

Jennifer Dailey-Provost proposes the following substitute bill:

Hemp Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to hemp products and regulation.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits certain cannabinoids from being used in cannabinoid products;
- allows the Department of Agriculture and Food to limit certain types of cannabinoids that are found in a cannabinoid product;
- ~~§~~→ **[removes] amends** ←~~§~~ background check requirements for cannabinoid processor licenses;
- ~~§~~→ **amends qualifications for obtaining a cannabinoid processor license;** ←~~§~~
- requires industrial hemp retailers to maintain a video surveillance system;
- amends provisions related to cannabinoid product enforcement;
- requires a person to have a cannabis processor license to transport hemp concentrate; and
- removes the requirement that certain cannabinoid products be in a medicinal dosage form.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-41-102, as last amended by Laws of Utah 2024, Chapter 35

4-41-103.2, as last amended by Laws of Utah 2023, Chapter 146

4-41-103.3, as last amended by Laws of Utah 2023, Chapters 146, 327

4-41-105, as last amended by Laws of Utah 2024, Chapter 35

- 27 **4-41-404**, as last amended by Laws of Utah 2019, Chapter 23
- 28 **58-37-3.6**, as last amended by Laws of Utah 2024, Chapter 35
- 29 **58-85-102**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 30 **63N-3-1301**, as enacted by Laws of Utah 2024, Chapter 35
- 31 **77-39-101**, as last amended by Laws of Utah 2024, Chapter 35

32 ENACTS:

33 **4-41-405**, Utah Code Annotated 1953



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

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

37 **4-41-102 . Definitions.**

38 As used in this chapter:

- 39 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
 - 40 injurious to human health, including:
 - 41 (a) pesticides;
 - 42 (b) heavy metals;
 - 43 (c) solvents;
 - 44 (d) microbial life;
 - 45 (e) artificially derived cannabinoids;
 - 46 (f) toxins; or
 - 47 (g) foreign matter.
 - 48 (2)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
 - 49 chemical reaction that changes the molecular structure of any chemical substances
 - 50 derived from the cannabis plant.
 - 51 (b) "Artificially derived cannabinoid" does not include:
 - 52 (i) a naturally occurring chemical substance that is separated from the cannabis plant
 - 53 by a chemical or mechanical extraction process; or
 - 54 (ii) cannabinoids that are produced by decarboxylation from a naturally occurring
 - 55 cannabinoid acid without the use of a chemical catalyst.
 - 56 (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.
 - 57 (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.
 - 58 (5) "Cannabinoid processor license" means a license that the department issues to a person
 - 59 for the purpose of processing a cannabinoid product.
 - 60 (6) "Cannabinoid product" means a product that:

- 61 (a) contains or is represented to contain one or more naturally occurring cannabinoids;
- 62 (b) contains less than the cannabinoid product THC level, by dry weight;
- 63 (c) contains a combined amount of total THC and any THC analog that does not exceed
- 64 10% of the total cannabinoid content;
- 65 (d) does not exceed a total of THC and any THC analog that is greater than:
- 66 (i) 5 milligrams per serving; and
- 67 (ii) 150 milligrams per package; and
- 68 (e) unless the product is in an oil based suspension, has a serving size that:
- 69 (i) is an integer; and
- 70 (ii) is a discrete unit of the cannabinoid product.
- 71 (7) "Cannabinoid product class" means a group of cannabinoid products that:
- 72 (a) have all ingredients in common; and
- 73 (b) are produced by or for the same company.
- 74 (8) "Cannabinoid product THC level" means a combined concentration of total THC and
- 75 any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a
- 76 result within a measurement of uncertainty that includes the combined concentration of
- 77 0.3%.
- 78 (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 79 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as
- 80 CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 81 (11) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a
- 82 concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- 83 (12) "Industrial hemp producer registration" means a registration that the department issues
- 84 to a person for the purpose of processing industrial hemp or an industrial hemp product.
- 85 (13)(a) "Industrial hemp product" means a product made by processing industrial
- 85a hemp
- 86 plants or industrial hemp parts.
- 87 (b) "Industrial hemp product" does not include cannabinoid material or a
- 87a cannabinoid
- 88 product.
- 89 [(13)] (14) "Industrial hemp retailer permit" means a permit that the department issues to a
- 90 retailer who sells any viable industrial hemp seed or cannabinoid product.
- 91 [(14)(a) "Industrial hemp product" means a product made by processing industrial
- 91a hemp

92 ~~plants or industrial hemp parts.]~~

93 ~~[(b) "Industrial hemp product" does not include cannabinoid material.]~~

94 (15) "Key participant" means any of the following:

95 (a) a licensee;

96 (b) an operation manager;

97 (c) a site manager; or

98 (d) an employee who has access to any industrial hemp material with a THC
99 concentration above 0.3%.

