

Evan J. Vickers proposes the following substitute bill:

Medical Cannabis Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Walt Brooks

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ amends surveillance requirements;
- ▶ allows the Cannabis Production Establishment and Pharmacy Licensing Advisory Board (licensing board) to renew or approve medical cannabis courier licenses;
- ▶ allows the licensing board to renew licenses as necessary instead of only in December;
- ▶ amends reporting requirements;
- ▶ allows the Department of Agriculture and Food to issue letters of concern;
- ▶ removes the requirement that pharmacy and courier agent registration cards include the agent's employer on the card;
- ▶ allows for medical cannabis cardholders to bring their own opaque bag or box to transport medical cannabis from the pharmacy;
- ▶ requires medical cannabis pharmacies and couriers to report a change in ownership at least 45 days before the change occurs;
- ▶ requires qualified medical provider employee proxies to complete a course on health information privacy;
- ▶ removes certain information from the medical cannabis card;
- ▶ repeals provisions related to the Division of Finance and the medical cannabis program;
- ▶ aligns continuing education provisions of qualified medical providers and pharmacy medical providers;
- ▶ includes a coordination clause with H.B. 21, Criminal Code Recodification and Cross References, to align a definition and cross reference; and
- ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a coordination clause.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

36 **4-41a-103**, as last amended by Laws of Utah 2023, Chapter 327

37 **4-41a-201**, as last amended by Laws of Utah 2024, Chapter 217

38 **4-41a-201.1**, as last amended by Laws of Utah 2024, Chapter 217

39 **4-41a-401**, as last amended by Laws of Utah 2024, Chapter 217

40 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
41 Chapter 1

42 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

43 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

44 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217

45 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217

46 **4-41a-1102**, as last amended by Laws of Utah 2024, Chapters 217, 240

47 **4-41a-1106**, as last amended by Laws of Utah 2024, Chapter 217

48 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240

49 **4-41a-1204**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
50 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
51 Laws of Utah 2023, Chapter 307

52 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

53 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240

54 **26B-4-204**, as last amended by Laws of Utah 2024, Chapter 217

55 **26B-4-213**, as last amended by Laws of Utah 2024, Chapters 217, 240

56 **26B-4-219**, as last amended by Laws of Utah 2024, Chapter 507

57 **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240

58 REPEALS:

59 **4-41a-108**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
60 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

61 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
62 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

63 **Utah Code Sections affected by Coordination Clause:**64 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

65

66 *Be it enacted by the Legislature of the state of Utah:*67 *The following section is affected by a coordination clause at the end of this bill.*68 Section 1. Section **4-41a-102** is amended to read:69 **4-41a-102 . Definitions.**

70 As used in this chapter:

71 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
72 injurious to health, including:

73 (a) pesticides;

74 (b) heavy metals;

75 (c) solvents;

76 (d) microbial life;

77 (e) artificially derived cannabinoid;

78 (f) toxins; or

79 (g) foreign matter.

80 (2) "Advertise" or "advertising" means information provided by a person in any medium:

81 (a) to the public; and

82 (b) that is not age restricted to an individual who is at least 21 years old.

83 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in

84 Section 26B-1-435.

85 (4)(a) "Anticompetitive business practice" [~~means any practice that reduces the amount~~
86 ~~of competition in the medical cannabis market that would be considered an attempt to~~
87 ~~monopolize, as defined in Section 76-10-3103] means any practice that is an illegal
88 anticompetitive activity under Section 76-10-3104.~~

89 (b) "Anticompetitive business practice" may include:

90 (i) agreements that may be considered unreasonable when competitors interact to the
91 extent that they are:

92 (A) no longer acting independently; or

93 (B) when collaborating are able to wield market power together;

94 (ii) monopolizing or attempting to monopolize trade by:

95 (A) acting to maintain or acquire a dominant position in the market; or

96 (B) preventing new entry into the market; or

- 97 (iii) other conduct outlined in rule.
- 98 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
99 chemical reaction that changes the molecular structure of any chemical substance
100 derived from the cannabis plant.
- 101 (b) "Artificially derived cannabinoid" does not include:
- 102 (i) a naturally occurring chemical substance that is separated from the cannabis plant
103 by a chemical or mechanical extraction process; or
- 104 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
105 cannabinoid acid without the use of a chemical catalyst.
- 106 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board
107 created in Section 26B-1-420.
- 108 (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 109 (8) "Cannabis concentrate" means:
- 110 (a) the product of any chemical or physical process applied to naturally occurring
111 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 112 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
113 artificially derived cannabinoid's purified state.
- 114 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
115 intended to be sold as a cannabis plant product.
- 116 (10) "Cannabis cultivation facility" means a person that:
- 117 (a) possesses cannabis;
- 118 (b) grows or intends to grow cannabis; and
- 119 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
120 processing facility, or a medical cannabis research licensee.
- 121 (11) "Cannabis cultivation facility agent" means an individual who
122 holds a valid cannabis production establishment agent registration card with a cannabis
123 cultivation facility designation.
- 124 (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- 125 (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
126 a form that is recognizable as a portion of a cannabis plant.
- 127 (14) "Cannabis processing facility" means a person that:
- 128 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 129 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 130 (c) manufactures or intends to manufacture a cannabis product from unprocessed

- 131 cannabis or a cannabis extract; and
- 132 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
133 medical cannabis research licensee.
- 134 (15) "Cannabis processing facility agent" means an individual who
135 holds a valid cannabis production establishment agent registration card with a cannabis
136 processing facility designation.
- 137 (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 138 (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
139 processing facility, or an independent cannabis testing laboratory.
- 140 (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
141 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 142 (19) "Cannabis production establishment agent registration card" means a registration card
143 that the department issues that:
- 144 (a) authorizes an individual to act as a cannabis production establishment agent; and
145 (b) designates the type of cannabis production establishment for which an individual is
146 authorized to act as an agent.
- 147 (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home
148 delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis
149 product.
- 150 (21) "Community location" means a public or private elementary or secondary school, a
151 church, a public library, a public playground, or a public park.
- 152 (22) "Cultivation space" means, quantified in square feet, the horizontal area in which a
153 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
154 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
155 above other plants in multiple levels.
- 156 (23) "Delivery address" means:
- 157 (a) for a medical cannabis cardholder who is not a facility:
158 (i) the medical cannabis cardholder's home address; or
159 (ii) an address designated by the medical cannabis cardholder that:
160 (A) is the medical cannabis cardholder's workplace; and
161 (B) is not a community location; or
162 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 163 (24) "Department" means the Department of Agriculture and Food.
- 164 (25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,

- 165 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
166 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 167 (26) "Government issued photo identification" means the same as that term is defined in
168 Section 26B-4-201, including expired identification in accordance with Section
169 26B-4-244.
- 170 (27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
171 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
172 shipments to a delivery address to fulfill electronic orders that the state central patient
173 portal facilitates.
- 174 (28)(a) "Independent cannabis testing laboratory" means a person that:
175 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
176 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
177 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 178 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
179 or a research university operates in accordance with Subsection 4-41a-201(14).
- 180 (29) "Independent cannabis testing laboratory agent" means an individual who
181 holds a valid cannabis production establishment agent registration card with an
182 independent cannabis testing laboratory designation.
- 183 (30) "Inventory control system" means a system described in Section 4-41a-103.
- 184 (31) "Licensing board" or "board" means the Cannabis Production Establishment and
185 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 186 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 187 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 188 (34) "Medical cannabis courier" means a courier that:
189 (a) the department licenses in accordance with Section 4-41a-1201; and
190 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
191 cannabis shipments to fulfill electronic orders that the state central patient portal
192 facilitates.
- 193 (35) "Medical cannabis courier agent" means an individual who:
194 (a) is an employee of a medical cannabis courier; and
195 (b) who holds a valid medical cannabis courier agent registration card.
- 196 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section
197 26B-4-201.
- 198 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section

- 199 26B-4-201.
- 200 (38) "Medical cannabis research license" means a license that the department issues to a
201 research university for the purpose of obtaining and possessing medical cannabis for
202 academic research.
- 203 (39) "Medical cannabis research licensee" means a research university that the department
204 licenses to obtain and possess medical cannabis for academic research, in accordance
205 with Section 4-41a-901.
- 206 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home
207 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
208 address to fulfill an electronic medical cannabis order that the state central patient portal
209 facilitates.
- 210 (41) "Medical cannabis treatment" means the same as that term is defined in Section
211 26B-4-201.
- 212 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 213 (43) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
214 medical cannabis pharmacy licenses issued by the department rounded down to the
215 nearest whole number.
- 216 (44) "Pharmacy medical provider" means the same as that term is defined in Section
217 26B-4-201.
- 218 (45) "Qualified medical provider" means the same as that term is defined in Section
219 26B-4-201.
- 220 (46) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 221 (47) "Recommending medical provider" means the same as that term is defined in Section
222 26B-4-201.
- 223 (48) "Research university" means the same as that term is defined in Section 53B-7-702 and
224 a private, nonprofit college or university in the state that:
- 225 (a) is accredited by the Northwest Commission on Colleges and Universities;
226 (b) grants doctoral degrees; and
227 (c) has a laboratory containing or a program researching a schedule I controlled
228 substance described in Section 58-37-4.
- 229 (49) "State electronic verification system" means the system described in Section 26B-4-202.
- 230 (50) "Targeted marketing" means the promotion of a cannabis product, medical cannabis
231 brand, or a medical cannabis device using any of the following methods:
232 (a) electronic communication to an individual who is at least 21 years old and has

- 233 requested to receive promotional information;
- 234 (b) an in-person marketing event that is:
- 235 (i) held inside a medical cannabis pharmacy; and
- 236 (ii) in an area where only a medical cannabis cardholder may access the event;
- 237 (c) other marketing material that is physically available or digitally displayed in a
- 238 medical cannabis pharmacy; or
- 239 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 240 provided to an individual when obtaining medical cannabis:
- 241 (i) in the medical cannabis pharmacy;
- 242 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 243 (iii) in a medical cannabis shipment.
- 244 (51) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section
- 245 4-41-102.
- 246 (52) "THC analog" means the same as that term is defined in Section 4-41-102.
- 247 (53) "Total composite tetrahydrocannabinol" means all detectable forms of
- 248 tetrahydrocannabinol.
- 249 (54) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in
- 250 Section 4-41-102.
- 251 Section 2. Section **4-41a-103** is amended to read:
- 252 **4-41a-103 . Inventory control system.**
- 253 (1) Each cannabis production establishment and each medical cannabis pharmacy shall
- 254 maintain an inventory control system that meets the requirements of this section.
- 255 (2) A cannabis production establishment and a medical cannabis pharmacy shall ensure that
- 256 the inventory control system maintained by the establishment or pharmacy:
- 257 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis
- 258 plant is eight inches tall and has a root ball until the cannabis is disposed of or sold,
- 259 in the form of unprocessed cannabis or a cannabis product, to an individual with a
- 260 medical cannabis card;
- 261 (b) maintains in real time a record of the amount of cannabis and cannabis products in
- 262 the possession of the establishment or pharmacy; and
- 263 ~~[(e) includes a video recording system that:]~~
- 264 ~~[(i) tracks all handling and processing of cannabis or a cannabis product in the~~
- 265 ~~establishment or pharmacy;]~~
- 266 ~~[(ii) is tamper proof; and]~~

- 267 ~~[(iii) stores a video record for at least 45 days; and]~~
- 268 ~~[(d)]~~ (c) preserves compatibility with the state electronic verification system described in
- 269 Section 26B-4-202.
- 270 (3) A cannabis production establishment and a medical cannabis pharmacy shall allow the
- 271 following to access the cannabis production establishment's or the medical cannabis
- 272 pharmacy's inventory control system at any time:
- 273 (a) the department; and
- 274 (b) the Department of Health and Human Services~~;~~ and .
- 275 ~~[(e) a financial institution that the Division of Finance validates, in accordance with~~
- 276 ~~Subsection (6).]~~
- 277 (4) The department may establish compatibility standards for an inventory control system
- 278 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 279 Act.
- 280 (5)(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
- 281 Administrative Rulemaking Act, establishing requirements for aggregate or batch
- 282 records regarding the planting and propagation of cannabis before being tracked in an
- 283 inventory control system described in this section.
- 284 (b) The department shall ensure that the rules described in Subsection (5)(a) address
- 285 record-keeping for the amount of planted seed, number of cuttings taken, date and
- 286 time of cutting and planting, number of plants established, and number of plants
- 287 culled or dead.
- 288 (6)(a) The department may provide reports from the inventory control system to a
- 289 financial institution to allow them to reconcile transactions and other financial
- 290 activity of cannabis production establishments, medical cannabis pharmacies, and
- 291 medical cannabis couriers that use financial services that the financial institution
- 292 provides.
- 293 (b) A report:
- 294 (i) may only include information related to financial transactions; and
- 295 (ii) may not include any identifying patient information.
- 296 ~~[(6)(a) The Division of Finance shall, in consultation with the state treasurer:]~~
- 297 ~~[(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
- 298 ~~make rules to:]~~
- 299 ~~[(A) establish a process for validating financial institutions for access to an~~
- 300 ~~inventory control system in accordance with Subsections (3)(c) and (6)(b); and]~~

- 301 ~~[(B) establish qualifications for the validation described in Subsection (6)(a)(i)(A);]~~
 302 ~~[(ii) review applications the Division of Finance receives in accordance with the~~
 303 ~~process established under Subsection (6)(a)(i);]~~
 304 ~~[(iii) validate a financial institution that meets the qualifications described in~~
 305 ~~Subsection (6)(a)(i); and]~~
 306 ~~[(iv) provide a list of validated financial institutions to the department and the~~
 307 ~~Department of Health and Human Services.]~~
 308 ~~[(b) A financial institution that the Division of Finance validates under Subsection (6)(a):]~~
 309 ~~[(i) may only access an inventory control system for the purpose of reconciling~~
 310 ~~transactions and other financial activity of cannabis production establishments,~~
 311 ~~medical cannabis pharmacies, and medical cannabis couriers that use financial~~
 312 ~~services that the financial institution provides;]~~
 313 ~~[(ii) may only access information related to financial transactions; and]~~
 314 ~~[(iii) may not access any identifying patient information.]~~

315 Section 3. Section **4-41a-201** is amended to read:

316 **4-41a-201 . Cannabis production establishment -- License.**

- 317 (1) Except as provided in Subsection (14), a person may not operate a cannabis production
 318 establishment without a license that the department issues under this chapter.
- 319 (2)(a)(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a
 320 licensing process that the department initiates after March 17, 2021, the
 321 department, through the licensing board, shall issue licenses in accordance with
 322 Section 4-41a-201.1.
- 323 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 324 the department shall make rules to specify a transparent and efficient process to:
 325 (A) solicit applications for a license under this section;
 326 (B) allow for comments and questions in the development of applications;
 327 (C) timely and objectively evaluate applications;
 328 (D) hold public hearings that the department deems appropriate; and
 329 (E) select applicants to receive a license.
- 330 (iii) The department may not issue a license to operate a cannabis production
 331 establishment to an applicant who is not eligible for a license under this section.
- 332 (b) An applicant is eligible for a license under this section if the applicant submits to the
 333 licensing board:
 334 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis

