509 (1) As a condition precedent for license renewal, each licensee shall, during each
3510 two-year licensure cycle or other cycle defined by division rule:

3511 (a) complete qualified continuing professional education requirements in accordance
3512 with the number of hours and standards defined by division rule made in collaboration with the
3513 board;

3514 (b) appoint a contact person for access to medical records and an alternate contact
3515 person for access to medical records in accordance with Subsection 58-67-302(1)(j);

3516 (c) if the licensee practices medicine in a location with no other persons licensed under
3517 this chapter, provide some method of notice to the licensee's patients of the identity and
3518 location of the contact person and alternate contact person for the licensee; and

3519 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
3520 successfully complete the educational methods and programs described in Subsection
3521 58-67-807(4).

3522 (2) If a renewal period is extended or shortened under Section 58-67-303, the
3523 continuing education hours required for license renewal under this section are increased or
3524 decreased proportionally.

3525 (3) An application to renew a license under this chapter shall:

3526 (a) require a physician to answer the following question: "Do you perform elective
3527 abortions in Utah in a location other than a hospital?"; and

3528 (b) immediately following the question, contain the following statement: "For purposes
3529 of the immediately preceding question, elective abortion means an abortion other than one of
3530 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
3531 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
3532 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a

3533 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
3534 the woman is pregnant as a result of rape or incest."

3535 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
3536 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
3537 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
3538 division shall, within 30 days after the day on which it renews the physician's license under this
3539 chapter, inform the Department of Health in writing:

3540 (a) of the name and business address of the physician; and

3541 (b) that the physician responded positively to the question described in Subsection
3542 (3)(a).

3543 (5) The division shall accept and apply toward the hour requirement in Subsection
3544 (1)(a) and continuing education that a physician completes in accordance with Sections
3545 26-61b-107 and 26-61b-601.

3546 Section 91. Section **58-85-102** is amended to read:

3547 **58-85-102. Definitions.**

3548 As used in this chapter:

3549 [~~(1) "Cannabis" means cannabis that has been grown by a state-approved grower and~~
3550 ~~processed into a medicinal dosage form.]~~

3551 [~~(2) "Cannabis-based treatment" means a course of treatment involving cannabis.]~~

3552 [~~(3)~~ (1) "Eligible patient" means an individual who has been diagnosed with a
3553 terminal illness by a physician.

3554 [~~(4) "Health care facility" means the same as that term is defined in Section~~
3555 ~~26-55-102.]~~

3556 [~~(5)~~ (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

3557 [~~(6)~~ (3) "Investigational device" means a device that:

3558 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

3559 (b) has successfully completed the United States Food and Drug Administration Phase
3560 1 testing for an investigational device described in 21 C.F.R. Part 812.

3561 [~~(7)~~ (4) "Investigational drug" means a drug that:

3562 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

3563 (b) has successfully completed the United States Food and Drug Administration Phase

3564 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

3565 ~~[(8) "Medicinal dosage form" means the same as that term is defined in Section~~
3566 ~~58-37-3.6.]~~

3567 ~~[(9) (5) "Physician" means an individual who is licensed under:~~

3568 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

3569 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

3570 ~~[(10) "State-approved grower and processor" means a person who grows cannabis~~
3571 ~~pursuant to state law and processes the cannabis into a medicinal dosage form.]~~

3572 ~~[(11) (6) "Terminal illness" means a condition of a patient that:~~

3573 (a) as determined by a physician:

3574 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by
3575 treatment with an investigational drug or investigational device; and

3576 (ii) will inevitably lead to the patient's death; and

3577 (b) presents the patient, after the patient has explored conventional therapy options,

3578 with no treatment option that is satisfactory or comparable to treatment with an investigational
3579 drug or device.

3580 Section 92. Section **58-85-104** is amended to read:

3581 **58-85-104. Standard of care -- Medical practitioners not liable -- No private right**
3582 **of action.**

3583 (1) ~~[(a)]~~ It is not a breach of the applicable standard of care for a physician, other
3584 licensed health care provider, or hospital to treat an eligible patient with an investigational drug
3585 or investigational device under this chapter.

