

This document highlights key similarities and differences between  
Proposition 2 and HB 3001, Utah Medical Cannabis Act.

Major Elements

| <b>Proposition #2</b>   | <b>HB 3001, Utah Medical Cannabis Act</b>   |
|---|---|
| Initially 15 <b>cannabis cultivation facility licenses</b> issued, with no upper limit if UDAF determines that it is necessary.                                   | Initially 10 <b>cannabis cultivation facility licenses</b> , with up to 5 additional licenses possible if UDAF determines that it is necessary.   |
| No stated limit to size of <b>cannabis cultivation facility</b> .   | <b>Cannabis cultivation facility</b> may not exceed 100,000 square feet for indoor cultivation or four acres for outdoor cultivation. Can apply to exceed cultivation limit by up to 20%.   |
| <b>Cannabis processing facility</b> may not knowingly display images, words, or phrases on cannabis product that appeal to children.                              | <b>Cannabis processing facility</b> may not display images, words, or phrases on cannabis product that they know or should know will appeal to children.  |
| No limit on <b>cannabis processing facilities</b> (must be licensed by UDAF).   | No limit on <b>cannabis processing facilities</b> (must be licensed by UDAF).   |
| No limit on <b>independent cannabis testing laboratories</b> (must be licensed by UDAF).  | No limit on <b>independent cannabis testing laboratories</b> (must be licensed by UDAF).  |
| Medical cannabis made available to patients through <b>medical cannabis dispensaries</b> .  | Medical cannabis made available through <b>medical cannabis pharmacies</b> or the <b>state central fill medical cannabis pharmacy</b> (which distributes through the patient’s local health department). Both type of pharmacies must have a licensed pharmacist on staff.  |
| Approximately 43 <b>medical cannabis dispensary licenses</b> available (29 counties + 14 additional in larger counties).  | Initially 7 <b>medical cannabis pharmacy licenses</b> available, with 3 additional licenses possible if state central fill medical cannabis pharmacy is not operational.<br>Each of the 13 local health departments must designate at least one of its locations to distribute shipments from the state central fill medical cannabis pharmacy. |
| Patient must be recommended medical cannabis by a <b>“physician,”</b> who can be a licensed MD, DO, or APRN who can prescribe a Schedule II controlled substance. | Patient must be recommended medical cannabis by a registered <b>“qualified medical provider”</b> who is (1) licensed MD, DO, APRN, or PA who (2) has a license to prescribe controlled substances, (3) has registered with UDOH, and (4) has completed a 4 initial hours and 4 ongoing hours of continuing education.                           |