- 335 cultivation facility, addresses of no more than two facility locations, located in a
336 zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will
337 operate the cannabis production establishment;
- 338 (ii) the name and address of any individual who has:
- 339 (A) for a publicly traded company, a financial or voting interest of 10% or greater
340 in the proposed cannabis production establishment;
- 341 (B) for a privately held company, a financial or voting interest in the proposed
342 cannabis production establishment; or
- 343 (C) the power to direct or cause the management or control of a proposed cannabis
344 production establishment;
- 345 (iii) an operating plan that:
- 346 (A) complies with Section 4-41a-204;
- 347 (B) includes operating procedures that comply with this chapter and any law the
348 municipality or county in which the person is located adopts that is consistent
349 with Section 4-41a-406; and
- 350 (C) the department or licensing board approves;
- 351 (iv) a statement that the applicant will obtain and maintain a liquid cash account with
352 a financial institution or a performance bond that a surety authorized to transact
353 surety business in the state issues in an amount of at least:
- 354 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;
355 or
- 356 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
357 laboratory for which the applicant applies;
- 358 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
359 department sets in accordance with Section 63J-1-504; and
- 360 (vi) a description of any investigation or adverse action taken by any licensing
361 jurisdiction, government agency, law enforcement agency, or court in any state for
362 any violation or detrimental conduct in relation to any of the applicant's
363 cannabis-related operations or businesses.
- 364 (c)(i) A person may not locate a cannabis production establishment:
- 365 (A) within 1,000 feet of a community location; or
- 366 (B) in or within 600 feet of a district that the relevant municipality or county has
367 zoned as primarily residential.
- 368 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured

- 369 from the nearest entrance to the cannabis production establishment by following
370 the shortest route of ordinary pedestrian travel to the property boundary of the
371 community location or residential area.
- 372 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
373 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not
374 reasonably feasible for the applicant to site the proposed cannabis production
375 establishment without the waiver.
- 376 (iv) An applicant for a license under this section shall provide evidence of
377 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 378 (3) If the licensing board approves an application for a license under this section and
379 Section 4-41a-201.1:
- 380 (a) the applicant shall pay the [~~departmentan~~] department an initial license fee in an
381 amount that, subject to Subsection 4-41a-104(5), the department sets in accordance
382 with Section 63J-1-504; and
- 383 (b) the department shall notify the Department of Public Safety of the license approval
384 and the names of each individual described in Subsection (2)(b)(ii).
- 385 (4)(a) Except as provided in Subsection (4)(b), a cannabis production establishment shall
386 obtain a separate license for each type of cannabis production establishment and each
387 location of a cannabis production establishment.
- 388 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
389 processing facility license to a person to operate at the same physical location or at
390 separate physical locations.
- 391 (5) If the licensing board receives more than one application for a cannabis production
392 establishment within the same city or town, the licensing board shall consult with the
393 local land use authority before approving any of the applications pertaining to that city
394 or town.
- 395 (6) The licensing board may not issue a license to operate an independent cannabis testing
396 laboratory to a person who:
- 397 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
398 cannabis processing facility, or a cannabis cultivation facility;
- 399 (b) has an owner, officer, director, or employee whose family member holds a license or
400 has an ownership interest in a medical cannabis pharmacy, a cannabis processing
401 facility, or a cannabis cultivation facility; or
- 402 (c) proposes to operate the independent cannabis testing laboratory at the same physical

- 403 location as a medical cannabis pharmacy, a cannabis processing facility, or a
404 cannabis cultivation facility.
- 405 (7) The licensing board may not issue a license to operate a cannabis production
406 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
407 (a) has been convicted under state or federal law of:
408 (i) a felony in the preceding 10 years; or
409 (ii) after December 3, 2018, a misdemeanor for drug distribution;
410 (b) is younger than 21 years old; or
411 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 412 (8)(a) If an applicant for a cannabis production establishment license under this section
413 holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing
414 board may not give preference to the applicant based on the applicant's status as a
415 holder of the license.
- 416 (b) If an applicant for a license to operate a cannabis cultivation facility under this
417 section holds a license to operate a medical cannabis pharmacy under this title, the
418 licensing board may give consideration to the applicant based on the applicant's
419 status as a holder of a medical cannabis pharmacy license if:
420 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
421 result from the applicant's vertical integration than from a more competitive
422 marketplace; and
423 (ii) the licensing board finds multiple other factors, in addition to the existing license,
424 that support granting the new license.
- 425 (9) The licensing board may revoke a license under this part:
426 (a) if the cannabis production establishment does not begin cannabis production
427 operations within one year after the day on which the licensing board issues the
428 initial license;
429 (b) after the third of the same violation of this chapter in any of the licensee's licensed
430 cannabis production establishments or medical cannabis pharmacies;
431 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
432 active, under state or federal law of:
433 (i) a felony; or
434 (ii) after December 3, 2018, a misdemeanor for drug distribution;
435 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
436 the time of application, or fails to supplement the information described in

- 437 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
438 submission of the application within 14 calendar days after the licensee receives
439 notice of the investigation or adverse action;
- 440 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
441 for the requirements of this chapter or the rules the department makes in accordance
442 with this chapter;
- 443 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
444 that the cannabis production establishment no longer meets the minimum standards
445 for licensure and operation of the cannabis production establishment described in this
446 chapter;
- 447 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
448 laboratory fails to substantially meet the performance standards described in
449 Subsection (14)(b); or
- 450 (h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
451 board [~~identifies~~] finds that the licensee has participated in an anticompetitive
452 business [~~practices~~] practice.
- 453 (10)(a) A person who receives a cannabis production establishment license under this
454 chapter, if the municipality or county where the licensed cannabis production
455 establishment will be located requires a local land use permit, shall submit to the
456 licensing board a copy of the licensee's approved application for the land use permit
457 within 120 days after the day on which the licensing board issues the license.
- 458 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
459 land use permit application in accordance with Subsection (10)(a), the licensing
460 board may revoke the licensee's license.
- 461 (11) The department shall deposit the proceeds of a fee that the department imposes under
462 this section into the Qualified Production Enterprise Fund.
- 463 (12) The department shall begin accepting applications under this part on or before January
464 1, 2020.
- 465 (13)(a) The department's authority, and consequently the licensing board's authority, to
466 issue a license under this section is plenary and is not subject to review.
- 467 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a
468 license to an applicant is not subject to:
- 469 (i) Title 63G, Chapter 6a, Part 16, Protests; or
470 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

- 471 (14)(a) Notwithstanding this section, the department:
- 472 (i) may operate or partner with a research university to operate an independent
- 473 cannabis testing laboratory;
- 474 (ii) if the department operates or partners with a research university to operate an
- 475 independent cannabis testing laboratory, may not cease operating or partnering
- 476 with a research university to operate the independent cannabis testing laboratory
- 477 unless:
- 478 (A) the department issues at least two licenses to independent cannabis testing
- 479 laboratories; and
- 480 (B) the department has ensured that the licensed independent cannabis testing
- 481 laboratories have sufficient capacity to provide the testing necessary to support
- 482 the state's medical cannabis market; and
- 483 (iii) after ceasing department or research university operations under Subsection
- 484 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
- 485 time if:
- 486 (A) fewer than two licensed independent cannabis testing laboratories are
- 487 operating; or
- 488 (B) the licensed independent cannabis testing laboratories become, in the
- 489 department's determination, unable to fully meet the market demand for testing.
- 490 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
- 491 Utah Administrative Rulemaking Act, to establish performance standards for the
- 492 operation of an independent cannabis testing laboratory, including deadlines for
- 493 testing completion.
- 494 (ii) A license that the department issues to an independent cannabis testing laboratory
- 495 is contingent upon substantial satisfaction of the performance standards described
- 496 in Subsection (14)(b)(i), as determined by the board.
- 497 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 498 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 499 (i) the cannabis production establishment shall submit a new application described in
- 500 Subsection (2)(b), subject to Subsection (2)(c);
- 501 (ii) within 30 days of the submission of the application, the board shall:
- 502 (A) conduct the application review described in Section 4-41a-201.1; and
- 503 (B) award a license to the cannabis production establishment for the remainder of
- 504 the term of the cannabis production establishment's license before the

505 ownership change if the cannabis production establishment meets the minimum
506 standards for licensure and operation of the cannabis production establishment
507 described in this chapter; and

508 (iii) if the board approves the license application, notwithstanding Subsection (3), the
509 cannabis production establishment shall pay a license fee that the department sets
510 in accordance with Section 63J-1-504 in an amount that covers the board's cost of
511 conducting the application review.

512 Section 4. Section **4-41a-201.1** is amended to read:

513 **4-41a-201.1 . Cannabis Production Establishment and Pharmacy Licensing**
514 **Advisory Board -- Composition -- Duties.**

515 (1) There is created within the department the Cannabis Production Establishment and
516 Pharmacy Licensing Advisory Board.

517 (2) The commissioner shall:

518 (a) appoint the members of the [~~board~~] licensing board;

519 (b) submit the name of each individual that the commissioner appoints under Subsection
520 (2)(a) to the governor for confirmation or rejection; and

521 (c) if the governor rejects an appointee that the commissioner submits under Subsection
522 (2)(b), appoint another individual in accordance with this Subsection (2).

523 (3)(a) Except as provided in Subsection [~~(3)(e)~~] (3)(b), the [~~board~~] licensing board shall
524 consist of the following eight members:

525 (i) the following seven voting members whom the commissioner appoints:

526 (A) one member of the public;

527 (B) one member with knowledge and experience in the pharmaceutical or
528 nutraceutical manufacturing industry;

529 (C) one member representing law enforcement;

530 (D) one member whom an organization representing medical cannabis patients
531 recommends;

532 (E) a chemist who has experience with cannabis and who is associated with a
533 research university;

534 (F) a pharmacist who is not associated with the medical cannabis industry; and

535 (G) an accountant; and

536 (ii) the commissioner or the commissioner's designee as a non-voting member, except
537 to cast a deciding vote in the event of a tie.

538 (b) The commissioner may appoint a ninth member to the [~~board~~] licensing board who

- 539 has a background in the cannabis cultivation and processing industry.
- 540 (c) The commissioner or the commissioner's designee shall serve as the chair of the [
541 board] licensing board.
- 542 (d) An individual is not eligible for appointment to be a member of the [board] licensing
543 board if the individual:
- 544 (i) has any commercial or ownership interest in a cannabis production establishment,
545 medical cannabis pharmacy, or medical cannabis courier;
- 546 (ii) has an owner, officer, director, or employee whose family member holds a license
547 or has an ownership interest in a cannabis production establishment, medical
548 cannabis pharmacy, or medical cannabis courier; or
- 549 (iii) is employed or contracted to lobby on behalf of any cannabis production
550 establishment, medical cannabis pharmacy, or medical cannabis courier.
- 551 (4)(a) Except as provided in Subsection (4)(b), a voting [board] licensing board member
552 shall serve a term of four years, beginning July 1 and ending June 30.
- 553 (b) Notwithstanding Subsection (4)(a), for the initial appointments to the [board]
554 licensing board, the commissioner shall stagger the length of the terms of [board]
555 licensing board members to ensure that the commissioner appoints two or three [board]
556 licensing board members every two years.
- 557 (c) As a [board] licensing board member's term expires:
- 558 (i) the [board] licensing board member is eligible for reappointment; and
- 559 (ii) the commissioner shall make an appointment, in accordance with Subsection (2),
560 for the new term before the end of the member's term.
- 561 (d) When a vacancy occurs on the [board] licensing board for any reason other than the
562 expiration of a [board] licensing board member's term, the commissioner shall appoint
563 a replacement to the vacant position, in accordance with Subsection (2), for the
564 unexpired term.
- 565 (e) In making appointments, the commissioner shall ensure that no two members of the [
566 board] licensing board are employed by or represent the same company or nonprofit
567 organization.
- 568 (f) The commissioner may remove a [board] licensing board member for cause, neglect
569 of duty, inefficiency, or malfeasance.
- 570 (5)(a)(i) Five members of the [board] licensing board constitute a quorum of the [
571 board] licensing board.
- 572 (ii) An action of the majority of the [board] licensing board members when a quorum

- 573 is present constitutes an action of the [board] licensing board.
- 574 (b) The department shall provide staff support to the [board] licensing board.
- 575 (c) A member of the [board] licensing board may not receive compensation or benefits
576 for the member's service, but may receive per diem and travel expenses in accordance
577 with:
- 578 (i) Section 63A-3-106;
- 579 (ii) Section 63A-3-107; and
- 580 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106
581 and 63A-3-107.
- 582 (6) The [board] licensing board shall:
- 583 (a) meet as called by the chair to review cannabis production establishment~~[-and]~~ ,
584 medical cannabis pharmacy, and medical cannabis courier license applications;
- 585 (b) review each license application for compliance with:
- 586 (i) this chapter; and
- 587 (ii) department rules;
- 588 (c) conduct a public hearing to consider the license application;
- 589 (d) approve the department's license application forms and checklists; and
- 590 (e) make a determination on each license application.
- 591 (7) The [board] licensing board shall hold a public hearing to review a cannabis production
592 establishment's or medical cannabis pharmacy's license if the establishment:
- 593 (a) changes ownership by an interest of 20% or more;
- 594 (b) changes or adds a location;
- 595 (c) upgrades to a different licensing tier under department rule;
- 596 (d) changes extraction or formulation standard operating procedures;
- 597 (e) adds an industrial hemp processing or cultivation license to the same location as the
598 cannabis production establishment's processing facility; or
- 599 (f) as necessary based on the recommendation of the department.
- 600 (8) In a public hearing held under Subsection (7), the [board] licensing board may consider
601 the following in determining whether to approve a request to change pharmacy locations:
- 602 (a) medical cannabis availability, quality, and variety;
- 603 (b) whether geographic dispersal among licensees is sufficient to reasonably maximize
604 access to the largest number of medical cannabis cardholders;
- 605 (c) the extent to which the pharmacy can increase efficiency and reduce the cost to
606 patients of medical cannabis; and

- 607 (d) the factors listed in Subsection 4-41a-1004(7).
- 608 (9) In a public hearing held pursuant to Subsection (7), the [board] licensing board may not
609 approve a request to change a medical cannabis pharmacy location outside of the
610 pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).
- 611 (10)(a) The [board] licensing board shall meet [~~annually in December~~] as necessary to
612 consider cannabis production establishment[~~and~~], medical cannabis pharmacy, and
613 medical cannabis courier license renewal applications.
- 614 (b) During the meeting described in Subsection (10)(a):
- 615 (i) a representative from each applicant for renewal shall:
- 616 (A) attend in person or electronically; or
617 (B) submit information before the meeting, as the [board] licensing board may
618 require, for the [board's] licensing board's consideration;
- 619 (ii) the [board] licensing board shall consider, for each cannabis cultivation facility
620 seeking renewal, information including:
- 621 (A) the amount of biomass the licensee produced during the current calendar year;
622 (B) the amount of biomass the licensee projects to produce during the following
623 year;
624 (C) the amount of hemp waste the licensee currently holds;
625 (D) the current square footage or acres of growing area the licensee uses; and
626 (E) the square footage or acres of growing area the licensee projects to use in the
627 following year;
- 628 (iii) the [board] licensing board shall consider, for each cannabis processing facility
629 seeking renewal, information including:
- 630 (A) methods and procedures for extraction;
631 (B) standard operating procedures; and
632 (C) a complete listing of the medical dosage forms that the licensee produces; and
- 633 (iv) the [board] licensing board shall consider, for each cannabis pharmacy seeking
634 renewal, information including:
- 635 (A) product availability, quality, and variety;
636 (B) the pharmacy's operating procedures and practices; and
637 (C) the factors listed in Subsection 4-41a-1003(1).
- 638 (c) Following consideration of the information provided under Subsection (10)(b), the [
639 board] licensing board may elect to approve, deny, or issue conditional approval of a
640 cannabis production establishment or pharmacy license renewal application.

