

Utah Medical Cannabis Act Overview

November 30, 2018

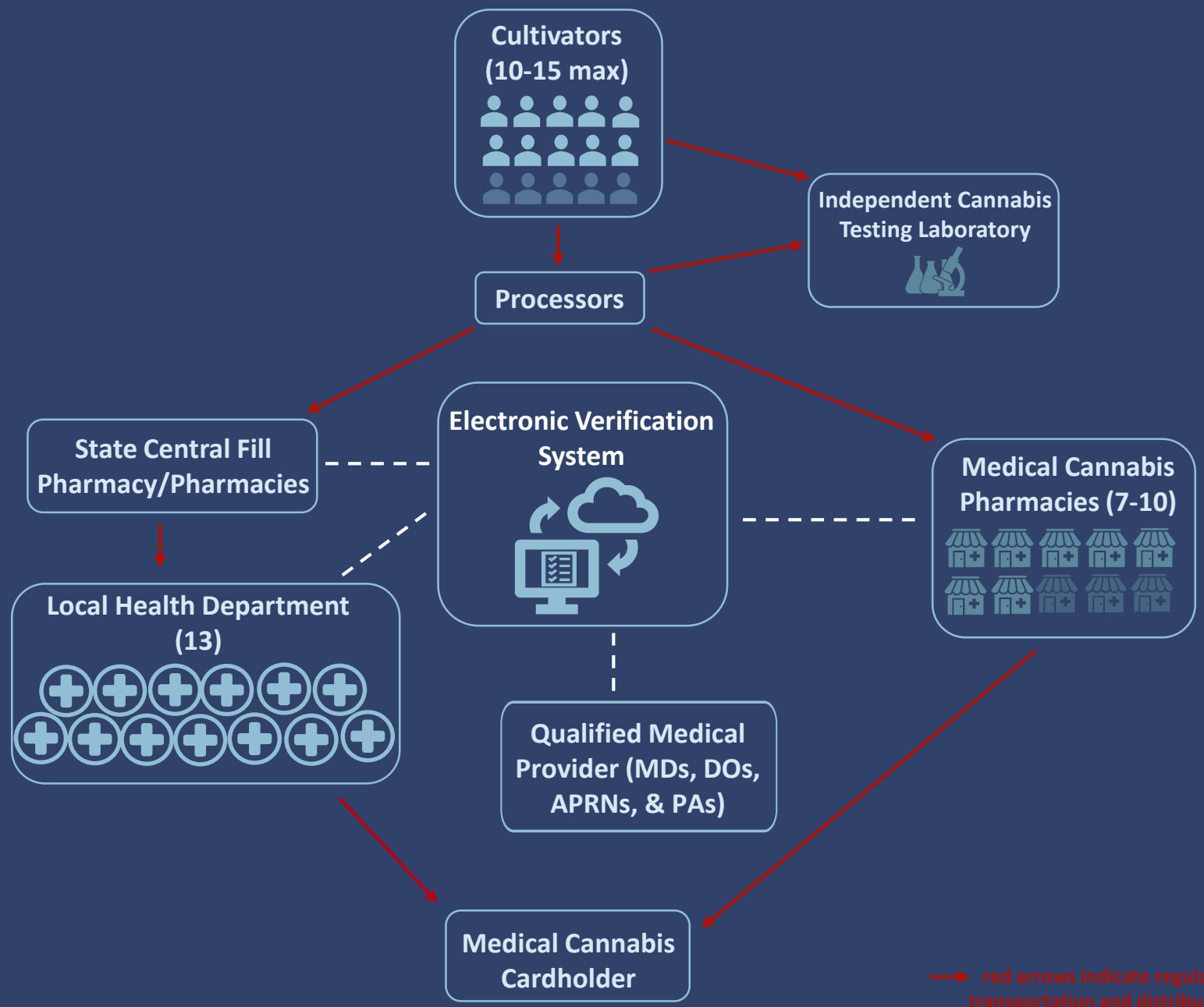


Plant 8" Tall

Inventory Control System

Patient Use

provides for security and tracking of cannabis and a related product from cultivation to patient use.