3586 ~~[(b) It is not a breach of the applicable standard of care for a physician to recommend a~~
3587 ~~cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility~~
3588 ~~to aid or assist in any way a terminally ill patient's use of cannabis.]~~

3589 (2) A physician, other licensed health care provider, or hospital that treats an eligible
3590 patient with an investigational drug or investigational device under this chapter~~], or a physician~~
3591 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~
3592 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~
3593 ~~this chapter,] may not, for any harm done to the eligible patient by the investigational drug or~~
3594 ~~device, [or for any harm done to the terminally ill patient by the cannabis-based treatment,] be~~

- 3595 subject to:
- 3596 (a) civil liability;
- 3597 (b) criminal liability; or
- 3598 (c) licensure sanctions under:
- 3599 (i) for a physician:
- 3600 (A) Title 58, Chapter 67, Utah Medical Practice Act; or
- 3601 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 3602 (ii) for the other licensed health care provider, the act governing the other licensed
- 3603 health care provider's license; or
- 3604 (iii) for the hospital [~~or health care facility~~], Title 26, Chapter 21, Health Care Facility
- 3605 Licensing and Inspection Act.
- 3606 (3) This chapter does not:
- 3607 (a) require a manufacturer of an investigational drug or investigational device to agree
- 3608 to make an investigational drug or investigational device available to an eligible patient or an
- 3609 eligible patient's physician;
- 3610 (b) require a physician to agree to:
- 3611 (i) administer an investigational drug to an eligible patient under this chapter; or
- 3612 (ii) treat an eligible patient with an investigational device under this chapter; or
- 3613 [~~(iii) recommend a cannabis-based treatment to a terminally ill patient; or~~]
- 3614 (c) create a private right of action for an eligible patient:
- 3615 (i) against a physician or hospital, for the physician's or hospital's refusal to:
- 3616 (A) administer an investigational drug to an eligible patient under this chapter;
- 3617 (B) treat an eligible patient with an investigational device under this chapter; or
- 3618 [~~(C) recommend a cannabis-based treatment to the terminally ill patient; or~~]
- 3619 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient
- 3620 with an investigational drug or an investigational device under this chapter.
- 3621 Section 93. Section **58-85-105** is amended to read:
- 3622 **58-85-105. Insurance coverage.**
- 3623 (1) This chapter does not:
- 3624 (a) require an insurer to cover the cost of:
- 3625 (i) administering an investigational drug under this chapter; or

- 3626 (ii) treating a patient with an investigational device under this chapter; or
 3627 [~~(iii) a cannabis-based treatment; or~~]
- 3628 (b) prohibit an insurer from covering the cost of:
- 3629 (i) administering an investigational drug under this chapter; or
 3630 (ii) treating a patient with an investigational device under this chapter~~[; or]~~.
 3631 [~~(iii) a cannabis-based treatment.~~]
- 3632 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible
 3633 patient who is treated with an investigational drug or investigational device, for harm to the
 3634 eligible patient caused by the investigational drug or investigational device.
- 3635 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:
- 3636 (a) the eligible patient's preexisting condition;
 3637 (b) benefits that commenced before the day on which the eligible patient is treated with
 3638 the investigational drug or investigational device; or
 3639 (c) palliative or hospice care for an eligible patient that has been treated with an
 3640 investigational drug or device, but is no longer receiving curative treatment with the
 3641 investigational drug or device.
- 3642 Section 94. Section **59-12-104.9 (Effective 07/01/19)** is amended to read:
 3643 **59-12-104.9 (Effective 07/01/19). Exemption from sales tax for cannabis.**
- 3644 (1) As used in this section:
- 3645 [~~(a) "Cannabidiol product" means the same as that term is defined in Section~~
 3646 ~~4-41-102.~~]
 3647 [~~(b) "Cannabidiol-qualified pharmacy" means the same as that term is defined in~~
 3648 ~~Section 58-88-102.~~]
- 3649 (a) "Cannabis" means the same as that term is defined in Section 58-37-3.7.
 3650 (b) "Cannabis product" means the same as that term is defined in Section 58-37-3.7.
 3651 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
 3652 26-61b-102.
 3653 (d) "Medicinal dosage form" means the same as that term is defined in Section
 3654 26-61b-102.
- 3655 (2) In addition to the exemptions described in Section 59-12-104, the sale by a
 3656 [~~cannabidiol-qualified pharmacy of a cannabidiol product~~] medical cannabis pharmacy or state

3657 central fill medical cannabis pharmacy of the following is not subject to the taxes [~~imposed by~~]
3658 this chapter imposes.