641 (d) The information a licensee or license applicant provides to the [board] licensing board
642 for a license determination constitutes a protected record under Subsection 63G-2-305
643 (1) or (2) if the applicant or licensee provides the [board] licensing board with the
644 information regarding business confidentiality required in Section 63G-2-309.

645 (11)(a) In cooperation with the attorney general, the [board] licensing board may
646 investigate information received by the department indicating that a licensee is
647 potentially engaging in anticompetitive business practices.

648 (b) In investigating potential anticompetitive business practices under this section, the
649 attorney general may issue civil investigative demands as set forth in Section
650 76-10-3107.

651 (12) The department shall:

652 (a) provide staff support for the licensing board;

653 (b) assist the licensing board in conducting meetings; and

654 (c) review all submitted applications for completion and accuracy.

655 Section 5. Section **4-41a-401** is amended to read:

656 **4-41a-401 . Cannabis production establishment -- General operating**
657 **requirements.**

658 (1)(a) A cannabis production establishment shall operate in accordance with the
659 operating plan described in Sections 4-41a-201 and 4-41a-204.

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

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

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

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

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

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

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

674 (2) A cannabis production establishment shall operate:

- 675 (a) except as provided in Subsection (5), in a facility that is accessible only by an
676 individual with a valid cannabis production establishment agent registration card
677 issued under Section 4-41a-301; and
- 678 (b) at the physical address provided to the department under Section 4-41a-201.
- 679 (3) A cannabis production establishment may not employ an individual who is younger than
680 21 years old.
- 681 (4) A cannabis production establishment may not employ an individual who has been
682 convicted, under state or federal law, of:
- 683 (a) a felony in the preceding 10 years; or
684 (b) after December 3, 2018, a misdemeanor for drug distribution.
- 685 (5) A cannabis production establishment may authorize an individual who is at least 18
686 years old and is not a cannabis production establishment agent to access the cannabis
687 production establishment if the cannabis production establishment:
- 688 (a) tracks and monitors the individual at all times while the individual is at the cannabis
689 production establishment; and
690 (b) maintains a record of the individual's access, including arrival and departure.
- 691 (6) A cannabis production establishment shall operate in a facility that has:
- 692 (a) a single, secure public entrance;
693 (b) a security system with a backup power source that:
- 694 (i) detects and records entry into the cannabis production establishment; and
695 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis
696 production establishment is closed; and
697 (c) a lock or equivalent restrictive security feature on any area where the cannabis
698 production establishment stores cannabis or a cannabis product.
- 699 (7)(a) A cannabis production establishment shall maintain a video surveillance system
700 that:
- 701 (i) tracks all handling and processing of cannabis or a cannabis product in the
702 establishment;
- 703 (ii) is tamper proof; and
704 (iii) stores a video record for at least 45 days.
- 705 (b) A cannabis production establishment shall provide the department access to the
706 video surveillance system upon request.

707 Section 6. Section **4-41a-801** is amended to read:

708 **4-41a-801 . Enforcement -- Fine -- Citation.**

- 709 (1)(a) If a person that is a cannabis production establishment, ~~[or]~~ a cannabis production
 710 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
 711 agent, or a medical cannabis courier, violates this chapter, the department may:
- 712 ~~[(a)]~~ (i) revoke the person's license or ~~[a cannabis production establishment]~~ agent
 713 registration card;
- 714 ~~[(b)]~~ (ii) decline to renew the person's license or ~~[a cannabis production establishment]~~
 715 agent registration card;~~[or]~~
- 716 ~~[(c)]~~ (iii) assess the person an administrative penalty that the department establishes
 717 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 718 Act~~[-]~~ ; or
- 719 (iv) provide a letter of concern in accordance with Subsection ~~8~~ (10) ~~←8~~ .
- 720 (b) Except for a violation that threatens public health ~~8~~ or for the third violation of the
 720a same rule or statute in a 24-month period ~~←8~~ , the department shall issue a letter
 721 of concern before taking other administrative action under this section.
- 722 (2) The department shall deposit an administrative penalty imposed under this section into
 723 the General Fund.
- 724 (3)(a) The department may take an action described in Subsection (3)(b) if the
 725 department concludes, upon investigation, that, for a person that is a cannabis
 726 production establishment,~~[or]~~ a cannabis production establishment agent, a medical
 727 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis
 728 courier:
- 729 (i) the person has violated the provisions of this chapter, a rule made under this
 730 chapter, or an order issued under this chapter; or
- 731 (ii) the person produced cannabis or a cannabis product batch that contains a
 732 substance, other than cannabis, that poses a significant threat to human health.
- 733 (b) If the department makes the determination about a person described in Subsection
 734 (3)(a), the department ~~[shall]~~ may:
- 735 (i) issue the person a written administrative citation;
- 736 (ii) attempt to negotiate a stipulated settlement;
- 737 (iii) seize, embargo, or destroy the cannabis or cannabis product batch;
- 738 (iv) order the person to cease and desist from the action that creates a violation; ~~[and]~~
 739 or
- 740 (v) direct the person to appear before an adjudicative proceeding conducted under
 741 Title 63G, Chapter 4, Administrative Procedures Act.

742 (4) The department may, for a person subject to an uncontested citation, a stipulated
 743 settlement, or a finding of a violation in an adjudicative proceeding under this section,
 744 for a fine amount not already specified in law, assess the person, who is not an
 745 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
 746 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
 747 Administrative Rulemaking Act.

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

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

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

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

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

760 ~~§~~ → ~~[(8)(a) A letter of concern shall describe:]~~

761 ~~[(i) the violation including the statute or rule being violated;]~~

762 ~~[(ii) possible options to remedy the issue; and]~~

763 ~~[(iii) possible consequences for not remedying the violation.]~~

764 ~~[(b) Under a letter of concern, the department shall provide the person at least 30 days to~~
 765 ~~remedy the violation.]~~

766 ~~[(c) If the person fails to remedy the violation described in a letter of concern, the~~
 767 ~~department may take other enforcement action as described in this section.]~~

768 ~~[(d) If a letter of concern is resolved without an enforcement action being taken under~~
 769 ~~Subsection (8)(c), the department may not report that a letter of concern was issued to~~
 770 ~~the licensing board.]~~ ← ~~§~~

771 ~~[(8) § → (9)] (8) ← §~~ (a) Except where a criminal penalty is expressly provided for a
 771a specific violation

772 of this chapter, or where civil and criminal penalties are provided for violations of
 773 Section 76-10-31, if an individual:

774 (i) violates a provision of this chapter, the individual is:

775 (A) guilty of an infraction; and
 776 (B) subject to a \$100 fine; or
 777 (ii) intentionally or knowingly violates a provision of this chapter or violates this
 778 chapter three or more times, the individual is:

779 (A) guilty of a class B misdemeanor; and
 780 (B) subject to a \$1,000 fine.

781 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
 782 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
 783 conduct underlying the violation described in Subsection (8)(a).

784 [~~(9)~~ ~~§~~ → ~~(10)~~] ~~(9)~~ ← ~~§~~ Nothing in this section prohibits:

785 (a) the department from referring potential criminal activity to law enforcement[-] ; or
 786 (b) the attorney general from investigating or prosecuting individuals or businesses for
 787 violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.

787a ~~§~~ → **(10)(a) A letter of concern shall describe:**

787b **(i) the violation including the statute or rule being violated;**

787c **(ii) possible options to remedy the issue; and**

787d **(iii) possible consequences for not remedying the violation.**

787e **(b) Under a letter of concern, the department shall provide the person at least 30 days**
 787f **to**

787g **remedy the violation.**

787h **(c) If the person fails to remedy the violation described in a letter of concern, the**
 787i **department may take other enforcement action as described in this section.**

787j **(d) If a letter of concern is resolved without an enforcement action being taken under**
 787k **Subsection (10)(c), the department may not report that a letter of concern was issued**

787l **to**

787m **the licensing board.** ← ~~§~~

788 Section 7. Section **4-41a-802** is amended to read:

789 **4-41a-802 . Report.**

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

792 (a) the number of applications and renewal applications that the department receives
 793 under this chapter;

794 (b) the number of each type of [~~cannabis production facility~~] license that the department [
 795 licenses] issues in each county;

- 796 (c) the amount of cannabis that licensees grow;
- 797 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 798 (e) the number of licenses the department revokes under this chapter;
- 799 (f) the department's operation of an independent cannabis testing laboratory under
- 800 Section 4-41a-201, including:
- 801 (i) the cannabis and cannabis products the department tested; and
- 802 (ii) the results of the tests the department performed;
- 803 (g) the expenses incurred and revenues generated under this chapter;[~~and~~]
- 804 (h) the total quantity of medical cannabis shipments;
- 805 (i) the number of overall purchases of medical cannabis from each medical cannabis
- 806 pharmacy; and
- 807 [~~(h)~~] (j) an analysis of product availability in medical cannabis pharmacies in
- 808 consultation with the Department of Health and Human Services.
- 809 (2) The department may not include personally identifying information in the report
- 810 described in this section.
- 811 (3) The department shall report to the working group described in Section 36-12-8.2 as
- 812 requested by the working group.
- 813 Section 8. Section **4-41a-1001** is amended to read:
- 814 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**
- 815 (1) A person may not:
- 816 (a) operate as a medical cannabis pharmacy without a license that the department issues
- 817 under this part;
- 818 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
- 819 person to exceed the pharmacy ownership limit;
- 820 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
- 821 partial ownership share would cause the person to exceed the pharmacy ownership
- 822 limit; or
- 823 (d) enter into any contract or agreement that allows the person to directly or indirectly
- 824 control the operations of a medical cannabis pharmacy if the person's control of the
- 825 medical cannabis pharmacy would cause the person to effectively exceed the
- 826 pharmacy ownership limit.
- 827 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the [~~department shall issue a license to operate a medical cannabis pharmacy through~~
- 828 ~~the licensing board created under Section 4-41a-201.1]~~ licensing board shall issue
- 829 the licensing board created under Section 4-41a-201.1]

- 830 a license to operate a medical cannabis pharmacy.
- 831 (ii) The [department] licensing board may not issue a license to operate a medical
832 cannabis pharmacy to an applicant who is not eligible for a license under this
833 section.
- 834 (b) An applicant is eligible for a license under this section if the applicant submits to the [
835 department] licensing board:
- 836 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
837 operate the medical cannabis pharmacy;
- 838 (ii) the name and address of an individual who:
- 839 (A) for a publicly traded company, has a financial or voting interest of 10% or
840 greater in the proposed medical cannabis pharmacy;
- 841 (B) for a privately held company, a financial or voting interest in the proposed
842 medical cannabis pharmacy; or
- 843 (C) has the power to direct or cause the management or control of a proposed
844 medical cannabis pharmacy;
- 845 (iii) for each application that the applicant submits to the department, a statement
846 from the applicant that the applicant will obtain and maintain:
- 847 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
848 to transact surety business in the state; or
- 849 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 850 (iv) an operating plan that:
- 851 (A) complies with Section 4-41a-1004;
- 852 (B) includes operating procedures to comply with the operating requirements for a
853 medical cannabis pharmacy described in this part and with a relevant municipal
854 or county law that is consistent with Section 4-41a-1106; and
- 855 (C) the department approves;
- 856 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
857 department sets in accordance with Section 63J-1-504; and
- 858 (vi) a description of any investigation or adverse action taken by any licensing
859 jurisdiction, government agency, law enforcement agency, or court in any state for
860 any violation or detrimental conduct in relation to any of the applicant's
861 cannabis-related operations or businesses.
- 862 (c)(i) A person may not locate a medical cannabis pharmacy:
- 863 (A) within 200 feet of a community location; or

- 864 (B) in or within 600 feet of a district that the relevant municipality or county has
865 zoned as primarily residential.
- 866 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
867 from the nearest entrance to the medical cannabis pharmacy establishment by
868 following the shortest route of ordinary pedestrian travel to the property boundary
869 of the community location or residential area.
- 870 (iii) The [department] licensing board may grant a waiver to reduce the proximity
871 requirements in Subsection (2)(c)(i) by up to 20% if the department determines
872 that it is not reasonably feasible for the applicant to cite the proposed medical
873 cannabis pharmacy without the waiver.
- 874 (iv) An applicant for a license under this section shall provide evidence of
875 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 876 (d) The [department] licensing board may not issue a license to an eligible applicant that
877 the department has selected to receive a license until the selected eligible applicant
878 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 879 (e) If the [department] licensing board receives more than one application for a medical
880 cannabis pharmacy within the same city or town, the department shall consult with
881 the local land use authority before approving any of the applications pertaining to that
882 city or town.
- 883 (f) In considering the issuance of a medical cannabis pharmacy license under this
884 section, the [department] licensing board may consider the extent to which the
885 pharmacy can increase efficiency and reduce cost to patients of medical cannabis.
- 886 (3) If the [department] licensing board selects an applicant for a medical cannabis pharmacy
887 license under this section, the department shall:
- 888 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
889 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 890 (b) notify the Department of Public Safety of the license approval and the names of each
891 individual described in Subsection (2)(b)(ii); and
- 892 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the
893 department sets in accordance with Section 63J-1-504, for any change in location,
894 ownership, or company structure.
- 895 (4) The [department] licensing board may not issue a license to operate a medical cannabis
896 pharmacy to an applicant if an individual described in Subsection (2)(b)(ii):
- 897 (a) has been convicted under state or federal law of:

- 898 (i) a felony in the preceding 10 years; or
899 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 900 (b) is younger than 21 years old; or
901 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 902 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds
903 another license under this chapter, the [department] licensing board may not give
904 preference to the applicant based on the applicant's status as a holder of the license.
- 905 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
906 license to operate a cannabis cultivation facility under this section, the [department]
907 licensing board may give consideration to the applicant's status as a holder of the
908 license if:
- 909 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
910 result from the applicant's vertical integration than from a more competitive
911 marketplace; and
912 (ii) the department finds multiple other factors, in addition to the existing license, that
913 support granting the new license.
- 914 (6) The [licensing board] licensing board may revoke a license under this part:
- 915 (a) if the medical cannabis pharmacy does not begin operations within one year after the
916 day on which the department issues an announcement of the department's intent to
917 award a license to the medical cannabis pharmacy;
- 918 (b) after the third of the same violation of this chapter in any of the licensee's licensed
919 cannabis production establishments or medical cannabis pharmacies;
- 920 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
921 active, under state or federal law of:
- 922 (i) a felony; or
923 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 924 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
925 the time of application, or fails to supplement the information described in
926 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
927 submission of the application within 14 calendar days after the licensee receives
928 notice of the investigation or adverse action;
- 929 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
930 requirements of this chapter or the rules the department makes in accordance with
931 this chapter;

- 932 (f) if, after a change of ownership described in Subsection ~~[(11)(e)]~~ (10)(c), the
933 department determines that the medical cannabis pharmacy no longer meets the
934 minimum standards for licensure and operation of the medical cannabis pharmacy
935 described in this chapter; or
- 936 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
937 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the ~~[board]~~
938 licensing board finds that the licensee has participated in anticompetitive business
939 practices.
- 940 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
941 the municipality or county where the licensed medical cannabis pharmacy will be
942 located requires a local land use permit, shall submit to the department a copy of the
943 licensee's approved application for the land use permit within 120 days after the day
944 on which the department issues the license.
- 945 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
946 permit application in accordance with Subsection (7)(a), the department may revoke
947 the licensee's license.
- 948 (8) The department shall deposit the proceeds of a fee imposed by this section into the
949 Qualified Production Enterprise Fund.
- 950 ~~[(9) The department shall begin accepting applications under this part on or before March 1,~~
951 ~~2020.]~~
- 952 ~~[(10)]~~ (9)(a) The ~~[department's]~~ licensing board's authority to issue a license under this
953 section is plenary and is not subject to review.
- 954 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
955 an applicant is not subject to:
- 956 (i) Title 63G, Chapter 6a, Part 16, Protests; or
957 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 958 ~~[(11)]~~ (10)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 959 (b) A medical cannabis pharmacy shall report in writing to the department no later than [
960 ~~10]~~ 45 business days before the date of any change of ownership of the medical
961 cannabis pharmacy.
- 962 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 963 (i) concurrent with the report described in Subsection ~~[(11)(b)]~~ (10)(b), the medical
964 cannabis pharmacy shall submit a new application described in Subsection (2)(b),
965 subject to Subsection (2)(c);

- 966 (ii) within 30 days of the submission of the application, the [department] licensing
967 board shall:
- 968 (A) conduct an application review; and
- 969 (B) award a license to the medical cannabis pharmacy for the remainder of the
970 term of the medical cannabis pharmacy's license before the ownership change
971 if the medical cannabis pharmacy meets the minimum standards for licensure
972 and operation of the medical cannabis pharmacy described in this chapter; and
- 973 (iii) if the department approves the license application, notwithstanding Subsection
974 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
975 in accordance with Section 63J-1-504 in an amount that covers the department's
976 cost of conducting the application review.