→ red arrows indicate regulated transportation and distribution

- - - access to state electronic verification system

Medical Cannabis Card Overview

November 30, 2018

1. Doctor Recommendation

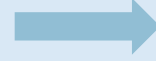


A qualified medical provider (QMP) recommends medical cannabis treatment to a patient with a qualifying condition*

Qualifying conditions

- HIV or AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Persistent nausea, under certain conditions
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- Multiple sclerosis or persistent and debilitating muscle spasms
- PTSD, under certain conditions
- Autism
- Terminal illnesses, under certain conditions
- Condition resulting in hospice care
- Rare conditions, under certain conditions
- Pain lasting longer than two weeks, under certain conditions
- Condition the Compassionate Use Board approves, on a case-by-case basis

2. Card Application



Patient applies for a medical cannabis card with QMP at QMP's office through Electronic Verification System (EVS)

Medical Cannabis Patient Card qualifications

- 21 or older (18, 19, or 20 if Compassionate Use Board recommends approval of card)
- Utah resident
- Provide name, gender, age, and address
- Sign acknowledgment of risks
- Pay fee

Other medical cannabis cards:

- Medical Cannabis Guardian Card
- Provisional Patient Card (for a minor in connection with a Medical Cannabis Guardian Card)
- Medical Cannabis Caregiver Card (for a designated caregiver)

3. Card Issuance



The Department of Health evaluates application and issues card within 15 days, if applicant qualifies

Medical Cannabis Patient Card

- Valid for up to 30 days at first, then 6 months
- Renewable (with fee)

Medical Cannabis Guardian Card

- Valid for up to 30 days at first, then 6 months
- Renewable (with fee)

Provisional Patient Card

- Issued automatically with guardian card (no fee)
- Renews automatically with guardian card (no fee)

Medical Cannabis Caregiver Card

- Generally, card renews automatically with associated medical cannabis patient or guardian card (with fee)

4. Cardholder Requirements



Presumption a cardholder possesses cannabis legally, if requirements followed

A medical cannabis cardholder:

- may only purchase, possess, transport, and (if patient) use certain cannabis in medicinal dosage form
- must carry card on person at all times cardholder is in possession of cannabis
- must have identification label for cannabis in cardholder's possession
- may not use cannabis in public view, except in an emergency
- may not carry on person:
 - more than 113 grams of unprocessed cannabis
 - cannabis product that contains more than 20 grams of total composite THC

*QMP's recommendation for a minor must be approved by the Compassionate Use Board

Summary of Provisions Governing Cannabis Cultivation Facilities

- Grows and sells cannabis to another cannabis cultivation facility or to a cannabis processing facility
- License required from Department of Agriculture and Food
 - 10 licenses available in state (up to 15 if Department of Agriculture and Food finds it is necessary)
 - Department of Agriculture and Food may revoke license if:
 - the facility is not operating after one year;
 - the facility has been cited for committing three or more of the same type of violation; or
 - the following is convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution:
 - an individual who has a financial voting interest of 2% or greater in the facility; or
 - an individual who has the power to direct the management or control of the facility
 - License expires every year
 - Department of Agriculture and Food must begin accepting applications for licensing by Jan 1, 2020
 - A license holder does not receive preference for any additional license related to medical cannabis
- Subject to Department of Agriculture and Food inspections at any time during business hours
- Facility must have:
 - a single, secure public entrance
 - a security system with backup power source that:
 - detects and records entry; and
 - provides notice of an unauthorized entry to law enforcement when the facility is closed; and
 - locks, or equivalent restrictive security features, on any area where the facility stores cannabis or a cannabis product
- Criminal background checks and FBI Rap Back System registration required for each employee of the facility as well as each individual who has a financial or voting interest of 2% or greater in the facility or has power to direct or cause the management or control of the facility
- Must register all employees as cannabis cultivation facility agents
- Everyone who works in the facility must be at least 21 and have never been convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution
- Must operate in a facility that is accessible only to an individual with a valid cannabis cultivation facility agent registration card
- May not advertise to the general public, but may advertise employment opportunities
- Must use inventory control system that:
 - establishes a unique identifier for every plant 8" tall with root ball
 - tracks in real time all cannabis in possession
 - includes a video-recording system that tracks all handling of cannabis and stores video for at least 45 days; and
 - preserves compatibility with state electronic verification system
- If the facility cultivates cannabis indoors, the facility may not use more than 100,000 square feet for cultivation
 - May exceed limit by up to 20% if authorized by the Department of Agriculture and Food
- If the facility cultivates cannabis outdoors, the facility may not use more than four acres for cultivation
 - May exceed limit by up to 20% if authorized by the Department of Agriculture and Food
- Must render medical cannabis waste unusable and unrecognizable and dispose of it
- May not have any plants visible from perimeter of property at ground level
- Must comply with local zoning and land use permitting requirements
- May not be located within 1,000 feet of a community location, except under certain conditions
- May not be located within 600 feet of an area zoned primarily for residential use
- Must be located in an agricultural or industrial zone