100 (16) "Licensee" means a person possessing a cannabinoid processor license that the
101 department issues under this chapter.

102 (17) "Newly identified cannabinoid" means a cannabinoid that:

103 (a) is not expressly identified by chemical name or CAS number in this chapter;

103a and

104 (b) is identified by the department under Section 4-41-405.

105 ~~[(17)]~~ (18) "Non-compliant material" means:

106 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with
107 a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;~~and]~~

108 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the
109 cannabinoid product THC level[-] ; and

110 (c) a cannabinoid product containing any of the following:

111 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as

111a CAS#

112 54763-99-4;

113 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as

113a CAS#

114 51768-60-6;

115 (iii) delta-9-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as

115a CAS#

116 23132-17-4;

117 (iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as

117a CAS#

118 23050-54-6;

119 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#

120 36403-91-5; or

- 121 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#
122 36403-90-4.
- 123 [~~18~~] (19) "Permittee" means a person possessing a permit that the department issues under
124 this chapter.
- 125 [~~19~~] (20) "Person" means:
- 126 (a) an individual, partnership, association, firm, trust, limited liability company, or
127 corporation; and
- 128 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
129 liability company, or corporation.
- 130 [~~20~~] (21) "Retailer permittee" means a person possessing an industrial hemp retailer permit
131 that the department issues under this chapter.
- 132 [~~21~~] (22) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the
133 cannabinoid identified as CAS# 1972-08-3.
- 134 [~~22~~] (23)(a) "THC analog" means a substance that is structurally or pharmacologically
135 substantially similar to, or is represented as being similar to, delta-9-THC.
- 136 (b) "THC analog" does not include the following substances or the naturally occurring
137 acid forms of the following substances:
- 138 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
- 139 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
- 140 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
- 141 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
- 142 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;
- 143 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
- 144 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
- 145 (viii) cannabiol (CBN), the cannabinoid identified as CAS# 521-35-7;
- 146 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
- 147 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#
148 31262-37-0.
- 149 [~~23~~] (24) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol
150 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".
- 151 [~~24~~] (25) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined
152 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC =
153 delta-9-THC + (THCA x 0.877)".
- 154 [~~25~~] (26) "Transportable industrial hemp concentrate" means any amount of a natural

155 cannabinoid in a purified state that:

- 156 (a) is the product of any chemical or physical process applied to naturally occurring
 157 biomass that concentrates or isolates the cannabinoids contained in the biomass;
 158 (b) is derived from a cannabis plant that, based on sampling that was collected no more
 159 than 30 days before the day on which the cannabis plant was harvested, contains a
 160 combined concentration of total THC and any THC analog of less than 0.3% on a dry
 161 weight basis;
 162 (c) has a THC and THC analog concentration total that is less than 20% when
 163 concentrated from the cannabis plant to the purified state; and
 164 (d) is intended to be processed into a cannabinoid product.

165 Section 2. Section **4-41-103.2** is amended to read:

166 **4-41-103.2 . Cannabinoid processor license.**

167 (1) The department or a licensee of the department may process a cannabinoid product.

168 (2) A person seeking a cannabinoid processor license shall provide to the department:

- 169 (a) the legal description and global positioning coordinates sufficient for locating the
 170 facility the person uses to process industrial hemp; and
 171 (b) written consent allowing a representative of the department and local law
 172 enforcement to enter all premises where the person processes or stores industrial
 173 hemp for the purpose of:
 174 (i) conducting a physical inspection; or
 175 (ii) ensuring compliance with the requirements of this chapter.

176 ~~§→ [(3) An individual who has been convicted of a drug-related felony within the last 10~~
 176a ~~years~~

177 ~~is not eligible to obtain a cannabinoid processor license.]~~

178 [(4)] (3) ←§ The department may set a fee in accordance with Subsection 4-2-103(2) for
 178a the

179 application for a cannabinoid processor license.

180 ~~§→ [(5)] (4) ←§~~ A licensee may only market a cannabinoid product that the licensee
 180a processes.