977 Section 9. Section **4-41a-1005** is amended to read:

978 **4-41a-1005 . Maximum number of licenses.**

- 979 (1)(a) Except as provided in Subsection (1)(b) or (d), if a sufficient number of applicants
980 apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
981 accordance with this section.
- 982 (b) If an insufficient number of qualified applicants apply for the available number of
983 medical cannabis pharmacy licenses, the department shall issue a medical cannabis
984 pharmacy license to each qualified applicant.
- 985 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
986 with this Subsection (1)(c).
- 987 (i) Using one procurement process, the department may issue eight licenses to an
988 initial group of medical cannabis pharmacies and six licenses to a second group of
989 medical cannabis pharmacies.
- 990 (ii) The department shall:
- 991 (A) divide the state into no less than four geographic regions, set by the
992 department in rule;
- 993 (B) issue at least one license in each geographic region during each phase of
994 issuing licenses; and
- 995 (C) complete the process of issuing medical cannabis pharmacy licenses no later
996 than July 1, 2020.
- 997 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that
998 the license recipient will locate the medical cannabis pharmacy within Dagget,
999 Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.

- 1000 (d)(i) The department may issue licenses to operate a medical cannabis pharmacy in
1001 addition to the licenses described in Subsection (1)(a) if the department
1002 determines, in consultation with the Department of Health and Human Services
1003 and after an annual or more frequent analysis of the current and anticipated market
1004 for medical cannabis, that each additional license is necessary to provide an
1005 adequate supply, quality, or variety of medical cannabis to medical cannabis
1006 cardholders.
- 1007 (ii) The department shall:
- 1008 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1009 Act, make rules to establish criteria and processes for the consultation,
1010 analysis, and application for a license described in Subsection (1)(d)(i); and
1011 (B) report to the Executive Appropriations Committee of the Legislature before
1012 each time the department issues an additional license under Subsection
1013 (1)(d)(i) regarding the results of the consultation and analysis described in
1014 Subsection (1)(d)(i) and the application of the criteria described in Subsection
1015 (1)(d)(ii)(A).
- 1016 (2)(a) If there are more qualified applicants than there are available licenses for medical
1017 cannabis pharmacies, the department shall:
- 1018 (i) evaluate each applicant and award the license to the applicant that best
1019 demonstrates:
- 1020 (A) experience with establishing and successfully operating a business that
1021 involves complying with a regulatory environment, tracking inventory, and
1022 training, evaluating, and monitoring employees;
- 1023 (B) an operating plan that will best ensure the safety and security of patrons and
1024 the community;
- 1025 (C) positive connections to the local community;
- 1026 (D) the suitability of the proposed location and the location's accessibility for
1027 qualifying patients;
- 1028 (E) the extent to which the applicant can increase efficiency and reduce the cost of
1029 medical cannabis for patients; and
- 1030 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a
1031 comparatively high likelihood of success; and
- 1032 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
1033 maximize access to the largest number of medical cannabis cardholders.

- 1034 (b) In making the evaluation described in Subsection (2)(a), the department may give
 1035 increased consideration to applicants who indicate a willingness to[:]
 1036 [(+)] operate as a home delivery medical cannabis pharmacy that accepts electronic
 1037 medical cannabis orders that the state central patient portal facilitates[; and] .
 1038 [(ii) accept payments through:]
 1039 [(A) a payment provider that the Division of Finance approves, in consultation
 1040 with the state treasurer, in accordance with Section 4-41a-108; or]
 1041 [(B) a financial institution in accordance with Subsection 4-41a-108(4).]
- 1042 (3) The department may conduct a face-to-face interview with an applicant for a license that
 1043 the department evaluates under Subsection (2).
 1044 Section 10. Section **4-41a-1101** is amended to read:
 1045 **4-41a-1101 . Operating requirements -- General.**
- 1046 (1)(a) A medical cannabis pharmacy shall operate:
 1047 (i) at the physical address provided to the department under Section 4-41a-1001; and
 1048 (ii) in accordance with the operating plan provided to the department under Section
 1049 4-41a-1001 and, if applicable, Section 4-41a-1004.
- 1050 (b) A medical cannabis pharmacy shall notify the department before a change in the
 1051 medical cannabis pharmacy's physical address or operating plan.
- 1052 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
 1053 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
 1054 (b) except as provided in Subsection (4):
 1055 (i) possesses a valid:
 1056 (A) medical cannabis pharmacy agent registration card;
 1057 (B) pharmacy medical provider registration card; or
 1058 (C) medical cannabis card;
 1059 (ii) is an employee of the department performing an inspection under Section
 1060 4-41a-1103; or
 1061 (iii) is another individual as the department provides.
- 1062 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
 1063 years old.
- 1064 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
 1065 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
 1066 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
 1067 monitors the individual at all times while the individual is at the medical cannabis

- 1068 pharmacy and maintains a record of the individual's access.
- 1069 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 1070 (a) a single, secure public entrance;
- 1071 (b) a security system with a backup power source that:
- 1072 (i) detects and records entry into the medical cannabis pharmacy; and
- 1073 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1074 cannabis pharmacy is closed; and
- 1075 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1076 cannabis product.
- 1077 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 1078 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1079 4-41a-1102(2).
- 1080 (7) Except for an emergency situation described in Subsection [~~26B-4-213(3)(e)~~]
- 1081 26B-4-213(3)(b), a medical cannabis pharmacy may not allow any individual to
- 1082 consume cannabis on the property or premises of the medical cannabis pharmacy.
- 1083 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first
- 1084 indicating on the cannabis or cannabis product label the name of the medical cannabis
- 1085 pharmacy.
- 1086 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1087 following information regarding each recommendation underlying a transaction:
- 1088 (i) the recommending medical provider's name, address, and telephone number;
- 1089 (ii) the patient's name and address;
- 1090 (iii) the date of issuance;
- 1091 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1092 medical provider did not recommend specific directions of use or dosing
- 1093 guidelines; and
- 1094 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 1095 cardholder who completed the transaction.
- 1096 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 1097 not sell medical cannabis unless the medical cannabis has a label securely affixed
- 1098 to the container indicating the following minimum information:
- 1099 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1100 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1101 (C) the date of the sale;

- 1102 (D) the name of the patient;
- 1103 (E) the name of the recommending medical provider who recommended the
- 1104 medical cannabis treatment;
- 1105 (F) directions for use and cautionary statements, if any;
- 1106 (G) the amount dispensed and the cannabinoid content;
- 1107 (H) the suggested use date;
- 1108 (I) for unprocessed cannabis flower, the legal use termination date; and
- 1109 (J) any other requirements that the department determines, in consultation with the
- 1110 Division of Professional Licensing and the Board of Pharmacy.
- 1111 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
- 1112 following information under Subsection (9)(b)(i) if the information is already
- 1113 provided on the product label that a cannabis production establishment affixes:
- 1114 (A) a unique identification number;
- 1115 (B) directions for use and cautionary statements;
- 1116 (C) amount and cannabinoid content; and
- 1117 (D) a suggested use date.
- 1118 (iii) If the size of a medical cannabis container does not allow sufficient space to
- 1119 include the labeling requirements described in Subsection (9)(b)(i), the medical
- 1120 cannabis pharmacy may provide the following information described in
- 1121 Subsection (9)(b)(i) on a supplemental label attached to the container or an
- 1122 informational enclosure that accompanies the container:
- 1123 (A) the cannabinoid content;
- 1124 (B) the suggested use date; and
- 1125 (C) any other requirements that the department determines.
- 1126 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 1127 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1128 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 1129 (a) upon receipt of an order from a limited medical provider in accordance with
- 1130 Subsections 26B-4-204(1)(b) through (d):
- 1131 (i) for a written order or an electronic order under circumstances that the department
- 1132 determines, contact the limited medical provider or the limited medical provider's
- 1133 office to verify the validity of the recommendation; and
- 1134 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 1135 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject

- 1136 to verification under Subsection (10)(a)(i), enter the limited medical provider's
1137 recommendation or renewal, including any associated directions of use, dosing
1138 guidelines, or caregiver indication, in the state electronic verification system;
- 1139 (b) in processing an order for a holder of a conditional medical cannabis card described
1140 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
1141 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
1142 recommending medical provider or the recommending medical provider's office to
1143 verify the validity of the recommendation before processing the cardholder's order;
- 1144 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1145 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
1146 purchase of cannabis, a cannabis product, or a medical cannabis device, personal
1147 counseling with the pharmacy medical provider; and
- 1148 (d) provide a telephone number or website by which the cardholder may contact a
1149 pharmacy medical provider for counseling.
- 1150 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
1151 that allows an individual to deposit unused or excess medical cannabis or cannabis
1152 residue from a medical cannabis device in a locked box or other secure receptacle
1153 within the medical cannabis pharmacy.
- 1154 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1155 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
1156 medical provider can access deposited medical cannabis.
- 1157 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
1158 (i) rendering the deposited medical cannabis unusable and unrecognizable before
1159 transporting deposited medical cannabis from the medical cannabis pharmacy; and
1160 (ii) disposing of the deposited medical cannabis in accordance with:
1161 (A) federal and state law, rules, and regulations related to hazardous waste;
1162 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1163 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
1164 (D) other regulations that the department makes in accordance with Title 63G,
1165 Chapter 3, Utah Administrative Rulemaking Act.
- 1166 (12) A medical cannabis pharmacy:
1167 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1168 Practice Act, as a pharmacy medical provider;
- 1169 (b) may employ a physician who has the authority to write a prescription and is licensed

- 1170 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
 1171 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1172 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
 1173 onsite during all business hours;
- 1174 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
 1175 pharmacist-in-charge to oversee the operation of and generally supervise the medical
 1176 cannabis pharmacy;[-and]
- 1177 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis
 1178 products the medical cannabis pharmacy maintains in the medical cannabis
 1179 pharmacy's inventory[-] ;
- 1180 (f) shall maintain a video surveillance system that:
- 1181 (i) tracks all handling of medical cannabis in the pharmacy;
 1182 (ii) is tamper proof; and
 1183 (iii) stores a video record for at least 45 days; and
- 1184 (g) shall provide the department access to the video surveillance system upon request.
- 1185 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 1186 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 1187 by a medical cannabis pharmacy.
- 1188 Section 11. Section **4-41a-1102** is amended to read:
- 1189 **4-41a-1102 . Dispensing -- Amount a medical cannabis pharmacy may dispense --**
 1190 **Reporting -- Form of cannabis or cannabis product.**
- 1191 (1)(a) A medical cannabis pharmacy may not sell a product other than:
- 1192 [~~(i) cannabis in a medicinal dosage form that the medical cannabis pharmacy~~
 1193 ~~acquired from another medical cannabis pharmacy or a cannabis processing~~
 1194 ~~facility that is licensed under Section 4-41a-201;]~~
- 1195 [(ii)] (i) medical cannabis that the
 1196 medical cannabis pharmacy acquired from another medical cannabis pharmacy or
 1197 a cannabis processing facility that is licensed under Section 4-41a-201;
- 1198 [(iii)] (ii) a medical cannabis device; or
- 1199 [(iv)] (iii) educational material related to the medical use of cannabis.
- 1200 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an
 1201 individual with:
- 1202 (i)(A) a medical cannabis card; or
- 1203 (B) a Department of Health and Human Services registration described in

- 1204 Subsection 26B-4-213(10); and
- 1205 (ii) a corresponding government issued photo identification.
- 1206 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
- 1207 cannabis-based drug that the United States Food and Drug Administration has
- 1208 approved.
- 1209 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
- 1210 medical cannabis device or medical cannabis to an individual described in Subsection
- 1211 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless
- 1212 the individual or minor has the approval of the Compassionate Use Board in
- 1213 accordance with Subsection 26B-1-421(5).
- 1214 (2) A medical cannabis pharmacy:
- 1215 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
- 1216 legal dosage limit of:
- 1217 (i) unprocessed cannabis that:
- 1218 (A) is in a medicinal dosage form; and
- 1219 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
- 1220 cannabidiol in the cannabis; and
- 1221 (ii) a cannabis product that is in a medicinal dosage form; and
- 1222 (b) may not dispense:
- 1223 (i) except for a medical cannabis cardholder approved under Subsection 26B-4-245(2),
- 1224 more medical cannabis than described in Subsection (2)(a); or
- 1225 (ii) any medical cannabis to an individual whose recommending medical provider did
- 1226 not recommend directions of use and dosing guidelines, until the individual
- 1227 consults with the pharmacy medical provider in accordance with Subsection
- 1228 26B-4-231(5).
- 1229 (3)(a) A medical cannabis pharmacy shall:
- 1230 (i)(A) access the state electronic verification system before dispensing [~~cannabis~~
- 1231 ~~or a cannabis product~~] medical cannabis to a medical cannabis cardholder in
- 1232 order to determine if the cardholder or, where applicable, the associated patient
- 1233 has met the maximum amount of medical cannabis described in Subsection (2);
- 1234 and
- 1235 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has
- 1236 met the maximum amount described in Subsection (2), decline the sale, and
- 1237 notify the recommending medical provider who made the underlying

- 1238 recommendation;
- 1239 (ii) submit a record to the state electronic verification system each time the medical
1240 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
- 1241 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1242 each medical cannabis transaction before dispensing the medical cannabis to the
1243 cardholder in accordance with pharmacy practice standards;
- 1244 (iv) package any medical cannabis~~[that is]~~ in a container that:
- 1245 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related
1246 to a container for unprocessed cannabis flower in the definition of "medicinal
1247 dosage form" in Section 26B-4-201; and
- 1248 (B) is tamper-resistant and tamper-evident;~~[-and]~~
- 1249 ~~[(C) provides an opaque bag or box for the medical cannabis cardholder's use in
1250 transporting the container in public;]~~
- 1251 (v) for a product that is a cube that is designed for ingestion through chewing or
1252 holding in the mouth for slow dissolution, include a separate, off-label warning
1253 about the risks of over-consumption; and
- 1254 (vi) beginning January 1, 2024, for ~~[a cannabis product]~~ medical cannabis that is
1255 cannabis flower, vaporizer cartridges, or concentrate, provide the product's terpene
1256 profiles collected under Subsection 4-41a-701(4) at or before the point of sale.
- 1257 (b) A medical cannabis cardholder transporting or possessing the container described in
1258 Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box
1259 that the medical cannabis pharmacist provides.
- 1260 (c) A medical cannabis pharmacy shall provide an opaque bag or box for the medical
1261 cannabis cardholder to use in transporting the medical cannabis in public if the
1262 medical cannabis cardholder does not provide an opaque bag or box.
- 1263 (4)(a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not
1264 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
1265 intentionally designed or constructed to resemble a cigarette.
- 1266 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1267 cannabis material into a vapor without the use of a flame and that delivers cannabis to
1268 an individual's respiratory system.
- 1269 (5)(a) A medical cannabis pharmacy may not give, at no cost, a product that the medical
1270 cannabis pharmacy is allowed to sell under Subsection (1)(a)(i)~~[-]~~ or (ii)~~[-or (iii)]~~.
- 1271 (b) A medical cannabis pharmacy may give, at no cost, educational material related to

1272 the medical use of cannabis.