Summary of Provisions Governing Cannabis Processing Facilities

- Manufactures and sells a cannabis product to the state central fill medical cannabis pharmacy or a medical cannabis pharmacy
- License required from Department of Agriculture and Food
 - Department of Agriculture and Food may revoke license if:
 - the facility is not operating after one year;
 - the facility has been cited for committing three or more of the same type of violation; or
 - the following is convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution:
 - an individual who has a financial voting interest of 2% or greater in the facility; or
 - an individual who has the power to direct the management or control of the facility
 - License expires every year
 - Department of Agriculture and Food must begin accepting applications by Jan 1, 2020
 - A license holder does not receive preference for any additional license related to medical cannabis
- Subject to Department of Agriculture and Food inspections at any time during business hours
- Facility must have:
 - a single, secure public entrance
 - a security system with backup power source that:
 - detects and records entry; and
 - provides notice of an unauthorized entry to law enforcement when the facility is closed; and
 - locks, or equivalent restrictive security features, on any area where the facility stores cannabis or a cannabis product
- Criminal background checks and FBI Rap Back System registration required for each employee of the facility as well as each individual who has a financial or voting interest of 2% or greater in the facility or has power to direct or cause the management or control of the facility
- Must register all employees as cannabis processing facility agents
- Everyone who works in the facility must be at least 21 and have never been convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution
- Must operate in a facility that is accessible only to an individual with a valid cannabis processing facility agent registration card
- May not advertise to the general public, but may advertise employment opportunities
- Must use inventory control system that:
 - establishes a unique identifier for every plant 8” tall with root ball
 - tracks in real time all cannabis in possession
 - includes a video-recording system that tracks all handling of cannabis and stores video for at least 45 days; and
 - preserves compatibility with state electronic verification system
- May not produce a cannabis product that:
 - the facility knows or should know appeals to children
 - is designed to mimic or could be mistaken for a candy product; and
 - for any flavoring for a product used in vaporization of cannabis or a cannabis product, contains a candy-like flavor or another flavor that the facility knows or should know appeals to children
- For a product that the facility processes or produces, the facility must follow labelling and packaging requirements, including:
 - clearly and unambiguously stating on label that the product contains cannabis
 - placing on the label a unique identification number, connected with the inventory control system, that identifies unique product manufacturing process
 - requirements that the label and package not appeal to children or mimic a candy container
 - a warning label that states: “WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a qualified medical provider.”; and

- for a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, the label must also include a warning about the risks of over-consumption and may not include a photograph or other image of the container's contents
- Must render medical cannabis waste unusable and unrecognizable and dispose of it
- Must comply with local zoning and land use permitting requirements
- May not be located within 1,000 feet of a community location, except under certain conditions
- May not be located within 600 feet of an area zoned primarily for residential use
- Must be located in an agricultural or industrial zone