180b ~~§→ (5)(a) An applicant for a cannabis processor license shall:~~

180c ~~(i) be at least 18 years old; and~~

180d ~~(ii) submit a nationwide criminal history from the Federal Bureau of Investigation to~~
 180e ~~the department.~~

180f ~~(b) The department shall reject an individual's application for a cannabis processor~~

180g license if the criminal history described in Subsection (5)(a)(ii) was not completed in
 180h the previous 90 days before the day the applicant submits the license application to
 180i the department.

180j **(6) An applicant is not eligible to receive a cannabis processor license if the applicant has:**

180k **(a) been convicted of a felony; or**

180l **(b) been convicted of a drug-related misdemeanor within the previous ten years.** ←§

181 [~~(6)(a) Each applicant for a license to process cannabinoid products shall submit to the~~
 182 ~~department, at the time of application, from each key participant:]~~

183 [~~(i) a fingerprint card in a form acceptable to the Department of Public Safety;]~~

184 [~~(ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the~~
 185 ~~registration of the individual's fingerprints in the Federal Bureau of Investigation~~
 186 ~~Next Generation Identification System's Rap Back Service; and]~~

187 [~~(iii) consent to a fingerprint background check by:]~~

188 [~~(A) the Bureau of Criminal Identification; and]~~

189 [~~(B) the Federal Bureau of Investigation.]~~

190 [~~(b) The Bureau of Criminal Identification shall:]~~

191 [~~(i) check the fingerprints the applicant submits under Subsection (6)(a) against the~~
 192 ~~applicable state, regional, and national criminal records databases, including the~~
 193 ~~Federal Bureau of Investigation Next Generation Identification System;]~~

194 [~~(ii) report the results of the background check to the department;]~~

195 [~~(iii) maintain a separate file of fingerprints that applicants submit under Subsection~~
 196 ~~(6)(a) for search by future submissions to the local and regional criminal records~~
 197 ~~databases, including latent prints;]~~

198 [~~(iv) request that the fingerprints be retained in the Federal Bureau of Investigation~~
 199 ~~Next Generation Identification System's Rap Back Service for search by future~~
 200 ~~submissions to national criminal records databases, including the Next Generation~~
 201 ~~Identification System and latent prints; and]~~

202 [~~(v) establish a privacy risk mitigation strategy to ensure that the department only~~
 203 ~~receives notifications for an individual with whom the department maintains an~~
 204 ~~authorizing relationship.]~~

205 [~~(e) The department shall:]~~

206 [~~(i) assess an individual who submits fingerprints under Subsection (6)(a) a fee in an~~
 207 ~~amount that the department sets in accordance with Section 63J-1-504 for the~~
 208 ~~services that the Bureau of Criminal Identification or another authorized agency~~

209 provides under this section; and]

210 [(ii) remit the fee described in Subsection (6)(c)(i) to the Bureau of Criminal
211 Identification.]

212 Section 3. Section **4-41-103.3** is amended to read:

213 **4-41-103.3 . Industrial hemp retailer permit.**

214 (1) Except as provided in Subsection [~~(4)~~] (5), a retailer
214a permittee of the department may

215 market or sell a cannabinoid product or a viable industrial hemp seed.

216 (2) A person seeking an industrial hemp retailer permit shall provide to the department:

217 (a) the name of the person that is seeking to market or sell a cannabinoid product or a
218 viable industrial hemp seed;

219 (b) the address of each location where a cannabinoid product or a viable industrial hemp
220 seed will be sold; and

221 (c) written consent allowing a representative of the department to enter all premises
222 where the person is selling a cannabinoid product or a viable industrial hemp seed for
223 the purpose of:

224 (i) conducting a physical inspection; or

225 (ii) ensuring compliance with the requirements of this chapter.

226 (3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:

227 (a) maintain a video surveillance system that:

228 (i) is able to monitor who purchases a cannabinoid product from the
228a permittee;

229 (ii) is tamper proof; and

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

231 (b) provide the department access to the video surveillance system upon request.

232 [~~(3)~~] (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the
233 application for an industrial hemp retailer permit.

234 [~~(4)~~] (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall
235 include a notice to consumers that the product is hemp and is not cannabis or medical
236 cannabis, as those terms are defined in Section 26B-4-201.

237 Section 4. Section **4-41-105** is amended to read:

238 **4-41-105 . Unlawful acts.**

239 (1) It is unlawful for a person to handle, process, or market living industrial hemp plants,
240 viable hemp seeds, leaf materials, or floral materials derived from industrial hemp

241 without the appropriate license or permit issued by the department under this chapter.