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| <p>A “physician” may not recommend medical cannabis to <b>more than 20% of their patients</b>, unless they have a qualifying board certification, which allows them to exceed that 20% limit.</p>                  | <p>A “qualified medical provider” may not recommend medical cannabis to <b>more than 175 of their patients at the same time</b>, unless they have a qualifying board certification, which allows them to recommend to up to 300 patients at one time (with an additional 300 possible in increments of 100 by petition to DOPL).</p>  |
| <p>The patient must have a “<b>qualifying condition</b>” listed in Section 26-60b-105.</p>   | <p>The patient must have a “<b>qualifying condition</b>” listed in Section 26-61a-104 (slight different list).</p>  |
| <p>Patient must be <b>at least 18 for a medical cannabis card</b>.</p>   | <p>Patient must be <b>at least 21 for a medical cannabis patient card without needing approval of the compassionate use board</b>.<br/> Patient who is <b>18-20 years old</b> must petition the compassionate use board. Patient who is a <b>minor</b> must have a parent or legal guardian petition the compassionate use board.</p>   |
| <p>Protection for <b>tenants from a landlord penalizing the individual</b> for their status as legal medical cannabis user.</p>  | <p>Protection for <b>state and political subdivision employees</b> for legal medical cannabis use (treated the same as opioid use).</p>   |
| <p>If medical cannabis pharmacies are <b>more than 100 miles away</b> from the patient, the patient or their agent can grow up to six cannabis plants for personal medical use.</p>                                | <p>If neither a medical cannabis pharmacy nor the state central fill medical cannabis pharmacy are operating after January 1, 2021, a cardholder is not subject to prosecution for possession of a limited amount of marijuana in a medicinal dosage form.<br/> If neither a medical cannabis pharmacy nor the state central fill medical cannabis pharmacy are <b>within 100 miles</b> of the patient, the patient is able to receive a 30-day rather than a 14-day supply</p> |
| <p>In any 14-day period, a <b>medical cannabis cardholder may obtain</b> up to 56 grams of unprocessed cannabis or an amount of cannabis product that is up to 10 grams of THC.</p>                                | <p>In any 12-day period, a <b>medical cannabis cardholder may obtain</b>, in medical dosage form, up to an amount sufficient for 14 days of treatment, 56 grams of unprocessed cannabis, or an amount of cannabis product that is up to 10 grams of THC.<br/> (See also 100-mile provision immediately above)</p>   |
| <p>Before July 1, 2020, it is an <b>affirmative defense</b> to criminal charges if the individual would have been eligible for a medical cannabis card and the conduct would have been lawful after that date.</p> | <p>Before January 1, 2021, an individual is <b>not guilty for the use or possession of cannabis</b> if the individual was diagnosed with a qualifying condition, had a pre-existing relationship with a physician who believes that the individual would benefit, and the cannabis was in medicinal dosage form.</p>  |

## Cannabis production establishment (CPEs): Cultivation, Processing, and Testing

| <b>Proposition #2</b>   | <b>HB 3001, Utah Medical Cannabis Act</b>   |
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| No provisions.  | May enter into agreement with Indian tribe or Indian band to allow cannabis production establishment on tribal land located within the state.   |
| CPE must be 600 feet from a community location and 300 feet from area zoned exclusively for residential use. No waiver.                   | CPE must be 1,000 feet from a community location and 600 feet from area zoned exclusively for residential use, unless county or municipality requests waiver.   |
| No provisions.  | If there is more than one application for a CPF in the same city or town, the department must consult with the local land use authority.  |
| CPE must show available liquid assets of at least \$500,000 for cultivation facility, or \$100,000 for processing facility or testing lab | CPE must obtain and maintain a surety bond of at least \$250,000 for cultivation facility, and \$50,000 for processing facility or testing lab  |
| CPE license can be revoked if not operational within one year   | CPE license can be revoked if not operational within one year, if more than three of the same violations, or the owner (> 2%) or operator is convicted of a felony, or a misdemeanor for drug distribution.   |
| CPE licenses renewed every two years.   | CPE licenses renewed every year.  |
| No expiration date for CPE agent registration.  | CPE agent registration expires after two years.   |
| A physician may not serve as a CPE agent.   | A licensed physician or pharmacist may not serve as a CPE agent, > 2% owner, or operator  |
| Grants UDAF authority to inspect CPEs   | Specifies that inspection must occur during business hours and adds specific examples of things that must be made available to inspectors.  |
| An individual who travels with cannabis with a non-compliant manifest is guilty of an infraction and subject to \$100 fine.               | An individual who travels with cannabis with a non-compliant manifest is guilty of an infraction and subject to \$100 fine.<br>An individual traveling with more cannabis than what a shipping manifest identifies can be guilty of violating the Utah Controlled Substances Act. |
| Municipality or county may not enact a zoning ordinance that prohibits the establishment of a CPE solely because of cannabis.             | Municipality or county must allow CPE in at least one type of industrial zone and at least one type of agricultural zone.   |
| Up to 15 cultivation facility licenses available.   | Up to 10 cultivation facility licenses available, and up to 5 additional if UDAF and UDOH determine additional licenses are necessary.  |
| No limit on cultivation facility size.  | Up to 100,000 square feet for indoor cultivation.<br>Up to four acres for outdoor cultivation.<br>Can apply to exceed cultivation limit by up to 20%  |
| No provision.   | UDAF establishes protocols for recall of unsafe product. If cannabinoid content diverges more than 10% from amount on label, product must be relabeled before it can be sold.   |