3659 (a) cannabis in a medicinal dosage form;

3660 (b) a cannabis product in a medicinal dosage form; or

3661 (c) a medical cannabis device.

3662 Section 95. Section **62A-4a-202.1** is amended to read:

3663 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**
3664 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**
3665 **emergency placement.**

3666 (1) A peace officer or child welfare worker may not:

3667 (a) enter the home of a child who is not under the jurisdiction of the court, remove a
3668 child from the child's home or school, or take a child into protective custody unless authorized
3669 under Subsection 78A-6-106(2); or

3670 (b) remove a child from the child's home or take a child into custody under this section
3671 solely on the basis of:

3672 (i) educational neglect, truancy, or failure to comply with a court order to attend
3673 school[-]; or

3674 (ii) the possession or use, in accordance with Title 26, Chapter 61b, Utah Medical
3675 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
3676 dosage form, or a medical cannabis device, as those terms are defined in Section 26-61b-102.

3677 (2) A child welfare worker within the division may take action under Subsection (1)
3678 accompanied by a peace officer, or without a peace officer when a peace officer is not
3679 reasonably available.

3680 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child
3681 into protective custody, the child welfare worker shall also determine whether there are
3682 services available that, if provided to a parent or guardian of the child, would eliminate the
3683 need to remove the child from the custody of the child's parent or guardian.

3684 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be
3685 utilized.

3686 (c) In determining whether the services described in Subsection (3)(a) are reasonably
3687 available, and in making reasonable efforts to provide those services, the child's health, safety,

3688 and welfare shall be the child welfare worker's paramount concern.

3689 (4) (a) A child removed or taken into custody under this section may not be placed or
3690 kept in a secure detention facility pending court proceedings unless the child is detainable
3691 based on guidelines promulgated by the Division of Juvenile Justice Services.

3692 (b) A child removed from the custody of the child's parent or guardian but who does
3693 not require physical restriction shall be given temporary care in:

3694 (i) a shelter facility; or

3695 (ii) an emergency placement in accordance with Section 62A-4a-209.

3696 (c) When making a placement under Subsection (4)(b), the Division of Child and
3697 Family Services shall give priority to a placement with a noncustodial parent, relative, or
3698 friend, in accordance with Section 62A-4a-209.

3699 (d) If the child is not placed with a noncustodial parent, a relative, or a designated
3700 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor
3701 explaining why a different placement was in the child's best interest.

3702 (5) When a child is removed from the child's home or school or taken into protective
3703 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

3704 (a) the parent's rights under this part, including the right to be present and participate in
3705 any court proceeding relating to the child's case;

3706 (b) that it may be in the parent's best interest to contact an attorney and that, if the
3707 parent cannot afford an attorney, the court will appoint one;

3708 (c) the name and contact information of a division employee the parent may contact
3709 with questions;

3710 (d) resources that are available to the parent, including:

3711 (i) mental health resources;

3712 (ii) substance abuse resources; and

3713 (iii) parenting classes; and

3714 (e) any other information considered relevant by the division.

3715 (6) The pamphlet or flier described in Subsection (5) shall be:

3716 (a) evaluated periodically for its effectiveness at conveying necessary information and
3717 revised accordingly;

3718 (b) written in simple, easy-to-understand language; and

3719 (c) available in English and other languages as the division determines to be
3720 appropriate and necessary.

3721 Section 96. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

3722 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

3723 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
3724 evidence of abandonment that the parent or parents:

3725 (a) although having legal custody of the child, have surrendered physical custody of the
3726 child, and for a period of six months following the surrender have not manifested to the child
3727 or to the person having the physical custody of the child a firm intention to resume physical
3728 custody or to make arrangements for the care of the child;

3729 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
3730 months;

3731 (c) failed to have shown the normal interest of a natural parent, without just cause; or

3732 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

3733 (2) In determining whether a parent or parents are unfit or have neglected a child the
3734 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

3735 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
3736 parent unable to care for the immediate and continuing physical or emotional needs of the child
3737 for extended periods of time;

3738 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
3739 nature;

3740 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
3741 dangerous drugs that render the parent unable to care for the child;

3742 (d) repeated or continuous failure to provide the child with adequate food, clothing,
3743 shelter, education, or other care necessary for the child's physical, mental, and emotional health
3744 and development by a parent or parents who are capable of providing that care;

3745 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
3746 sentence is of such length that the child will be deprived of a normal home for more than one
3747 year;

3748 (f) a history of violent behavior; or

3749 (g) whether the parent has intentionally exposed the child to pornography or material

3750 harmful to a minor, as defined in Section 76-10-1201.