1273 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices
1274 regardless of whether the seller has a cannabis-related license under this chapter or Title
1275 26B, Utah Health and Human Services Code.

1276 Section 12. Section **4-41a-1106** is amended to read:

1277 **4-41a-1106 . Medical cannabis pharmacy agent -- Registration.**

1278 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1279 cannabis pharmacy unless the department registers the individual as a medical cannabis
1280 pharmacy agent.

1281 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent,
1282 have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1283 have the power to direct or cause the management or control of a medical cannabis
1284 pharmacy.

1285 (3)(a) The department shall, within 15 days after the day on which the department
1286 receives a complete application from a medical cannabis pharmacy on behalf of a
1287 prospective medical cannabis pharmacy agent, register and issue a medical cannabis
1288 pharmacy agent registration card to the prospective agent if the medical cannabis
1289 pharmacy:

1290 (i) provides to the department:

1291 (A) the prospective agent's name and address;

1292 (B) the name and location of the licensed medical cannabis pharmacy where the
1293 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1294 (C) the submission required under Subsection (3)(b); and

1295 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104

1296 (5), the department sets in accordance with Section 63J-1-504.

1297 (b) Each prospective agent described in Subsection (3)(a) shall:

1298 (i) submit to the department:

1299 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1300 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
1301 the registration of the prospective agent's fingerprints in the Federal Bureau of
1302 Investigation Next Generation Identification System's Rap Back Service; and

1303 (ii) consent to a fingerprint background check by:

1304 (A) the Bureau of Criminal Identification; and

1305 (B) the Federal Bureau of Investigation.

- 1306 (c) The Bureau of Criminal Identification shall:
- 1307 (i) check the fingerprints the prospective agent submits under Subsection (3)(b)
- 1308 against the applicable state, regional, and national criminal records databases,
- 1309 including the Federal Bureau of Investigation Next Generation Identification
- 1310 System;
- 1311 (ii) report the results of the background check to the department;
- 1312 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 1313 Subsection (3)(b) for search by future submissions to the local and regional
- 1314 criminal records databases, including latent prints;
- 1315 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 1316 Next Generation Identification System's Rap Back Service for search by future
- 1317 submissions to national criminal records databases, including the Next Generation
- 1318 Identification System and latent prints; and
- 1319 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 1320 receives notifications for an individual with whom the department maintains an
- 1321 authorizing relationship.
- 1322 (d) The department shall:
- 1323 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
- 1324 amount that the department sets in accordance with Section 63J-1-504 for the
- 1325 services that the Bureau of Criminal Identification or another authorized agency
- 1326 provides under this section; and
- 1327 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
- 1328 Identification.
- 1329 ~~[(4) The department shall designate, on an individual's medical cannabis pharmacy agent~~
- 1330 ~~registration card the name of the medical cannabis pharmacy where the individual is~~
- 1331 ~~registered as an agent.]~~
- 1332 ~~[(5)]~~ (4) A medical cannabis pharmacy agent shall comply with a certification standard that
- 1333 the department develops in collaboration with the Division of Professional Licensing
- 1334 and the Board of Pharmacy, or a third-party certification standard that the department
- 1335 designates by rule, in collaboration with the Division of Professional Licensing and the
- 1336 Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
- 1337 Rulemaking Act.
- 1338 ~~[(6)]~~ (5) The department shall ensure that the certification standard described in Subsection [
- 1339 ~~(5)]~~ (4) includes training in:

- 1340 (a) Utah medical cannabis law; and
- 1341 (b) medical cannabis pharmacy best practices.
- 1342 ~~[(7)]~~ (6) The department may revoke the medical cannabis pharmacy agent registration card
- 1343 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an
- 1344 individual who:
- 1345 (a) violates the requirements of this chapter; or
- 1346 (b) is convicted under state or federal law of:
- 1347 (i) a felony within the preceding 10 years; or
- 1348 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1349 ~~[(8)]~~ (7)(a) A medical cannabis pharmacy agent registration card expires two years after
- 1350 the day on which the department issues or renews the card.
- 1351 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
- 1352 agent:
- 1353 (i) is eligible for a medical cannabis pharmacy agent registration card under this
- 1354 section;
- 1355 (ii) certifies to the department in a renewal application that the information in
- 1356 Subsection (3)(a) is accurate or updates the information; and
- 1357 (iii) pays to the department a renewal fee in an amount that:
- 1358 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
- 1359 Section 63J-1-504; and
- 1360 (B) may not exceed the cost of the relatively lower administrative burden of
- 1361 renewal in comparison to the original application process.
- 1362 ~~[(9)]~~ (8)(a) As a condition precedent to registration and renewal of a medical cannabis
- 1363 pharmacy agent registration card, a medical cannabis pharmacy agent shall:
- 1364 (i) complete at least one hour of continuing education regarding patient privacy and
- 1365 federal health information privacy laws that is offered by the department under
- 1366 Subsection ~~[(9)(b)]~~ (8)(b) or an accredited or approved continuing education
- 1367 provider that the department recognizes as offering continuing education
- 1368 appropriate for the medical cannabis pharmacy practice; and
- 1369 (ii) make a continuing education report to the department in accordance with a
- 1370 process that the department establishes by rule, in accordance with Title 63G,
- 1371 Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the
- 1372 Division of Professional Licensing and the Board of Pharmacy.
- 1373 (b) The department may, in consultation with the Division of Professional Licensing,

- 1374 develop the continuing education described in this Subsection [(9)] (8).
- 1375 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each
 1376 medical cannabis pharmacy agent working in the medical cannabis pharmacy who
 1377 has access to the state electronic verification system is in compliance with this
 1378 Subsection [(9)] (8).
- 1379 (d) A medical cannabis pharmacy agent may not access the electronic verification
 1380 system following the termination of the medical cannabis pharmacy agent's
 1381 employment.
- 1382 [(40)] (9) A medical cannabis pharmacy shall:
- 1383 (a) maintain a list of employees that have a medical cannabis pharmacy agent
 1384 registration card; and
- 1385 (b) provide the list to the department upon request.
- 1386 Section 13. Section **4-41a-1202** is amended to read:
- 1387 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
 1388 **couriers -- License.**
- 1389 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
 1390 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
 1391 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders
 1392 that the state central patient portal facilitates, including rules regarding the safe and
 1393 controlled delivery of medical cannabis shipments.
- 1394 (2) A person may not operate as a medical cannabis courier without a license that the [
 1395 ~~department~~] licensing board issues under this section.
- 1396 (3)(a) Subject to Subsections (5) and (6), the [~~department~~] licensing board shall issue a
 1397 license to operate as a medical cannabis courier to an applicant who is eligible for a
 1398 license under this section.
- 1399 (b) An applicant is eligible for a license under this section if the applicant submits to the [
 1400 ~~department~~] licensing board:
- 1401 (i) the name and address of an individual who:
- 1402 (A) has a financial or voting interest of 10% or greater in the proposed medical
 1403 cannabis courier; or
- 1404 (B) has the power to direct or cause the management or control of a proposed
 1405 cannabis production establishment;
- 1406 (ii) an operating plan that includes operating procedures to comply with the operating
 1407 requirements for a medical cannabis courier described in this chapter; and

- 1408 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
1409 department sets in accordance with Section 63J-1-504.
- 1410 (4) If the [department] licensing board determines that an applicant is eligible for a license
1411 under this section, the department shall:
- 1412 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1413 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1414 (b) notify the Department of Public Safety of the license approval and the names of each
1415 individual described in Subsection (3)(b)(i).
- 1416 (5) The [department] licensing board may not issue a license to operate as a medical
1417 cannabis courier to an applicant if an individual described in Subsection (3)(b)(i):
- 1418 (a) has been convicted under state or federal law of:
- 1419 (i) a felony in the preceding 10 years; or
- 1420 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1421 (b) is younger than 21 years old.
- 1422 (6) The [department] licensing board may revoke a license under this part if:
- 1423 (a) the medical cannabis courier does not begin operations within one year after the day
1424 on which the department issues the initial license;
- 1425 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1426 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
1427 active, under state or federal law of:
- 1428 (i) a felony; or
- 1429 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1430 (d) after a change of ownership described in Subsection (14)(c), the [department]
1431 licensing board determines that the medical cannabis courier no longer meets the
1432 minimum standards for licensure and operation of the medical cannabis courier
1433 described in this chapter.
- 1434 (7) The department shall deposit the proceeds of a fee imposed by this section [in] into the
1435 Qualified Production Enterprise Fund.
- 1436 (8) The [department's] licensing board's authority to issue a license under this section is
1437 plenary and is not subject to review.
- 1438 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of
1439 application, from each individual who has a financial or voting interest of 10% or
1440 greater in the applicant or who has the power to direct or cause the management or
1441 control of the applicant:

- 1442 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1443 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1444 registration of the individual's fingerprints in the Federal Bureau of Investigation
- 1445 Next Generation Identification System's Rap Back Service; and
- 1446 (c) consent to a fingerprint background check by:
- 1447 (i) the Bureau of Criminal Identification; and
- 1448 (ii) the Federal Bureau of Investigation.
- 1449 (10) The Bureau of Criminal Identification shall:
- 1450 (a) check the fingerprints the applicant submits under Subsection (9) against the
- 1451 applicable state, regional, and national criminal records databases, including the
- 1452 Federal Bureau of Investigation Next Generation Identification System;
- 1453 (b) report the results of the background check to the department;
- 1454 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
- 1455 for search by future submissions to the local and regional criminal records databases,
- 1456 including latent prints;
- 1457 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1458 Generation Identification System's Rap Back Service for search by future
- 1459 submissions to national criminal records databases, including the Next Generation
- 1460 Identification System and latent prints; and
- 1461 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 1462 receives notifications for an individual with whom the department maintains an
- 1463 authorizing relationship.
- 1464 (11) The department shall:
- 1465 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
- 1466 amount that the department sets in accordance with Section 63J-1-504 for the
- 1467 services that the Bureau of Criminal Identification or another authorized agency
- 1468 provides under this section; and
- 1469 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1470 (12) The ~~department~~ licensing board shall renew a license under this section every year if,
- 1471 at the time of renewal:
- 1472 (a) the licensee meets the requirements of this section; and
- 1473 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 1474 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1475 (13) A person applying for a medical cannabis courier license shall submit to the [

- 1476 ~~department]~~ licensing board a proposed operating plan that complies with this section
1477 and that includes:
- 1478 (a) a description of the physical characteristics of any proposed facilities, including a
1479 floor plan and an architectural elevation, and delivery vehicles;
 - 1480 (b) a description of the credentials and experience of each officer, director, or owner of
1481 the proposed medical cannabis courier;
 - 1482 (c) the medical cannabis courier's employee training standards;
 - 1483 (d) a security plan; and
 - 1484 (e) storage and delivery protocols, both short and long term, to ensure that medical
1485 cannabis shipments are stored and delivered in a manner that is sanitary and
1486 preserves the integrity of the cannabis.
- 1487 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1488 (b) A medical cannabis courier shall report in writing to the department no later than [10]
1489 45 business days before the date of any change of ownership of the medical cannabis
1490 courier.
 - 1491 (c) If the ownership of a medical cannabis courier changes by 50% or more:
 - 1492 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis
1493 courier shall submit a new application described in Subsection (3)(b);
 - 1494 (ii) within 30 days of the submission of the application, the [~~department]~~ licensing
1495 board shall:
 - 1496 (A) conduct an application review; and
 - 1497 (B) award a license to the medical cannabis courier for the remainder of the term
1498 of the medical cannabis courier's license before the ownership change if the
1499 medical cannabis courier meets the minimum standards for licensure and
1500 operation of the medical cannabis courier described in this chapter; and
 - 1501 (iii) if the [~~department]~~ licensing board approves the license application,
1502 notwithstanding Subsection (4), the medical cannabis courier shall pay a license
1503 fee that the department sets in accordance with Section 63J-1-504 in an amount
1504 that covers the [~~board]~~ licensing board's cost of conducting the application review.
- 1505 (15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding
1506 the transportation of medical cannabis.
- 1507 (b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed
1508 home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1509 may advertise:

- 1510 (i) a green cross;
- 1511 (ii) the pharmacy's or courier's name and logo; and
- 1512 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1513 Section 14. Section **4-41a-1204** is amended to read:

1514 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**
 1515 **card -- Rebuttable presumption.**

1516 (1) An individual may not serve as a medical cannabis courier agent unless the department
 1517 registers the individual as a medical cannabis courier agent.

1518 (2)(a) The department shall, within 15 days after the day on which the department
 1519 receives a complete application from a medical cannabis courier on behalf of a
 1520 medical cannabis courier agent, register and issue a medical cannabis courier agent
 1521 registration card to the prospective agent if the medical cannabis courier:

1522 (i) provides to the department:

1523 (A) the prospective agent's name and address;

1524 (B) the name and address of the medical cannabis courier;

1525 (C) the name and address of each home delivery medical cannabis pharmacy with
 1526 which the medical cannabis courier contracts to deliver medical cannabis
 1527 shipments; and

1528 (D) the submission required under Subsection (2)(b);

1529 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
 1530 law of:

1531 (A) a felony ~~§~~ → [in the last 10 years] ← ~~§~~ ; or

1532 (B) after December 3, 2018, a misdemeanor for drug distribution; and

1533 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),
 1534 the department sets in accordance with Section 63J-1-504.

1535 (b) Each prospective agent described in Subsection (2)(a) shall:

1536 (i) submit to the department:

1537 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1538 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
 1539 the registration of the prospective agent's fingerprints in the Federal Bureau of
 1540 Investigation Next Generation Identification System's Rap Back Service; and

1541 (ii) consent to a fingerprint background check by:

1542 (A) the Bureau of Criminal Identification; and

1543 (B) the Federal Bureau of Investigation.