## Sale and Distribution

| <b>Proposition #2</b>   | <b>HB 3001, Utah Medical Cannabis Act</b>   |
|---|---|
| No provisions.  | May enter into agreement with Indian tribe or Indian band to allow medical cannabis pharmacy on tribal land located within the state.   |
| Labeling cannot display images, words, or phrases that are intended to appeal to children                                   | Labeling cannot display images, words, or phrases that appeal to children.  |
| No provision.   | Requires warning label with specific text about effects of cannabis.  |
| No provision.   | Specifies that cannabis must be in medicinal dosage form  |
| Sale through medical cannabis dispensaries – one allowed per county, with certain larger counties allowed more              | Sale through medical cannabis pharmacies (7 licenses initially, up to 3 additional possible) and state central fill medical cannabis pharmacy through local health departments (at least 13 locations).   |
| Cannabis dispensary license renewed every two years.  | Medical cannabis pharmacy license renewed every year.   |
| No expiration date for cannabis dispensary agent registration.  | Medical cannabis pharmacy agent registration expires after two years.   |
| A physician may not serve as a cannabis dispensary agent.   | A licensed physician, pharmacist, APRN, or PA may not serve as a CPE agent, > 2% owner, or operator (except for physicians and pharmacist serving as pharmacy medical providers)  |
| Grants DoH authority to inspect cannabis dispensaries   | Specifies that inspection must occur during business hours and adds specific examples of things that must be made available to inspectors.  |
| An individual who travels with cannabis with a non-compliant manifest is guilty of an infraction and subject to \$100 fine. | An individual who travels with cannabis with a non-compliant manifest is guilty of an infraction and subject to \$100 fine.<br>An individual traveling with more cannabis than what a shipping manifest identifies, other than a de minimis error, can be guilty of violating the Utah Controlled Substances Act. |

## Recommendation by Health Care Practitioner

| <b>Proposition #2</b>  | <b>HB 3001, Utah Medical Cannabis Act</b>  |
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| Medical cannabis can be recommended by any individual who is licensed to prescribe a Schedule II controlled substance (excluding veterinarians).   | Medical cannabis can be recommended by (1) a licensed MD, DO, APRN, or PA who (2) has a controlled substance license and (3) has completed the required continuing education and (4) has registered with UDOH.   |
| Non-specialists cannot prescribe medical cannabis to more than 20% of their patients.  | Non-specialists cannot prescribe medical cannabis to more than 175 of their patients.  |
| Physicians with board certification in anesthesiology, gastroenterology, neurology, oncology, pain, hospice, palliative care, physiatry, or psychiatry can prescribe to more than 20% of their patients. | Physicians with board certification in all categories to the left except for physiatry, and adding hospice, physical medicine, rehabilitation, and rheumatology, can prescribe to 300 patients, with an additional 300 patients possible in increments of 100 by petition to DOPL. |

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| No provision. | Dosing guidelines must be provided, either by the recommending qualified medical provider or the pharmacy medical provider or state central fill medical provider, for the recommendation to be filled at a medical cannabis pharmacy. |
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## Use and Enforcement

| <b>Proposition #2</b>  | <b>HB 3001, Utah Medical Cannabis Act</b>   |
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| No provision.  | Includes penalties for unauthorized disclosure of access of state electronic verification system.   |
| A landlord may not refuse to lease to an individual because they hold a medical cannabis card. | No provision.   |
| No provision.  | State and local governments must treat medical cannabis use the same way that they treat employee use of opioids.   |
| Patients who are at least 18 years old qualify for a medical cannabis card.                    | Patient must be at least 21 years old to receive an unrestricted medical cannabis patient card.   |
| No provision.  | Patients between 18-20 years old must petition the compassionate use board.   |
| No provision.  | Patients younger than 18 years old may receive a provisional patient card but must petition the compassionate use board through a qualified parent or legal guardian. |