242 (2)(a) It is unlawful for any person to:

243 (i) distribute, sell, or market a cannabinoid product that is:

244 (A) not registered with the department under Section 4-41-104; or

245 (B) noncompliant material;

246 (ii) except as provided in Subsection (2)(b), transport into or out of the state extracted
247 material or final product that contains 0.3% or more of total THC and any THC
248 analog;

249 (iii) sell or use a cannabinoid product that is:

250 (A) added to a conventional food or beverage, as the department further defines in
251 rules described in Section 4-41-403;

252 (B) marketed or manufactured to be enticing to children, as further defined in
253 rules described in Section 4-41-403; or

254 (C) smokable flower; or

255 (iv) knowingly or intentionally sell or give a cannabinoid product that contains THC
256 or a THC analog in the course of business to an individual who is not at least 21
257 years old.

258 (b) A person may transport transportable industrial hemp concentrate if the person:

259 (i) complies with rules created by the department under Section 4-41-103.1 related to
260 transportable industrial hemp concentrate; and

261 (ii)(A) has [~~an industrial hemp producer registration~~] a
261a cannabinoid processor

262 license; or

263 (B) the equivalent to [~~an industrial hemp producer registration~~]
263a a cannabinoid

264 processor license from another state.

265 (3) The department may seize and destroy non-compliant material.

266 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any
267 provision of this title.

268 Section 5. Section **4-41-404** is amended to read:

269 **4-41-404 . Department duties.**

270 The department [~~shall assess the fine described in Subsection 4-41-403(4)-~~]

270a may take an

271 enforcement action in accordance with Section 4-41-106 against any person who offers

271a an
272 unregistered cannabinoid product for sale in this state.

273 Section 6. Section **4-41-405** is enacted to read:

274 **4-41-405 . Newly identified cannabinoid.**

275 (1) For a newly identified cannabinoid, the department may:

276 (a) establish a maximum allowable concentration that a cannabinoid product may
277 contain of the newly identified cannabinoid;

278 (b) prohibit the newly identified cannabinoid from appearing in a cannabinoid
278a product;

279 or

280 (c) modify the maximum allowable concentration described in Subsection (1)(a)

280a as

281 necessary if it would not create a threat to public health.

282 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

282a the

283 department shall make rules to implement Subsection (1).

284 Section 7. Section **58-37-3.6** is amended to read:

285 **58-37-3.6 . Exemption for possession or distribution of a cannabinoid product,**
286 **expanded cannabinoid product, or transportable industrial hemp concentrate.**

287 (1) As used in this section:

288 (a) "Cannabinoid product" means a product intended for human ingestion that:

289 (i) contains an extract or concentrate that is obtained from cannabis; and

290 [(ii) is prepared in a medicinal dosage form; and]

291 [(iii)] (ii) contains at least 10 units of cannabidiol for every one unit of
292 tetrahydrocannabinol.

293 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

294 [(e) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.]

295 [(d)] (c) "Expanded cannabinoid product" means a product intended for human ingestion
296 that:

297 (i) contains an extract or concentrate that is obtained from cannabis; and

298 [(ii) is prepared in a medicinal dosage form; and]

299 [(iii)] (ii) contains less than 10 units of cannabidiol for every one unit of
300 tetrahydrocannabinol.

301 [(e) "Hemp cannabinoid product" means a product that:]