Summary of Provisions Governing Independent Cannabis Testing Laboratories

- Conducts chemical or other analysis of cannabis and cannabis products
- License required from Department of Agriculture and Food
 - Department of Agriculture and Food may revoke license if:
 - the facility is not operating after one year;
 - the facility has been cited for committing three or more of the same type of violation; or
 - the following is convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution:
 - an individual who has a financial voting interest of 2% or greater in the facility; or
 - an individual who has the power to direct the management or control of the facility
 - License expires every year
 - Department of Agriculture and Food will begin accepting applications by Jan 1, 2020
 - Department of Agriculture and Food may not issue license to person that:
 - holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or
 - has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility
 - A license holder does not receive preference for any additional license related to medical cannabis
- May not be located at same physical location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility
- Subject to Department of Agriculture and Food inspections at any time during business hours
- Facility must have:
 - a single, secure public entrance
 - a security system with backup power source that:
 - detects and records entry; and
 - provides notice of an unauthorized entry to law enforcement when the facility is closed; and
 - locks, or equivalent restrictive security features, on any area where the facility stores cannabis or a cannabis product
- Criminal background checks and FBI Rap Back System registration required for each employee of the laboratory as well as each individual who has a financial or voting interest of 2% or greater in the laboratory or has power to direct or cause the management or control of the laboratory
- Must register all employees as independent cannabis testing laboratory agents
- Everyone who works in the facility must be at least 21 and have never been convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution
- Must operate in a facility that is accessible only to an individual with a valid independent cannabis testing laboratory agent registration card
- May not advertise to the general public, but may advertise employment opportunities
- Must use inventory control system that:
 - establishes a unique identifier for every plant 8" tall with root ball
 - tracks in real time all cannabis in possession
 - includes a video-recording system that tracks all handling of cannabis and stores video for at least 45 days; and
 - preserves compatibility with state electronic verification system
- Must render medical cannabis waste unusable and unrecognizable and dispose of it
- Tests a representative sample of cannabis or cannabis product to determine:
 - the amount of total composite THC and CBD in cannabis or a cannabis product and whether the amount in a container matches the label on the container
 - the amount of any other cannabinoid in the cannabis or cannabis product the label claims the cannabis or cannabis product contains
 - that the presence of contaminants does not exceed an amount that is safe for human consumption; and

- that a cannabis product does not contain a level of residual solvent that is not safe for human consumption
- Department of Agriculture and Food may establish standards, methods, practices, and procedures for testing cannabis and cannabis products.
- Reports to the Department of Agriculture and Food any cannabis or cannabis product that it determines is unsafe for human consumption
- Must comply with local zoning and land use permitting requirements
- May not be located within 1,000 feet of a community location, except under certain conditions
- May not be located within 600 feet of an area zoned primarily for residential use
- Must be located in an agricultural or industrial zone

Summary of Provisions Governing Medical Cannabis Pharmacies

- Sells medical cannabis treatment to medical cannabis cardholders
- License required from Department of Health
 - Seven licenses available in state (may increase incrementally to 10 if the state central fill medical cannabis pharmacy does not meet certain operational deadlines)
 - Department of Agriculture and Food may revoke a license if:
 - the pharmacy is not operating after one year
 - the pharmacy has been cited for committing three or more of the same type of violation; or
 - the following is convicted of a felony or, after the effective date of this bill, a misdemeanor for drug distribution:
 - an individual who has a financial voting interest of 2% or greater in the pharmacy; or
 - an individual who has the power to direct the management or control of the pharmacy
 - License expires every year
 - Department of Health must begin accepting applications by March 1, 2020
 - A license holder does not receive preference for any additional license related to medical cannabis
- Must maintain inventory control system
- Must use state electronic verification system and preserve compatibility with inventory control system
 - Must submit record to state electronic verification system each time the pharmacy dispenses cannabis or a cannabis product to individual with a medical cannabis card
 - May only sell medical cannabis treatment and educational material related to medical use of cannabis
- An individual must be at least 18 to enter and possess a valid medical cannabis card
- Everyone who works in the pharmacy must be at least 21 and have never been convicted of a felony
- Criminal background checks and FBI Rap Back System registration required for each employee as well as each individual who has a financial or voting interest of 2% or greater in the pharmacy or has power to direct or cause the management or control of the pharmacy
- Must require all employees to register as medical cannabis pharmacy agents
- Pharmacy must have:
 - a single, secure public entrance
 - a security system with backup power source that:
 - detects and records entry; and
 - provides notice of an unauthorized entry to law enforcement when the pharmacy is closed; and
 - a lock on each area where the pharmacy stores cannabis
- Must post limits on purchases
- May not sell to a cardholder in any 12-day period more than the lesser of:
 - an amount sufficient to provide 14 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or
 - 56 grams of unprocessed cannabis or an amount that contains more than 10 grams of total composite THC
- May not sell a cannabis-based drug that the United States Food and Drug Administration has approved
- Required to employ and register with the Department of Health a pharmacy medical provider, including a pharmacist-in-charge (and have at least one pharmacist onsite during business hours to consult with patients)
 - pharmacy medical providers must complete certain continuing education requirements
- May not allow an individual to use cannabis on premises
- May not give samples
- Must put the name of pharmacy on cannabis or cannabis product sold
- May only sell to someone with a medical cannabis card and corresponding photo ID
- May not advertise in any medium
- May have signage that may include a green cross, the name of pharmacy, and the hours of operation
- Must follow specific labeling requirements for all cannabis and cannabis product sold
- Must comply with local zoning and land use permitting requirements
- May not be located within 600 feet of an area zoned primarily as residential