- 1544 (c) The Bureau of Criminal Identification shall:
- 1545 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)
- 1546 against the applicable state, regional, and national criminal records databases,
- 1547 including the Federal Bureau of Investigation Next Generation Identification
- 1548 System;
- 1549 (ii) report the results of the background check to the department;
- 1550 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 1551 Subsection (2)(b) for search by future submissions to the local and regional
- 1552 criminal records databases, including latent prints;
- 1553 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 1554 Next Generation Identification System's Rap Back Service for search by future
- 1555 submissions to national criminal records databases, including the Next Generation
- 1556 Identification System and latent prints; and
- 1557 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 1558 receives notifications for an individual with whom the department maintains an
- 1559 authorizing relationship.
- 1560 (d) The department shall:
- 1561 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
- 1562 amount that the department sets in accordance with Section 63J-1-504 for the
- 1563 services that the Bureau of Criminal Identification or another authorized agency
- 1564 provides under this section; and
- 1565 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
- 1566 Identification.
- 1567 ~~[(3) The department shall designate on an individual's medical cannabis courier agent~~
- 1568 ~~registration card the name of the medical cannabis pharmacy where the individual is~~
- 1569 ~~registered as an agent and each home delivery medical cannabis courier for which the~~
- 1570 ~~medical cannabis courier delivers medical cannabis shipments.]~~
- 1571 [(4)] (3)(a) A medical cannabis courier agent shall comply with a certification standard
- 1572 that the department develops, in collaboration with the Division of Professional
- 1573 Licensing and the Board of Pharmacy, or a third-party certification standard that the
- 1574 department designates by rule in collaboration with the Division of Professional
- 1575 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3,
- 1576 Utah Administrative Rulemaking Act.
- 1577 (b) The department shall ensure that the certification standard described in Subsection [

- 1578 ~~(4)(a)~~ (3)(a) includes training in:
- 1579 (i) Utah medical cannabis law;
- 1580 (ii) the medical cannabis shipment process; and
- 1581 (iii) medical cannabis courier agent best practices.
- 1582 ~~[(5)]~~ (4)(a) A medical cannabis courier agent registration card expires two years after the
- 1583 day on which the department issues or renews the card.
- 1584 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
- 1585 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 1586 (ii) certifies to the department in a renewal application that the information in
- 1587 Subsection (2)(a) is accurate or updates the information; and
- 1588 (iii) pays to the department a renewal fee in an amount that:
- 1589 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
- 1590 Section 63J-1-504; and
- 1591 (B) may not exceed the cost of the relatively lower administrative burden of
- 1592 renewal in comparison to the original application process.
- 1593 ~~[(6)]~~ (5) The department may revoke or refuse to issue or renew the medical cannabis
- 1594 courier agent registration card of an individual who:
- 1595 (a) violates the requirements of this chapter; or
- 1596 (b) is convicted under state or federal law of:
- 1597 (i) a felony within the preceding 10 years; or
- 1598 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1599 ~~[(7)]~~ (6) A medical cannabis courier agent whom the department has registered under this
- 1600 section shall carry the agent's medical cannabis courier agent registration card with the
- 1601 agent at all times when:
- 1602 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
- 1603 pharmacy, or a delivery address; and
- 1604 (b) the agent is handling a medical cannabis shipment.
- 1605 ~~[(8)]~~ (7) If a medical cannabis courier agent handling a medical cannabis shipment
- 1606 possesses the shipment in compliance with Subsection ~~[(7)]~~ (6):
- 1607 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 1608 (b) there is no probable cause, based solely on the agent's possession of the medical
- 1609 cannabis shipment that the agent is engaging in illegal activity.
- 1610 ~~[(9)]~~ (8)(a) A medical cannabis courier agent who violates Subsection ~~[(7)]~~ (6) is:
- 1611 (i) guilty of an infraction; and

- 1612 (ii) subject to a \$100 fine.
- 1613 (b) An individual who is guilty of a violation described in Subsection [~~(9)(a)~~] (8)(a) is
- 1614 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for
- 1615 the conduct underlying the violation described in Subsection [~~(9)(a)~~] (8)(a).
- 1616 [~~(10)~~] (9) A medical cannabis courier shall:
- 1617 (a) maintain a list of employees who have a medical cannabis courier agent card; and
- 1618 (b) provide the list to the department upon request.
- 1619 Section 15. Section **26B-1-435** is amended to read:
- 1620 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**
- 1621 **Duties.**
- 1622 (1) There is created within the department the Medical Cannabis Policy Advisory Board.
- 1623 (2)(a) The advisory board shall consist of the following members:
- 1624 (i) appointed by the executive director:
- 1625 (A) a qualified medical provider who has recommended medical cannabis to at
- 1626 least 100 patients before being appointed;
- 1627 (B) a medical research professional;
- 1628 (C) a mental health specialist;
- 1629 (D) an individual who represents an organization that advocates for medical
- 1630 cannabis patients;
- 1631 (E) an individual who holds a medical cannabis patient card; and
- 1632 (F) a member of the general public who does not hold a medical cannabis card; and
- 1633 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 1634 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
- 1635 defined in Section 4-41a-102;
- 1636 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
- 1637 and
- 1638 (C) a law enforcement officer.
- 1639 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
- 1640 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
- 1641 operates a licensed cannabis processing facility.
- 1642 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
- 1643 year term.
- 1644 (b) When appointing the initial membership of the advisory board, the executive director
- 1645 and the commissioner of the Department of Agriculture and Food shall coordinate to

- 1646 appoint four advisory board members to serve a term of two years to ensure that
1647 approximately half of the board is appointed every two years.
- 1648 (4)(a) If an advisory board member is no longer able to serve as a member, a new
1649 member shall be appointed in the same manner as the original appointment.
- 1650 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
1651 remainder of the unexpired term of the original appointment.
- 1652 (5)(a) A majority of the advisory board members constitutes a quorum.
- 1653 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1654 (c) For a term lasting one year, the advisory board shall annually designate members of
1655 the advisory board to serve as chair and vice-chair.
- 1656 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
1657 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1658 (6) An advisory board member may not receive compensation or benefits for the member's
1659 service on the advisory board but may receive per diem and reimbursement for travel
1660 expenses incurred as an advisory board member in accordance with:
- 1661 (a) Sections 63A-3-106 and 63A-3-107; and
- 1662 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1663 63A-3-107.
- 1664 (7) The department shall:
- 1665 (a) provide staff support for the advisory board; and
- 1666 (b) assist the advisory board in conducting meetings.
- 1667 (8) The advisory board may recommend:
- 1668 (a) to the department or the Department of Agriculture and Food changes to current or
1669 proposed medical cannabis rules or statutes; and
- 1670 (b) to the appropriate legislative committee whether the advisory board supports a
1671 change to medical cannabis statutes.
- 1672 (9) The advisory board shall:
- 1673 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,
1674 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis
1675 Production Establishments and Pharmacies;
- 1676 (b) consult with the Department of Agriculture and Food regarding the issuance of an
1677 additional:
- 1678 (i) cultivation facility license under Section 4-41a-205; or
- 1679 (ii) pharmacy license under Section 4-41a-1005;

- 1680 (c) consult with the department regarding cannabis patient education;
- 1681 (d) consult regarding the reasonableness of any fees set by the department or the
- 1682 Department of Agriculture and Food that pertain to the medical cannabis program;
- 1683 and
- 1684 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 1685 department or the Utah Department of Agriculture and Food.
- 1686 Section 16. Section **26B-4-202** is amended to read:
- 1687 **26B-4-202 . Electronic verification system.**
- 1688 (1) The Department of Agriculture and Food, the department, the Department of Public
- 1689 Safety, and the Division of Technology Services shall:
- 1690 (a) enter into a memorandum of understanding in order to determine the function and
- 1691 operation of the state electronic verification system in accordance with Subsection
- 1692 (2);
- 1693 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
- 1694 Procurement Code, to develop a request for proposals for a third-party provider to
- 1695 develop and maintain the state electronic verification system in coordination with the
- 1696 Division of Technology Services; and
- 1697 (c) select a third-party provider who:
- 1698 (i) meets the requirements contained in the request for proposals issued under
- 1699 Subsection (1)(b); and
- 1700 (ii) may not have any commercial or ownership interest in a cannabis production
- 1701 establishment or a medical cannabis pharmacy.
- 1702 (2) The Department of Agriculture and Food, the department, the Department of Public
- 1703 Safety, and the Division of Technology Services shall ensure that the state electronic
- 1704 verification system described in Subsection (1):
- 1705 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
- 1706 medical cannabis guardian card, provided that the card may not become active until:
- 1707 (i) the relevant qualified medical provider completes the associated medical cannabis
- 1708 recommendation; or
- 1709 (ii) for a medical cannabis card related to a limited medical provider's
- 1710 recommendation, the medical cannabis pharmacy completes the recording
- 1711 described in Subsection (2)(d);
- 1712 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
- 1713 cannabis guardian card in accordance with Section 26B-4-213;

- 1714 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1715 acting on behalf of the qualified medical provider, to:
- 1716 (i) access dispensing and card status information regarding a patient:
- 1717 (A) with whom the qualified medical provider has a provider-patient relationship;
1718 and
- 1719 (B) for whom the qualified medical provider has recommended or is considering
1720 recommending a medical cannabis card;
- 1721 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or
1722 a cannabis product in a medicinal dosage form and optionally recommend dosing
1723 guidelines;
- 1724 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1725 or medical cannabis guardian cardholder:
- 1726 (A) using telehealth services, for the qualified medical provider who originally
1727 recommended a medical cannabis treatment during a face-to-face visit with the
1728 patient; or
- 1729 (B) during a face-to-face visit with the patient, for a qualified medical provider
1730 who did not originally recommend the medical cannabis treatment during a
1731 face-to-face visit; and
- 1732 (iv) submit an initial application, renewal application, or application payment on
1733 behalf of an individual applying for any of the following:
- 1734 (A) a medical cannabis patient card;
1735 (B) a medical cannabis guardian card; or
1736 (C) a medical cannabis caregiver card;
- 1737 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1738 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1739 (i) access the electronic verification system to review the history within the system of
1740 a patient with whom the provider or agent is interacting, limited to read-only
1741 access for medical cannabis pharmacy agents unless the medical cannabis
1742 pharmacy's pharmacist in charge authorizes add and edit access;
- 1743 (ii) record a patient's recommendation from a limited medical provider, including any
1744 directions of use, dosing guidelines, or caregiver indications from the limited
1745 medical provider;
- 1746 (iii) record a limited medical provider's renewal of the provider's previous
1747 recommendation; and

- 1748 (iv) submit an initial application, renewal application, or application payment on
1749 behalf of an individual applying for any of the following:
- 1750 (A) a medical cannabis patient card;
 - 1751 (B) a medical cannabis guardian card; or
 - 1752 (C) a medical cannabis caregiver card;
- 1753 (e) connects with:
- 1754 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1755 time and archive purchases of any cannabis in a medicinal dosage form, cannabis
1756 product in a medicinal dosage form, or a medical cannabis device, including:
 - 1757 (A) the time and date of each purchase;
 - 1758 (B) the quantity and type of cannabis, cannabis product, or medical cannabis
1759 device purchased;
 - 1760 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1761 any medical cannabis courier associated with the cannabis, cannabis product,
1762 or medical cannabis device; and
 - 1763 (D) the personally identifiable information of the medical cannabis cardholder
1764 who made the purchase; and
 - 1765 (ii) any commercially available inventory control system that a cannabis production
1766 establishment utilizes in accordance with Section 4-41a-103 to use data that the
1767 Department of Agriculture and Food requires by rule, in accordance with Title
1768 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
1769 tracking system that a licensee uses to track and confirm compliance;
- 1770 (f) provides access to:
- 1771 (i) the department to the extent necessary to carry out the department's functions and
1772 responsibilities under this part;
 - 1773 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1774 functions and responsibilities of the Department of Agriculture and Food under
1775 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 - 1776 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1777 functions and responsibilities related to the participation of the following in the
1778 recommendation and dispensing of medical cannabis:
 - 1779 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
1780 Act;
 - 1781 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

- 1782 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1783 Nurse Practice Act;
- 1784 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1785 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
1786 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1787 Assistant Act;
- 1788 (g) provides access to and interaction with the state central patient portal;
- 1789 (h) communicates dispensing information from a record that a medical cannabis
1790 pharmacy submits to the state electronic verification system under Subsection
1791 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1792 (i) provides access to state or local law enforcement only to verify the validity of an
1793 individual's medical cannabis card for the administration of criminal justice and
1794 through a database used by law enforcement; and
- 1795 (j) creates a record each time a person accesses the system that identifies the person who
1796 accesses the system and the individual whose records the person accesses.
- 1797 (3)(a) An employee of a qualified medical provider may access the electronic
1798 verification system for a purpose described in Subsection (2)(c) on behalf of the
1799 qualified medical provider if:
- 1800 (i) the qualified medical provider has designated the employee as an individual
1801 authorized to access the electronic verification system on behalf of the qualified
1802 medical provider;
- 1803 (ii) the qualified medical provider provides written notice to the department of the
1804 employee's identity and the designation described in Subsection (3)(a)(i); and
1805 (iii) the department grants to the employee access to the electronic verification
1806 system.
- 1807 (b) An employee of a business that employs a qualified medical provider may access the
1808 electronic verification system for a purpose described in Subsection (2)(c) on behalf
1809 of the qualified medical provider if:
- 1810 (i) the qualified medical provider has designated the employee as an individual
1811 authorized to access the electronic verification system on behalf of the qualified
1812 medical provider;
- 1813 (ii) the qualified medical provider and the employing business jointly provide written
1814 notice to the department of the employee's identity and the designation described
1815 in Subsection (3)(b)(i); and

- 1816 (iii) the department grants to the employee access to the electronic verification
1817 system.
- 1818 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall
1819 complete at least one hour of education regarding health information privacy laws
1820 that is offered by the department or an accredited or approved education provider that
1821 the department recognizes before the department may grant the employee access to
1822 the electronic verification system.
- 1823 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1824 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1825 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1826 Practice Act;
- 1827 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1828 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
1829 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1830 Assistant Act.
- 1831 (b) A prescribing provider may access information in the electronic verification system
1832 regarding a patient the prescribing provider treats.
- 1833 (5) The department may release limited data that the system collects for the purpose of:
- 1834 (a) conducting medical and other department approved research;
1835 (b) providing the report required by Section 26B-4-222; and
1836 (c) other official department purposes.
- 1837 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1838 Administrative Rulemaking Act, to establish:
- 1839 (a) the limitations on access to the data in the state electronic verification system as
1840 described in this section; and
1841 (b) standards and procedures to ensure accurate identification of an individual requesting
1842 information or receiving information in this section.
- 1843 (7) Any person who negligently or recklessly releases any information in the state
1844 electronic verification system in violation of this section is guilty of a class C
1845 misdemeanor.
- 1846 (8) Any person who obtains or attempts to obtain information from the state electronic
1847 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1848 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1849 and intentionally use, release, publish, or otherwise make available to any other

- 1850 person information obtained from the state electronic verification system for any
 1851 purpose other than a purpose specified in this section.
- 1852 (b) Each separate violation of this Subsection (9) is:
- 1853 (i) a third degree felony; and
- 1854 (ii) subject to a civil penalty not to exceed \$5,000.
- 1855 (c) A law enforcement officer who uses the database used by law enforcement to access
 1856 information in the electronic verification system for a reason that is not the
 1857 administration of criminal justice is guilty of a class B misdemeanor.
- 1858 (d) The department shall determine a civil violation of this Subsection (9) in accordance
 1859 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1860 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
 1861 Fund.
- 1862 (f) This Subsection (9) does not prohibit a person who obtains information from the state
 1863 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1864 (i) including the information in the person's medical chart or file for access by a
 1865 person authorized to review the medical chart or file;
- 1866 (ii) providing the information to a person in accordance with the requirements of the
 1867 Health Insurance Portability and Accountability Act of 1996; or
- 1868 (iii) discussing or sharing that information about the patient with the patient.