- 302 ~~[(i) contains or is represented to contain one or more naturally occurring~~
303 ~~cannabinoids;]~~
- 304 ~~[(ii) contains less than the cannabinoid product THC level, by dry weight;]~~
- 305 ~~[(iii) contains a combined amount of total THC and any THC analog that does not~~
306 ~~exceed 10% of the total cannabinoid content;]~~
- 307 ~~[(iv) does not exceed a total of THC and any THC analog that is greater than five~~
308 ~~milligrams per serving and 150 milligrams per package; and]~~
- 309 ~~[(v) unless the product is in an oil based suspension, has a serving size that is an~~
310 ~~integer.]~~
- 311 ~~[(f)]~~ (d) "Transportable industrial hemp concentrate" means any amount of a natural
312 cannabinoid in a purified state that:
- 313 (i) is the product of any chemical or physical process applied to naturally occurring
314 biomass that concentrates or isolates the cannabinoids contained in the biomass;
- 315 (ii) is derived from a cannabis plant that, based on sampling that was collected no
316 more than 30 days before the day on which the cannabis plant was harvested,
317 contains a combined concentration of total THC and any THC analog of less than
318 0.3% on a dry weight basis; and
- 319 (iii) has a THC and THC analog concentration total less than 20% when concentrated
320 from the cannabis plant to the purified state.
- 321 ~~[(g) "Medicinal dosage form" means:]~~
- 322 ~~[(i) a tablet;]~~
- 323 ~~[(ii) a capsule;]~~
- 324 ~~[(iii) a concentrated oil;]~~
- 325 ~~[(iv) a liquid suspension;]~~
- 326 ~~[(v) a transdermal preparation; or]~~
- 327 ~~[(vi) a sublingual preparation.]~~
- 328 ~~[(h)]~~ (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
329 description in Subsection 58-37-4(2)(a)(iii)(AA).
- 330 (2) Notwithstanding any other provision of this chapter an individual who possesses or
331 distributes a cannabinoid product or an expanded cannabinoid product is not subject to
332 the penalties described in this title for the possession or distribution of marijuana or
333 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
334 cannabinoid product or expanded cannabinoid product complies with ~~[Title 26B,~~
335 ~~Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis]~~ Section

335a 26B-4-212.

- 336 (3) Notwithstanding any other provision of this chapter, a person who possesses and
 337 distributes transportable industrial hemp concentrate is not subject to the penalties
 338 described in this chapter for the possession or distribution of transportable industrial
 339 hemp concentrate if the transportable industrial hemp concentrate is handled in
 340 accordance with the rules established under Subsection 4-41-103.1(1)(e) or is destroyed.

341 Section 8. Section **58-85-102** is amended to read:

342 **58-85-102 . Definitions.**

343 As used in this chapter:

344 (1) "Eligible patient" means an individual who has been diagnosed with a terminal illness
 345 by a physician.

346 (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

347 (3) "Investigational device" means a device that:

348 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

349 (b) has successfully completed the United States Food and Drug Administration Phase 1
 350 testing for an investigational device described in 21 C.F.R. Part 812.

351 (4) "Investigational drug" means a drug that:

352 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

353 (b) has successfully completed the United States Food and Drug Administration Phase 1
 354 testing for an investigational new drug described in 21 C.F.R. Part 312.

355 (5) "Medicinal dosage form" [~~means the same as that term is defined in Section~~

355a ~~58-37-3.6.]~~

356 means:

357 (a) a tablet;

358 (b) a capsule;

359 (c) a concentrated oil;

360 (d) a liquid suspension;

361 (e) a transdermal preparation; or

362 (f) a sublingual preparation.

363 (6) "Physician" means an individual who is licensed under:

364 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

365 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

366 (7) "Terminal illness" means a condition of a patient that:

367 (a) as determined by a physician:

- 368 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by
 369 treatment with an investigational drug or investigational device; and
 370 (ii) will inevitably lead to the patient's death; and
 371 (b) presents the patient, after the patient has explored conventional therapy options, with
 372 no treatment option that is satisfactory or comparable to treatment with an
 373 investigational drug or device.

374 Section 9. Section **63N-3-1301** is amended to read:

375 **63N-3-1301 . Definitions.**

376 As used in this part:

- 377 (1) "Cannabinoid processor license" means the same as that term is defined in Section
 378 4-41-102.
 379 (2) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.
 380 (3) "Industrial hemp product" means the same as that term is defined in
 380a Section 4-41-102.
 381 (4) "Industrial hemp producer registration" means the same as that term is defined in
 382 Section 4-41-102.

383 Section 10. Section **77-39-101** is amended to read:

384 **77-39-101 . Investigation of sales of alcohol, tobacco products, electronic**
 385 **cigarette products, nicotine products, and cannabinoid products to underage individuals.**

- 386 (1) As used in this section:
 387 (a) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.
 388 (b) "Electronic cigarette product" means the same as that term is defined in Section
 389 76-10-101.
 390 (c) "Nicotine product" means the same as that term is defined in Section 76-10-101.
 391 (d) "Peace officer" means the same as the term is described in Section 53-13-109.
 392 (e) "Tobacco product" means the same as that term is defined in Section 76-10-101.
 393 (2)(a) A peace officer may investigate the possible violation of:
 394 (i) Section 32B-4-403 by requesting an individual under 21 years old to enter into
 395 and attempt to purchase or make a purchase of alcohol from a retail establishment;
 396 (ii) Section 76-10-114 by requesting an individual under 21 years old to enter into
 397 and attempt to purchase or make a purchase from a retail establishment of:
 398 (A) a tobacco product;
 399 (B) an electronic cigarette product; or
 400 (C) a nicotine product; or