- May, under certain conditions, create a medical cannabis disposal program that allows individuals to deposit unused or excess medical cannabis, cannabis residue from a medical cannabis device, or medical cannabis products in a locked box or other secure receptacle within the pharmacy.

Summary of Provisions Governing State Central Fill Medical Cannabis Pharmacy

- Department of Health must establish, or contract to establish, a State Central Fill Medical Cannabis Pharmacy before July 1, 2020
- May be at more than one location, if analysis determines necessary
- Procures cannabis that a cannabis processing facility processes into a medicinal dosage form
- Receives requests for shipments from patients with verification through the state electronic verification system or from medical providers directly through the state electronic verification system
- May only prepare, ship, or sell medical cannabis treatment and educational material related to medical use of cannabis
- Prepares shipments and records information in the state electronic verification system
- May communicate and consult directly with the patient when the qualified medical professional recommending a medical cannabis treatment does not provide dosing parameters
- Processes payment electronically
- Delivers patient orders to the patient's corresponding local health department for distribution to the patient—must be delivered within two business days of receiving the shipment request
 - Local health department designates distribution agents to handle central fill shipments
 - Local health department distribution agents verify information regarding state central fill shipments and ensure that patients picking up the state central fill shipments have a medical cannabis card with corresponding photo identification
- May not prepare a state central fill shipment in any 12-day period for more than the lesser of:
 - an amount sufficient to provide 14 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or
 - 56 grams of unprocessed cannabis or an amount that contains more than 10 grams of total composite THC
- May not sell a cannabis-based drug that the United States Food and Drug Administration has approved
- Required to employ and register with the Department of Health a state central fill pharmacy medical provider, including a pharmacist-in-charge (and have at least one pharmacist onsite during business hours to consult with patients)
 - State central fill pharmacy medical providers must complete certain continuing education requirements
- Must include in each shipment written counseling regarding the shipment and provide a telephone number or website by which a cardholder may contact a pharmacy medical provider for counseling
- Must complete background check for and register in the FBI Rap back System each state central fill agent
- May not advertise in any medium
 - May maintain a website to provide information regarding the central fill process
- Must follow specific labeling requirements for all cannabis and cannabis product sold, including:
 - the name and phone number of the central fill medical cannabis pharmacy
 - an assigned serial number
 - the date of sale
 - the name of the medical cannabis cardholder to whom it was sold
 - the name of the qualified medical provider who recommended medical cannabis treatment
 - the amount dispensed and the cannabinoid content; and
 - the beyond use date

Summary of Provisions Governing Qualified Medical Providers

- Must register with the Department of Health in order to recommend medical cannabis treatment to a patient
 - registration expires every two years but is renewable
- Registration requires that the individual:
 - be licensed, in good standing, as an MD, DO, APRN, or PA
 - be licensed to prescribe a controlled substance; and
 - possess the authority, in accordance with scope of practice, to prescribe a Schedule II controlled substance
 - (If the individual is a PA, the PA's declaration of services agreement must include the recommending of medical cannabis and the PA's supervising physician must be a qualified medical provider.)
- Must complete four hours of continuing education regarding the medical use of cannabis:
 - before registering with the Department of Health; and
 - each continuing education cycle
- May not be:
 - a pharmacy medical provider or a state central fill medical provider; or
 - an owner, officer, director, board member, employee, or agent of a cannabis cultivation facility or a medical cannabis pharmacy
- May not recommend medical cannabis treatment to a more than 175 of patients at any given time, unless certified in certain specialties (in which case, may recommend medical cannabis treatment to up to 300 of patients at any given time)
- Certain specialists may petition Division of Occupational and Professional Licensing for authorization to exceed the 175- or 300- patient limit by up to 300 patients
- May only recommend the medical cannabis treatment to a patient in the course of qualified medical provider-patient relationship after completing and documenting in patient's record a thorough assessment of patient's condition and medical history
- May not receive any compensation or benefit from a cannabis cultivation facility, a cannabis processing facility, a medical cannabis pharmacy, a qualified medical provider, or pharmacy medical provider for recommending medical cannabis treatment for a patient
- May not advertise that the qualified medical provider recommends medical cannabis treatment
- May, through a website, post:
 - a green cross
 - any qualifying condition that the qualified medical provider treats
 - any scientific study regarding medical cannabis treatment
- Under specific conditions, is not subject to the following:
 - civil or criminal liability; or
 - licensure sanctions
- Must use reasonable and ordinary care in the treatment of a patient