1869 Section 17. Section **26B-4-204** is amended to read:

1870 **26B-4-204 . Qualified medical provider registration -- Continuing education --**

1871 **Treatment recommendation -- Limited medical provider.**

- 1872 (1)(a)(i) Except as provided in Subsection (1)(b), an individual may not recommend a
 1873 medical cannabis treatment unless the department registers the individual as a
 1874 qualified medical provider in accordance with this section.
- 1875 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is
 1876 podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
 1877 may not recommend a medical cannabis treatment except within the course and
 1878 scope of a practice of podiatry, as that term is defined in Section 58-5a-102.
- 1879 (b) An individual who meets the recommending qualifications may recommend a
 1880 medical cannabis treatment as a limited medical provider without registering under
 1881 Subsection (1)(a) if:
- 1882 (i) the individual recommends the use of medical cannabis to the patient through an
 1883 order described in Subsection (1)(c) after:

- 1884 (A) a face-to-face visit for an initial recommendation or the renewal of a
1885 recommendation for a patient for whom the limited medical provider did not
1886 make the patient's original recommendation; or
- 1887 (B) a visit using telehealth services for a renewal of a recommendation for a
1888 patient for whom the limited medical provider made the patient's original
1889 recommendation; and
- 1890 (ii) the individual's recommendation or renewal would not cause the total number of
1891 the individual's patients who have a valid medical cannabis patient card or
1892 provisional patient card resulting from the individual's recommendation to exceed
1893 15.
- 1894 (c) The individual described in Subsection (1)(b) shall communicate the individual's
1895 recommendation through an order for the medical cannabis pharmacy to record the
1896 individual's recommendation or renewal in the state electronic verification system
1897 under the individual's recommendation that:
- 1898 (i)(A) the individual or the individual's employee sends electronically to a medical
1899 cannabis pharmacy; or
- 1900 (B) the individual gives to the patient in writing for the patient to deliver to a
1901 medical cannabis pharmacy; and
- 1902 (ii) may include:
- 1903 (A) directions of use or dosing guidelines; and
- 1904 (B) an indication of a need for a caregiver in accordance with Subsection [
1905 ~~26B-4-213(3)(e)~~ 26B-4-213(3)(b)].
- 1906 (d) If the limited medical provider gives the patient a written recommendation to deliver
1907 to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
1908 provider shall ensure that the document includes all of the information that is
1909 included on a prescription the provider would issue for a controlled substance,
1910 including:
- 1911 (i) the date of issuance;
- 1912 (ii) the provider's name, address and contact information, controlled substance license
1913 information, and signature; and
- 1914 (iii) the patient's name, address and contact information, age, and diagnosed
1915 qualifying condition.
- 1916 (e) In considering making a recommendation as a limited medical provider, an
1917 individual may consult information that the department makes available on the

- 1918 department's website for recommending providers.
- 1919 (2)(a) The department shall, within 15 days after the day on which the department
1920 receives an application from an individual, register and issue a qualified medical
1921 provider registration card to the individual if the individual:
- 1922 (i) provides to the department the individual's name and address;
 - 1923 (ii) provides to the department an acknowledgment that the individual has completed
1924 four hours of continuing education related to medical cannabis;
 - 1925 (iii) provides to the department evidence that the individual meets the recommending
1926 qualifications;
 - 1927 (iv) for an applicant on or after November 1, 2021, provides to the department the
1928 information described in Subsection (10)(a); and
 - 1929 (v) pays the department a fee in an amount that:
 - 1930 (A) the department sets, in accordance with Section 63J-1-504; and
 - 1931 (B) does not exceed \$300 for an initial registration.
- 1932 (b) The department may not register an individual as a qualified medical provider if the
1933 individual is:
- 1934 (i) a pharmacy medical provider; or
 - 1935 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
1936 production establishment, a medical cannabis pharmacy, or a medical cannabis
1937 courier.
- 1938 (3)(a) An individual shall complete the continuing education related to medical cannabis
1939 in the following amounts:
- 1940 (i) for an individual as a condition precedent to registration, four hours; and
 - 1941 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
1942 every two years.
- 1943 (b) The department may, in consultation with the Division of Professional Licensing,
1944 develop continuing education related to medical cannabis.
- 1945 (c) The continuing education described in this Subsection (3) may discuss:
- 1946 (i) the provisions of this part;
 - 1947 (ii) general information about medical cannabis under federal and state law;
 - 1948 (iii) the latest scientific research on the endocannabinoid system and medical
1949 cannabis, including risks and benefits;
 - 1950 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1951 patient in pain management, risk management, potential addiction, or palliative

- 1952 care; and
- 1953 (v) best practices for recommending the form and dosage of medical cannabis based
- 1954 on the qualifying condition underlying a medical cannabis recommendation.
- 1955 (4)(a) Except as provided in Subsection (4)(b), a qualified medical provider may not
- 1956 recommend a medical cannabis treatment to more than 1.5% of the total amount of
- 1957 medical cannabis patient cardholders.
- 1958 (b) If a qualified medical provider receives payment from an insurance plan for services
- 1959 provided under this chapter, then the patient whose insurance plan was billed does
- 1960 not count toward the 1.5% patient cap described in Subsection (4)(a).
- 1961 (5) A recommending medical provider may recommend medical cannabis to an individual
- 1962 under this part only in the course of a provider-patient relationship after the
- 1963 recommending medical provider has completed and documented in the patient's medical
- 1964 record a thorough assessment of the patient's condition and medical history based on the
- 1965 appropriate standard of care for the patient's condition.
- 1966 (6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that
- 1967 the person or the person's employee recommends a medical cannabis treatment.
- 1968 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical
- 1969 provider, medical clinic, or medical office that employs a qualified medical provider
- 1970 may advertise only the following:
- 1971 (i) a green cross;
- 1972 (ii) the provider's or clinic's name and logo;
- 1973 (iii) a qualifying condition that the individual treats;
- 1974 (iv) that the qualified medical provider, medical clinic, or medical office evaluates
- 1975 patients for medical cannabis recommendations;
- 1976 (v) a scientific study regarding medical cannabis use; or
- 1977 (vi) contact information.
- 1978 (c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical
- 1979 provider, medical clinic, or medical office that employs a qualified medical provider
- 1980 may engage in targeted marketing, as determined by the department through rule, for
- 1981 advertising medical cannabis recommendation services.
- 1982 (7)(a) A qualified medical provider registration card expires two years after the day on
- 1983 which the department issues the card.
- 1984 (b) The department shall renew a qualified medical provider's registration card if the
- 1985 provider:

- 1986 (i) applies for renewal;
- 1987 (ii) is eligible for a qualified medical provider registration card under this section,
- 1988 including maintaining an unrestricted license under the recommending
- 1989 qualifications;
- 1990 (iii) certifies to the department in a renewal application that the information in
- 1991 Subsection (2)(a) is accurate or updates the information;
- 1992 (iv) submits a report detailing the completion of the continuing education
- 1993 requirement described in Subsection (3); and
- 1994 (v) pays the department a fee in an amount that:
- 1995 (A) the department sets, in accordance with Section 63J-1-504; and
- 1996 (B) does not exceed \$50 for a registration renewal.
- 1997 (8) The department may revoke the registration of a qualified medical provider who fails to
- 1998 maintain compliance with the requirements of this section.
- 1999 (9) A recommending medical provider may not:
- 2000 (a) receive any compensation or benefit for the qualified medical provider's medical
- 2001 cannabis treatment recommendation from:
- 2002 (i) a cannabis production establishment or an owner, officer, director, board member,
- 2003 employee, or agent of a cannabis production establishment;
- 2004 (ii) a medical cannabis pharmacy or an owner, officer, director, board member,
- 2005 employee, or agent of a medical cannabis pharmacy; or
- 2006 (iii) a recommending medical provider or pharmacy medical provider; or
- 2007 (b) provide a medical cannabis recommendation at a medical clinic or medical office
- 2008 that is violating the advertising limitations described in Subsection (6).
- 2009 (10)(a) Each quarter, a qualified medical provider shall report to the department, in a
- 2010 manner designated by the department:
- 2011 (i) if applicable, that the qualified medical provider or the entity that employs the
- 2012 qualified medical provider represents online or on printed material that the
- 2013 qualified medical provider is a qualified medical provider or offers medical
- 2014 cannabis recommendations to patients; and
- 2015 (ii)(A) for cash payment without insurance, the fee amount that the qualified
- 2016 medical provider or the entity that employs the qualified medical provider
- 2017 charges a patient for a medical cannabis recommendation as an actual cash
- 2018 rate; and
- 2019 (B) whether the qualified medical provider or the entity that employs the qualified

2020 medical provider bills insurance.

2021 (b) The department shall:

2022 (i) ensure that the following information related to qualified medical providers and
2023 entities described in Subsection (10)(a)(i) is available on the department's website
2024 or on the health care price transparency tool under Subsection (10)(b)(ii):

2025 (A) the name of the qualified medical provider and, if applicable, the name of the
2026 entity that employs the qualified medical provider;

2027 (B) the address of the qualified medical provider's office or, if applicable, the
2028 entity that employs the qualified medical provider; and

2029 (C) the fee amount described in Subsection (10)(a)(ii)(A); and

2030 (ii) share data collected under this Subsection (10) with the state auditor for use in the
2031 health care price transparency tool described in Section 67-3-11.

2032 Section 18. Section **26B-4-213** is amended to read:

2033 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**

2034 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2035 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
2036 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
2037 application in accordance with this section or Section 26B-4-214, the department
2038 shall:

2039 (i) issue a medical cannabis patient card to an individual described in Subsection
2040 (2)(a);

2041 (ii) issue a medical cannabis guardian card to an individual described in Subsection
2042 (2)(b);

2043 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2044 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
2045 26B-4-214(4).

2046 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
2047 recommendation for a patient in the state electronic verification system, either by
2048 the provider or the provider's employee or by a medical cannabis pharmacy
2049 medical provider or medical cannabis pharmacy in accordance with Subsection
2050 4-41a-1101(10)(a), the department shall issue to the patient an electronic
2051 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2052 (ii) A conditional medical cannabis card is valid for the lesser of:

2053 (A) 60 days; or

- 2054 (B) the day on which the department completes the department's review and issues
2055 a medical cannabis card under Subsection (1)(a), denies the patient's medical
2056 cannabis card application, or revokes the conditional medical cannabis card
2057 under Subsection (8).
- 2058 (iii) The department may issue a conditional medical cannabis card to an individual
2059 applying for a medical cannabis patient card for which approval of the
2060 Compassionate Use Board is not required.
- 2061 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2062 obligations under law applicable to a holder of the medical cannabis card for
2063 which the individual applies and for which the department issues the conditional
2064 medical cannabis card.
- 2065 (2)(a) An individual is eligible for a medical cannabis patient card if:
- 2066 (i)(A) the individual is at least 21 years old; or
- 2067 (B) the individual is 18, 19, or 20 years old, the individual petitions the
2068 Compassionate Use Board under Section 26B-1-421, and the Compassionate
2069 Use Board recommends department approval of the petition;
- 2070 (ii) the individual is a Utah resident;
- 2071 (iii) the individual's recommending medical provider recommends treatment with
2072 medical cannabis in accordance with Subsection (4);
- 2073 (iv) the individual signs an acknowledgment stating that the individual received the
2074 information described in Subsection (9); and
- 2075 (v) the individual pays to the department a fee in an amount that, subject to
2076 Subsection 26B-1-310(5), the department sets in accordance with Section
2077 63J-1-504.
- 2078 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
- 2079 (A) is at least 18 years old;
- 2080 (B) is a Utah resident;
- 2081 (C) is the parent or legal guardian of a minor for whom the minor's recommending
2082 medical provider recommends a medical cannabis treatment, the individual
2083 petitions the Compassionate Use Board under Section 26B-1-421, and the
2084 Compassionate Use Board recommends department approval of the petition;
- 2085 (D) the individual signs an acknowledgment stating that the individual received
2086 the information described in Subsection (9); and
- 2087 (E) pays to the department a fee in an amount that, subject to Subsection

- 2088 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
2089 the cost of the criminal background check described in Section 26B-4-215.
- 2090 (ii) The department shall notify the Department of Public Safety of each individual
2091 that the department registers for a medical cannabis guardian card.
- 2092 (c)(i) A minor is eligible for a provisional patient card if:
- 2093 (A) the minor has a qualifying condition;
- 2094 (B) the minor's recommending medical provider recommends a medical cannabis
2095 treatment to address the minor's qualifying condition;
- 2096 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
2097 Board under Section 26B-1-421, and the Compassionate Use Board
2098 recommends department approval of the petition; and
- 2099 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
2100 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
2101 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 2102 (ii) The department shall automatically issue a provisional patient card to the minor
2103 described in Subsection (2)(c)(i) at the same time the department issues a medical
2104 cannabis guardian card to the minor's parent or legal guardian.
- 2105 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
2106 through (C) does not qualify for a medical cannabis guardian card under Subsection
2107 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
2108 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
2109 access to the recommended medical cannabis treatment.
- 2110 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
2111 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 2112 (i) through an electronic application connected to the state electronic verification
2113 system;
- 2114 (ii) with the recommending medical provider; and
- 2115 (iii) with information including:
- 2116 (A) the applicant's name, gender, age, and address;
- 2117 (B) the number of the applicant's government issued photo identification;
- 2118 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2119 receiving a medical cannabis treatment under the cardholder's medical cannabis
2120 guardian card; and
- 2121 (D) for a provisional patient card, the name of the minor's parent or legal guardian

- 2122 who holds the associated medical cannabis guardian card.
- 2123 ~~[(b) The department shall ensure that a medical cannabis card the department issues~~
 2124 ~~under this section contains the information described in Subsection (3)(a)(iii).]~~
- 2125 ~~[(e)]~~ (b)(i) If a recommending medical provider determines that, because of age,
 2126 illness, or disability, a medical cannabis patient cardholder requires assistance in
 2127 administering the medical cannabis treatment that the recommending medical
 2128 provider recommends, the recommending medical provider may indicate the
 2129 cardholder's need in the state electronic verification system, either directly or, for
 2130 a limited medical provider, through the order described in Subsections 26B-4-204
 2131 (1)(c) and (d).
- 2132 (ii) If a recommending medical provider makes the indication described in
 2133 Subsection ~~[(3)(e)(i)]~~ (3)(b)(i):
- 2134 (A) the department shall add a label to the relevant medical cannabis patient card
 2135 indicating the cardholder's need for assistance;
- 2136 (B) any adult who is 18 years old or older and who is physically present with the
 2137 cardholder at the time the cardholder needs to use the recommended medical
 2138 cannabis treatment may handle the medical cannabis treatment and any
 2139 associated medical cannabis device as needed to assist the cardholder in
 2140 administering the recommended medical cannabis treatment; and
- 2141 (C) an individual of any age who is physically present with the cardholder in the
 2142 event of an emergency medical condition, as that term is defined in Section
 2143 31A-1-301, may handle the medical cannabis treatment and any associated
 2144 medical cannabis device as needed to assist the cardholder in administering the
 2145 recommended medical cannabis treatment.
- 2146 (iii) A non-cardholding individual acting under Subsection ~~[(3)(e)(ii)(B)]~~ (3)(b)(ii)(B)
 2147 or (C) may not:
- 2148 (A) ingest or inhale medical cannabis;
- 2149 (B) possess, transport, or handle medical cannabis or a medical cannabis device
 2150 outside of the immediate area where the cardholder is present or with an intent
 2151 other than to provide assistance to the cardholder; or
- 2152 (C) possess, transport, or handle medical cannabis or a medical cannabis device
 2153 when the cardholder is not in the process of being dosed with medical cannabis.
- 2154 (4) To recommend a medical cannabis treatment to a patient or to renew a recommendation,
 2155 a recommending medical provider shall:

- 2156 (a) visit with the patient face-to-face for an initial recommendation unless the patient:
2157 (i) prefers a virtual visit; and
2158 (ii)(A) is on hospice or has a terminal illness according to the patient's medical
2159 provider; or
2160 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or
2161 a nursing care facility, as defined in Section 26B-2-201;
- 2162 (b) before recommending or renewing a recommendation for medical cannabis in a
2163 medicinal dosage form or a cannabis product in a medicinal dosage form:
2164 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
2165 guardian's government issued photo identification described in Subsection (3)(a);
2166 (ii) review any record related to the patient and, for a minor patient, the patient's
2167 parent or legal guardian in:
2168 (A) for a qualified medical provider, the state electronic verification system; and
2169 (B) the controlled substance database created in Section 58-37f-201; and
2170 (iii) consider the recommendation in light of the patient's qualifying condition,
2171 history of substance use or opioid use disorder, and history of medical cannabis
2172 and controlled substance use during a visit with the patient; and
- 2173 (c) state in the recommending medical provider's recommendation that the patient:
2174 (i) suffers from a qualifying condition, including the type of qualifying condition; and
2175 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a
2176 cannabis product in a medicinal dosage form.
- 2177 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
2178 department issues under this section is valid for the lesser of:
2179 (i) an amount of time that the recommending medical provider determines; or
2180 (ii) one year from the day the card is issued.
- 2181 (b)(i) A medical cannabis card that the department issues in relation to a terminal
2182 illness described in Section 26B-4-203 expires after one year.
2183 (ii) The recommending medical provider may revoke a recommendation that the
2184 provider made in relation to a terminal illness described in Section 26B-4-203 if
2185 the medical cannabis cardholder no longer has the terminal illness.
- 2186 (c) A medical cannabis card that the department issues in relation to acute pain as
2187 described in Section 26B-4-203 expires 30 days after the day on which the
2188 department first issues a conditional or full medical cannabis card.
- 2189 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable

- 2190 if:
- 2191 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
- 2192 or (b); or
- 2193 (ii) the cardholder received the medical cannabis card through the recommendation of
- 2194 the Compassionate Use Board under Section 26B-1-421.
- 2195 (b) The recommending medical provider who made the underlying recommendation for
- 2196 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
- 2197 card through phone or video conference with the cardholder, at the recommending
- 2198 medical provider's discretion.
- 2199 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
- 2200 shall pay to the department a renewal fee in an amount that:
- 2201 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with
- 2202 Section 63J-1-504; and
- 2203 (ii) may not exceed the cost of the relatively lower administrative burden of renewal
- 2204 in comparison to the original application process.
- 2205 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
- 2206 patient card renews automatically at the time the minor's parent or legal guardian
- 2207 renews the parent or legal guardian's associated medical cannabis guardian card.
- 2208 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis
- 2209 card with the patient's name.
- 2210 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
- 2211 purchase, in accordance with this part and the recommendation underlying the
- 2212 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
- 2213 dosage form, or a medical cannabis device.
- 2214 (ii) A cardholder under this section may possess or transport, in accordance with this
- 2215 part and the recommendation underlying the card, cannabis in a medicinal dosage
- 2216 form, a cannabis product in a medicinal dosage form, or a medical cannabis
- 2217 device.
- 2218 (iii) To address the qualifying condition underlying the medical cannabis treatment
- 2219 recommendation:
- 2220 (A) a medical cannabis patient cardholder or a provisional patient cardholder may
- 2221 use medical cannabis or a medical cannabis device; and
- 2222 (B) a medical cannabis guardian cardholder may assist the associated provisional
- 2223 patient cardholder with the use of medical cannabis or a medical cannabis

- 2224 device.
- 2225 (8)(a) The department may revoke a medical cannabis card that the department issues
2226 under this section if:
- 2227 (i) the recommending medical provider withdraws the medical provider's
2228 recommendation for medical cannabis; or
- 2229 (ii) the cardholder:
- 2230 (A) violates this part; or
- 2231 (B) is convicted under state or federal law of, after March 17, 2021, a drug
2232 distribution offense.
- 2233 (b) The department may not refuse to issue a medical cannabis card to a patient solely
2234 based on a prior revocation under Subsection (8)(a)(i).
- 2235 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
2236 Administrative Rulemaking Act, a process to provide information regarding the
2237 following to an individual receiving a medical cannabis card:
- 2238 (a) risks associated with medical cannabis treatment;
- 2239 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2240 medical cannabis treatment is an effective treatment or cure for that condition, as
2241 described in Subsection 26B-4-203(1); and
- 2242 (c) other relevant warnings and safety information that the department determines.
- 2243 (10) The department may establish procedures by rule, in accordance with Title 63G,
2244 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
2245 issuance provisions of this section.
- 2246 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2247 Utah Administrative Rulemaking Act, a process to allow an individual from another
2248 state to register with the department in order to purchase medical cannabis or a
2249 medical cannabis device from a medical cannabis pharmacy while the individual is
2250 visiting the state.
- 2251 (b) The department may only provide the registration process described in Subsection
2252 (11)(a):
- 2253 (i) to a nonresident patient; and
- 2254 (ii) for no more than two visitation periods per calendar year of up to 21 calendar
2255 days per visitation period.
- 2256 (12)(a) A person may submit to the department a request to conduct a research study
2257 using medical cannabis cardholder data that the state electronic verification system

- 2258 contains.
- 2259 (b) The department shall review a request described in Subsection (12)(a) to determine
2260 whether an institutional review board, as that term is defined in Section 26B-4-201,
2261 could approve the research study.
- 2262 (c) At the time an individual applies for a medical cannabis card, the department shall
2263 notify the individual:
- 2264 (i) of how the individual's information will be used as a cardholder;
- 2265 (ii) that by applying for a medical cannabis card, unless the individual withdraws
2266 consent under Subsection (12)(d), the individual consents to the use of the
2267 individual's information for external research; and
- 2268 (iii) that the individual may withdraw consent for the use of the individual's
2269 information for external research at any time, including at the time of application.
- 2270 (d) An applicant may, through the medical cannabis card application, and a medical
2271 cannabis cardholder may, through the state central patient portal, withdraw the
2272 applicant's or cardholder's consent to participate in external research at any time.
- 2273 (e) The department may release, for the purposes of a study described in this Subsection
2274 (12), information about a cardholder under this section who consents to participate
2275 under Subsection (12)(c).
- 2276 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
2277 consent:
- 2278 (i) applies to external research that is initiated after the withdrawal of consent; and
2279 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 2280 (g) The department may establish standards for a medical research study's validity, by
2281 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2282 Act.

2283 (13) The department shall record the issuance or revocation of a medical cannabis card
2284 under this section in the controlled substance database.

2285 Section 19. Section **26B-4-219** is amended to read:

2286 **26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.**

2287 (1)(a) A medical cannabis pharmacy:

- 2288 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
2289 Practice Act, as a pharmacy medical provider;
- 2290 (ii) may employ a physician who has the authority to write a prescription and is
2291 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

- 2292 Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical
2293 provider;
- 2294 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
2295 works onsite during all business hours; and
- 2296 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i)
2297 as the pharmacist-in-charge to oversee the operation of and generally supervise
2298 the medical cannabis pharmacy.
- 2299 (b) The pharmacist-in-charge shall determine which cannabis and cannabis products the
2300 medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.
- 2301 (c) An individual may not serve as a pharmacy medical provider unless the department
2302 registers the individual as a pharmacy medical provider in accordance with
2303 Subsection (2).
- 2304 (2)(a) The department shall, within 15 days after the day on which the department
2305 receives an application from a medical cannabis pharmacy on behalf of a prospective
2306 pharmacy medical provider, register and issue a pharmacy medical provider
2307 registration card to the prospective pharmacy medical provider if the medical
2308 cannabis pharmacy:
- 2309 (i) provides to the department:
- 2310 (A) the prospective pharmacy medical provider's name and address;
- 2311 (B) the name and location of the licensed medical cannabis pharmacy where the
2312 prospective pharmacy medical provider seeks to act as a pharmacy medical
2313 provider;
- 2314 (C) ~~[a report detailing the completion of the continuing education requirement~~
2315 ~~described in Subsection (3);]~~ an acknowledgment that the individual has
2316 completed four hours of continuing education related to medical cannabis; and
- 2317 (D) evidence that the prospective pharmacy medical provider is a pharmacist who
2318 is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician
2319 who has the authority to write a prescription and is licensed under Title 58,
2320 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
2321 Osteopathic Medical Practice Act; and
- 2322 (ii) pays a fee to the department in an amount that, subject to Subsection 26B-1-310
2323 (5), the department sets in accordance with Section 63J-1-504.
- 2324 (b) The department may not register a recommending medical provider as a pharmacy
2325 medical provider.

- 2326 (3)(a) A pharmacy medical provider shall complete the continuing education described
 2327 in this Subsection (3) in the following amounts:
- 2328 (i) as a condition precedent to registration, four hours; and
 2329 (ii) as a condition precedent to renewal of the registration, four hours every two years.
- 2330 ~~[(b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:]~~
 2331 ~~[(i) complete continuing education:]~~
 2332 ~~[(A) regarding the topics described in Subsection (3)(d); and]~~
 2333 ~~[(B) offered by the department under Subsection (3)(c) or an accredited or~~
 2334 ~~approved continuing education provider that the department recognizes as~~
 2335 ~~offering continuing education appropriate for the medical cannabis pharmacy~~
 2336 ~~practice; and]~~
 2337 ~~[(ii) make a continuing education report to the department in accordance with a~~
 2338 ~~process that the department establishes by rule, in accordance with Title 63G,~~
 2339 ~~Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the~~
 2340 ~~Division of Professional Licensing and:]~~
 2341 ~~[(A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,~~
 2342 ~~Pharmacy Practice Act, the Board of Pharmacy; or]~~
 2343 ~~[(B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah~~
 2344 ~~Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical~~
 2345 ~~Practice Act, the Medical Licensing Board.]~~
- 2346 ~~[(e)]~~ (b) The department may, in consultation with the Division of Professional
 2347 Licensing, develop the continuing education described in this Subsection (3).
- 2348 ~~[(d)]~~ (c) The continuing education described in this Subsection (3) may discuss:
- 2349 (i) the provisions of this part;
 2350 (ii) general information about medical cannabis under federal and state law;
 2351 (iii) the latest scientific research on the endocannabinoid system and medical
 2352 cannabis, including risks and benefits;
 2353 (iv) recommendations for medical cannabis as it relates to the continuing care of a
 2354 patient in pain management, risk management, potential addiction, and palliative
 2355 care; or
 2356 (v) best practices for recommending the form and dosage of medical cannabis based
 2357 on the qualifying condition underlying a medical cannabis recommendation.
- 2358 (4)(a) A pharmacy medical provider registration card expires two years after the day on
 2359 which the department issues or renews the card.

- 2360 (b) A pharmacy medical provider may renew the provider's registration card if the
2361 provider:
- 2362 (i) is eligible for a pharmacy medical provider registration card under this section;
2363 (ii) certifies to the department in a renewal application that the information in
2364 Subsection (2)(a) is accurate or updates the information;
2365 (iii) submits a report detailing the completion of the continuing education
2366 requirement described in Subsection (3); and
2367 (iv) pays to the department a renewal fee in an amount that:
- 2368 (A) subject to Subsection 26B-1-310(5), the department sets in accordance with
2369 Section 63J-1-504; and
2370 (B) may not exceed the cost of the relatively lower administrative burden of
2371 renewal in comparison to the original application process.
- 2372 (5)(a) Except as provided in Subsection (5)(b), a person may not advertise that the
2373 person or another person dispenses medical cannabis.
- 2374 (b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy
2375 medical provider may advertise the following:
- 2376 (i) a green cross;
2377 (ii) that the person is registered as a pharmacy medical provider and dispenses
2378 medical cannabis; or
2379 (iii) a scientific study regarding medical cannabis use.
- 2380 (6)(a) The department may revoke a pharmacy medical provider's registration for a
2381 violation of this chapter.
- 2382 (b) The department may inspect patient records held by a medical cannabis pharmacy to
2383 ensure a pharmacy medical provider is practicing in accordance with this chapter and
2384 applicable rules.
- 2385 Section 20. Section **26B-4-222** is amended to read:
2386 **26B-4-222 . Report.**
- 2387 (1) By the November interim meeting each year, the department shall report to the Health
2388 and Human Services Interim Committee on:
- 2389 (a) the number of applications and renewal applications filed for medical cannabis cards;
2390 (b) the number of qualifying patients and designated caregivers;
2391 (c) the nature of the debilitating medical conditions of the qualifying patients;
2392 (d) the age and county of residence of cardholders;
2393 (e) the number of medical cannabis cards revoked;

- 2394 (f) the number of practitioners providing recommendations for qualifying patients; and
 2395 [~~(g) the number of license applications and renewal license applications received;~~]
 2396 [~~(h) the number of licenses the department has issued in each county;~~]
 2397 [~~(i) the number of licenses the department has revoked;~~]
 2398 [~~(j) the quantity of medical cannabis shipments that the state central patient portal~~
 2399 ~~facilitates;~~]
 2400 [~~(k) the number of overall purchases of medical cannabis and medical cannabis products~~
 2401 ~~from each medical cannabis pharmacy;~~]
 2402 [~~(l) (g) the expenses [incurred] and revenues [generated from the medical cannabis~~
 2403 ~~program; and] of the Qualified Patient Enterprise Fund created in Section 26B-1-310.~~
 2404 [~~(m) an analysis of product availability in medical cannabis pharmacies in consultation~~
 2405 ~~with the Department of Agriculture and Food.]~~
- 2406 (2) The report shall include information provided by the Center for Medical Cannabis
 2407 Research described in Section 53B-17-1402.
- 2408 (3) The department may not include personally identifying information in the report
 2409 described in this section.
- 2410 (4) The department shall report to the working group described in Section 36-12-8.2 as
 2411 requested by the working group.

2412 Section 21. **Repealer.**

2413 This bill repeals:

2414 Section **4-41a-108, Payment provider for electronic medical cannabis transactions.**

2415 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**

2416 **-- Citation.**

2417 Section 22. **Effective Date.**

2418 This bill takes effect on May 7, 2025.

2419 Section 23. **Coordinating S.B. 64 with H.B. 21.**

2420 If S.B. 64, Medical Cannabis Amendments, and H.B. 21, Criminal Code

2421 Recodification and Cross References, both pass and become law, the Legislature intends that,

2422 on May 7, 2025, Section 4-41a-102(4)(a) be amended to read:

2423 "Anticompetitive business practice" [means any practice that reduces the amount of
 2424 competition in the medical cannabis market that would be considered an attempt to
 2425 monopolize, as defined in Section 76-10-3103] means any practice that is an illegal
 2426 anticompetitive business activity under Section 76-16-510."