3751 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
3752 or otherwise consider a parent's lawful possession or consumption of cannabis in a medicinal
3753 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as
3754 those terms are defined in Section 26-61b-102, in accordance with Title 26, Chapter 61b, Utah
3755 Medical Cannabis Act.

3756 ~~(3)~~ (4) A parent who, legitimately practicing the parent's religious beliefs, does not
3757 provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit
3758 parent.

3759 ~~(4)~~ (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful
3760 or unfit because of a health care decision made for a child by the child's parent unless the state
3761 or other party to the proceeding shows, by clear and convincing evidence, that the health care
3762 decision is not reasonable and informed.

3763 (b) Nothing in Subsection ~~(4)~~ (5)(a) may prohibit a parent from exercising the right to
3764 obtain a second health care opinion.

3765 ~~(5)~~ (6) If a child has been placed in the custody of the division and the parent or
3766 parents fail to comply substantially with the terms and conditions of a plan within six months
3767 after the date on which the child was placed or the plan was commenced, whichever occurs
3768 later, that failure to comply is evidence of failure of parental adjustment.

3769 ~~(6)~~ (7) The following circumstances constitute prima facie evidence of unfitness:

3770 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
3771 child, due to known or substantiated abuse or neglect by the parent or parents;

3772 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
3773 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
3774 child's physical, mental, or emotional health and development;

3775 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
3776 of the child;

3777 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
3778 commit murder or manslaughter of a child or child abuse homicide; or

3779 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
3780 of the child, without legal justification.

3781 Section 97. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

3782 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

3783 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
3784 evidence of abandonment that the parent or parents:

3785 (a) although having legal custody of the child, have surrendered physical custody of the
3786 child, and for a period of six months following the surrender have not manifested to the child
3787 or to the person having the physical custody of the child a firm intention to resume physical
3788 custody or to make arrangements for the care of the child;

3789 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
3790 months;

3791 (c) failed to have shown the normal interest of a natural parent, without just cause; or

3792 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

3793 (2) In determining whether a parent or parents are unfit or have neglected a child the
3794 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

3795 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
3796 parent unable to care for the immediate and continuing physical or emotional needs of the child
3797 for extended periods of time;

3798 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
3799 nature;

3800 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
3801 dangerous drugs that render the parent unable to care for the child;

3802 (d) repeated or continuous failure to provide the child with adequate food, clothing,
3803 shelter, education, or other care necessary for the child's physical, mental, and emotional health
3804 and development by a parent or parents who are capable of providing that care;

3805 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
3806 sentence is of such length that the child will be deprived of a normal home for more than one
3807 year;

3808 (f) a history of violent behavior; or

3809 (g) whether the parent has intentionally exposed the child to pornography or material
3810 harmful to a minor, as defined in Section 76-10-1201.

3811 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent

3812 because of or otherwise consider the parent's lawful possession or consumption of [a
3813 ~~cannabidiol product, in accordance with Title 26, Chapter 65, Cannabidiol Product Act]~~
3814 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
3815 medical cannabis device, as those terms are defined in Section 26-61b-102, in accordance with
3816 Title 26, Chapter 61b, Utah Medical Cannabis Act.

3817 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
3818 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

3819 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
3820 unfit because of a health care decision made for a child by the child's parent unless the state or
3821 other party to the proceeding shows, by clear and convincing evidence, that the health care
3822 decision is not reasonable and informed.

3823 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
3824 obtain a second health care opinion.

3825 (6) If a child has been placed in the custody of the division and the parent or parents
3826 fail to comply substantially with the terms and conditions of a plan within six months after the
3827 date on which the child was placed or the plan was commenced, whichever occurs later, that
3828 failure to comply is evidence of failure of parental adjustment.

3829 (7) The following circumstances constitute prima facie evidence of unfitness:

3830 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
3831 child, due to known or substantiated abuse or neglect by the parent or parents;

3832 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
3833 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
3834 child's physical, mental, or emotional health and development;

3835 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
3836 of the child;

3837 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
3838 commit murder or manslaughter of a child or child abuse homicide; or

3839 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
3840 of the child, without legal justification.