Summary of Provisions Governing the Medical Cannabis Inventory Control System

- Tracks cannabis using a unique identifier, in real time, once the cannabis plant is 8 inches tall and has a root ball until the cannabis or cannabis product is disposed of or sold to a medical cannabis cardholder
- Must be used by:
 - cannabis cultivation facilities
 - cannabis processing facilities
 - independent cannabis testing laboratories
 - medical cannabis pharmacies; and
 - the state central fill medical cannabis pharmacy
- Maintains, in real time, a record of the amount of cannabis and cannabis product in the possession of an entity that uses the system
- Includes a video-recording system that:
 - tracks all handling and processing of the cannabis
 - is tamper proof; and
 - stores a video record for at least 45 days
- Preserves compatibility with the state electronic verification system
- Each entity that uses the system must permit the Department of Health to access the system at any time

Summary of Provisions Governing the Transportation of Medical Cannabis

- Except for an individual with a valid medical cannabis card, an individual may not transport medical cannabis treatment unless the individual:
 - is a registered agent of:
 - a cannabis cultivation facility
 - a cannabis processing facility
 - a medical cannabis pharmacy; or
 - the state central fill medical cannabis pharmacy
- OR
- is a courier for the state central fill medical cannabis pharmacy
- Except for in relation to an individual with a valid medical cannabis card, transportation of medical cannabis treatment is only permitted as follows:
 - between a cannabis cultivating facility and another cannabis cultivation facility or a cannabis processing facility;
 - between a cannabis processing facility and another cannabis processing facility, an independent cannabis testing laboratory, or a medical cannabis pharmacy;
 - between a medical cannabis pharmacy and another medical cannabis pharmacy; and
 - between a state central fill medical cannabis pharmacy and another state central fill medical cannabis pharmacy location or a local health department
- Only an agent of a cannabis cultivating facility, when transporting cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form
- An individual transporting medical cannabis treatment (unless the individual has a valid medical cannabis card) must possess a transportation manifest that:
 - includes a unique identifier link from the medical cannabis treatment to the inventory control system
 - includes the origin and destination of the medical cannabis treatment
 - indicates the departure and arrival times and locations of the individual transporting the medical cannabis treatment
- An individual who does not follow these requirements is guilty of an infraction and subject to a \$100 fine

Summary of Provisions Governing the Electronic Verification System

- Must be established on or before March 1, 2020
- Allows an individual to apply for a medical cannabis patient card or, if applicable, a medical cannabis guardian card:
 - with the patient's qualified medical provider; and
 - in the qualified medical provider's office
- Allows an individual to apply to renew a medical cannabis patient card or a medical cannabis guardian card under certain conditions
- Allows a qualified medical provider to:
 - access dispensing and card-status information regarding a patient;
 - electronically recommend treatment with cannabis and dosing parameters;
 - electronically renew a recommendation, under certain conditions; and
 - at the request of the medical cannabis cardholder, initial a state central fill shipment
- Connects with an inventory control system that a medical cannabis pharmacy and the state central fill medical cannabis pharmacy use to track and archive purchases of medical cannabis treatment
- Provides access to the Department of Health, the Department of Agriculture and Food, and the Division of Occupational and Professional Licensing to the extent necessary to carry out functions and responsibilities
- Provides access to and interaction with the state central fill medical cannabis pharmacy, state central fill agents, and local health department distribution agents, to facilitate the state central fill shipment process
- Provides access to state or local law enforcement under certain conditions