- 401 (iii) Subsection [~~4-41-105(2)(d)~~] 4-41-105(2)(a)(iv) by
401a requesting an individual under
402 21 years old to enter into and attempt to purchase or make a purchase of a
403 cannabinoid product that contains THC or a THC analog from a retail
404 establishment.
- 405 (b) A peace officer who is present at the site of a proposed purchase shall direct,
406 supervise, and monitor the individual requested to make the purchase.
- 407 (c) Immediately following a purchase or attempted purchase or as soon as practical the
408 supervising peace officer shall inform the cashier and the proprietor or manager of
409 the retail establishment that the attempted purchaser was under the legal age to
410 purchase:
- 411 (i) alcohol;
412 (ii)(A) a tobacco product;
413 (B) an electronic cigarette product; or
414 (C) a nicotine product; or
415 (iii) a cannabinoid product that contains THC or a THC analog.
- 416 (d) If a citation or information is issued, the citation or information shall be issued
417 within seven days after the day on which the purchase occurs.
- 418 (3)(a) If an individual under 18 years old is requested to attempt a purchase, a written
419 consent of that individual's parent or guardian shall be obtained before the individual
420 participates in any attempted purchase.
- 421 (b) An individual requested by the peace officer to attempt a purchase may:
422 (i) be a trained volunteer; or
423 (ii) receive payment, but may not be paid based on the number of successful
424 purchases of alcohol, tobacco products, electronic cigarette products, nicotine
425 products, or cannabinoid products that contain THC or a THC analog.
- 426 (4) The individual requested by the peace officer to attempt a purchase and anyone
427 accompanying the individual attempting a purchase may use false identification in
428 attempting the purchase if:
- 429 (a) the Department of Public Safety created in Section 53-1-103 provides the false
430 identification;
- 431 (b) the false identification:
432 (i) accurately represents the individual's age; and
433 (ii) displays a current photo of the individual; and

- 434 (c) the peace officer maintains possession of the false identification at all times outside
435 the attempt to purchase.
- 436 (5) An individual requested to attempt to purchase or make a purchase pursuant to this
437 section is immune from prosecution, suit, or civil liability for the purchase of, attempted
438 purchase of, or possession of alcohol, a tobacco product, an electronic cigarette product,
439 a nicotine product, or a cannabinoid product that contains THC or a THC analog if a
440 peace officer directs, supervises, and monitors the individual.
- 441 (6)(a) Except as provided in Subsection (6)(b), a purchase attempted under this section
442 shall be conducted within a 12-month period:
- 443 (i) on a random basis at any one retail establishment location, not more often than
444 four times for the attempted purchase of alcohol;
- 445 (ii) a minimum of two times at a retail establishment that sells tobacco products,
446 electronic cigarette products, or nicotine products for the attempted purchase of a
447 tobacco product, an electronic cigarette product, or a nicotine product; and
- 448 (iii) a minimum of one time at a retail establishment that sells a cannabinoid product
449 that contains THC or a THC analog.
- 450 (b) This section does not prohibit an investigation or an attempt to purchase alcohol, a
451 tobacco product, an electronic cigarette product, or a nicotine product under this
452 section if:
- 453 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a
454 tobacco product, an electronic cigarette product, a nicotine product, or a
455 cannabinoid product that contains THC or a THC analog to an individual under
456 the age established by Section 32B-4-403, Section 76-10-114, or Subsection
457 4-41-105(2)(d); and
- 458 (ii) the supervising peace officer makes a written record of the grounds for the
459 reasonable suspicion.
- 460 (7)(a) The peace officer exercising direction, supervision, and monitoring of the
461 attempted purchase shall make a report of the attempted purchase, whether or not a
462 purchase was made.
- 463 (b) The report required by this Subsection (7) shall include:
- 464 (i) the name of the supervising peace officer;
- 465 (ii) the name of the individual attempting the purchase;
- 466 (iii) a photograph of the individual attempting the purchase showing how that
467 individual appeared at the time of the attempted purchase;

468 (iv) the name and description of the cashier or proprietor from whom the individual
469 attempted the purchase;

470 (v) the name and address of the retail establishment; and

471 (vi) the date and time of the attempted purchase.

472 Section 11. **Effective Date.**

473 This bill takes effect on May 7, 2025.