3841 Section 98. **Repealer.**

3842 This bill repeals:

- 3843 Section 4-41-201, Title.
- 3844 Section 4-41-202, Definitions.
- 3845 Section 4-41-203, Department to cultivate cannabis.
- 3846 Section 4-41-204, Department to make rules regarding cultivation and processing.
- 3847 Section 4-41-301, Department to establish a state dispensary.
- 3848 Section 4-41-302, Labeling.
- 3849 Section 4-41-304, Department to make rules regarding purchasers, communication
- 3850 -- Report.
- 3851 Section 4-43-101 (Effective 07/01/19), Title.
- 3852 Section 4-43-102 (Effective 07/01/19), Definitions.
- 3853 Section 4-43-201 (Effective 07/01/19), Cannabidiol processor -- Cannabidiol
- 3854 laboratory -- License -- Renewal.
- 3855 Section 4-43-202 (Effective 07/01/19), Renewal.
- 3856 Section 4-43-203 (Effective 07/01/19), Bond required for license.
- 3857 Section 4-43-301 (Effective 07/01/19), Cannabidiol processor and laboratory
- 3858 agents.
- 3859 Section 4-43-401 (Effective 07/01/19), Cannabidiol processor or cannabidiol
- 3860 laboratory -- General operating requirements.
- 3861 Section 4-43-402 (Effective 07/01/19), Cannabidiol processor or cannabidiol
- 3862 laboratory -- Inspection by department.
- 3863 Section 4-43-501 (Effective 07/01/19), Cannabidiol processor -- Operating
- 3864 requirements.
- 3865 Section 4-43-502 (Effective 07/01/19), Cannabidiol product.
- 3866 Section 4-43-503 (Effective 07/01/19), Cannabidiol medicine -- Labeling and
- 3867 packaging.
- 3868 Section 4-43-601 (Effective 07/01/19), Hemp and cannabidiol product testing.
- 3869 Section 4-43-602 (Effective 07/01/19), Reporting -- Inspections.
- 3870 Section 4-43-701 (Effective 07/01/19), Enforcement -- Fine -- Citation.
- 3871 Section 4-43-702 (Effective 07/01/19), Report to the Legislature.
- 3872 Section 4-43-703 (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product

- 3873 **Restricted Account.**
- 3874 Section **4-43-801 (Effective 07/01/19), Cannabinoid Product Restricted Account --**
- 3875 **Creation.**
- 3876 Section **26-65-101 (Effective 07/01/19), Title.**
- 3877 Section **26-65-102 (Effective 07/01/19), Definitions.**
- 3878 Section **26-65-103 (Effective 07/01/19), Medicinal dosage form.**
- 3879 Section **26-65-201 (Effective 07/01/19), Insurance coverage.**
- 3880 Section **26-65-202 (Effective 07/01/19), Rules -- Report to the Legislature.**
- 3881 Section **58-67-808 (Effective 07/01/19), Recommendation of cannabidiol products.**
- 3882 Section **58-68-808 (Effective 07/01/19), Recommendation of cannabidiol products.**
- 3883 Section **58-85-103.5, Right to request a recommendation for a cannabis-based**
- 3884 **treatment.**
- 3885 Section **58-88-101 (Effective 07/01/19), Title.**
- 3886 Section **58-88-102 (Effective 07/01/19), Definitions.**
- 3887 Section **58-88-103 (Effective 07/01/19), Cannabidiol-qualified pharmacy**
- 3888 **requirements.**
- 3889 Section **58-88-104 (Effective 07/01/19), Division to make rules -- Study.**
- 3890 Section **59-29-101 (Effective 07/01/19), Title.**
- 3891 Section **59-29-102 (Effective 07/01/19), Definitions.**
- 3892 Section **59-29-103 (Effective 07/01/19), Imposition of tax -- Rate -- Administration.**
- 3893 Section **59-29-104 (Effective 07/01/19), Collection of tax.**
- 3894 Section **59-29-105 (Effective 07/01/19), Deposit of tax revenue.**
- 3895 Section **59-29-106 (Effective 07/01/19), Records.**
- 3896 Section **59-29-107 (Effective 07/01/19), Rulemaking authority.**
- 3897 Section **59-29-108 (Effective 07/01/19), Penalties and interest.**