

**Medical Cannabis Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: Luz Escamilla

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**LONG TITLE**

**General Description:**

This bill amends provisions related to medical cannabis.

**Highlighted Provisions:**

This bill:

- repeals provisions related to qualified medical providers and limited medical providers in the medical cannabis program;

- allows certain health care providers to recommend medical cannabis without first registering with the Department of Health and Human Services;

- modifies labeling requirements for medical cannabis;

- amends provisions related to medical cannabis recommendation;

- modifies continuing education requirements related to medical cannabis;

- moves enforcement of advertising and payment requirements related to medical cannabis from the Department of Health and Human Services to the Division of Professional Licensing; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

**4-41a-301**, as last amended by Laws of Utah 2024, Chapter 217

**4-41a-602**, as last amended by Laws of Utah 2024, Chapter 217

28 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217  
29 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240  
30 **26B-2-203**, as renumbered and amended by Laws of Utah 2023, Chapter 305  
31 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240  
32 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240  
33 **26B-4-203**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
34 amended by Laws of Utah 2023, Chapter 307  
35 **26B-4-204**, as last amended by Laws of Utah 2024, Chapter 217  
36 **26B-4-205**, as renumbered and amended by Laws of Utah 2023, Chapter 307  
37 **26B-4-213**, as last amended by Laws of Utah 2024, Chapters 217, 240  
38 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240  
39 **26B-4-231**, as last amended by Laws of Utah 2024, Chapter 238  
40 **26B-4-245**, as last amended by Laws of Utah 2024, Chapters 217, 240  
41 **53B-17-903**, as last amended by Laws of Utah 2023, Chapter 328  
42 **58-5a-102**, as last amended by Laws of Utah 2024, Chapter 458  
43 **58-31b-305**, as last amended by Laws of Utah 2023, Chapter 329  
44 **58-31b-502**, as last amended by Laws of Utah 2024, Chapter 237  
45 **58-67-304**, as last amended by Laws of Utah 2023, Chapters 301, 329  
46 **58-67-502**, as last amended by Laws of Utah 2024, Chapter 237  
47 **58-68-304**, as last amended by Laws of Utah 2023, Chapters 301, 329  
48 **58-68-502**, as last amended by Laws of Utah 2024, Chapter 237  
49 **58-70a-303**, as last amended by Laws of Utah 2023, Chapter 329  
50 **58-70a-503**, as last amended by Laws of Utah 2024, Chapter 237  
51 **80-4-109**, as last amended by Laws of Utah 2023, Chapters 273, 317 and 330 and last  
52 amended by Coordination Clause, Laws of Utah 2023, Chapter 330

53 ENACTS:

54 **58-1-513**, Utah Code Annotated 1953

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

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

58 **4-41a-102 . Definitions.**

59 As used in this chapter:

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

- 62 (a) pesticides;  
63 (b) heavy metals;  
64 (c) solvents;  
65 (d) microbial life;  
66 (e) artificially derived cannabinoid;  
67 (f) toxins; or  
68 (g) foreign matter.
- 69 (2) "Advertise" or "advertising" means information provided by a person in any medium:  
70 (a) to the public; and  
71 (b) that is not age restricted to an individual who is at least 21 years old.
- 72 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
73 Section 26B-1-435.
- 74 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount  
75 of competition in the medical cannabis market that would be considered an attempt to  
76 monopolize, as defined in Section 76-10-3103.
- 77 (b) "Anticompetitive business practice" may include:  
78 (i) agreements that may be considered unreasonable when competitors interact to the  
79 extent that they are:  
80 (A) no longer acting independently; or  
81 (B) when collaborating are able to wield market power together;  
82 (ii) monopolizing or attempting to monopolize trade by:  
83 (A) acting to maintain or acquire a dominant position in the market; or  
84 (B) preventing new entry into the market; or  
85 (iii) other conduct outlined in rule.
- 86 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a  
87 chemical reaction that changes the molecular structure of any chemical substance  
88 derived from the cannabis plant.
- 89 (b) "Artificially derived cannabinoid" does not include:  
90 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
91 by a chemical or mechanical extraction process; or  
92 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring  
93 cannabinoid acid without the use of a chemical catalyst.
- 94 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board  
95 created in Section 26B-1-420.

- (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (8) "Cannabis concentrate" means:
- (a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; and
  - (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an artificially derived cannabinoid's purified state.
- (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.
- (10) "Cannabis cultivation facility" means a person that:
- (a) possesses cannabis;
  - (b) grows or intends to grow cannabis; and
  - (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.
- (11) "Cannabis cultivation facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.
- (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.
- (14) "Cannabis processing facility" means a person that:
- (a) acquires or intends to acquire cannabis from a cannabis production establishment;
  - (b) possesses cannabis with the intent to manufacture a cannabis product;
  - (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
  - (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.
- (15) "Cannabis processing facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.
- (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
- (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

(19) "Cannabis production establishment agent registration card" means a registration card that the department issues that:

- (a) authorizes an individual to act as a cannabis production establishment agent; and
- (b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

(20) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis product.

(21) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.

(22) "Cultivation space" means, quantified in square feet, the horizontal area in which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other plants in multiple levels.

(23) "Delivery address" means:

- (a) for a medical cannabis cardholder who is not a facility:
  - (i) the medical cannabis cardholder's home address; or
  - (ii) an address designated by the medical cannabis cardholder that:
    - (A) is the medical cannabis cardholder's workplace; and
    - (B) is not a community location; or

- (b) for a medical cannabis cardholder that is a facility, the facility's address.

(24) "Department" means the Department of Agriculture and Food.

(25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(26) "Government issued photo identification" means the same as that term is defined in Section 26B-4-201, including expired identification in accordance with Section 26B-4-244.

(27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a delivery address to fulfill electronic orders that the state central patient portal facilitates.

(28)(a) "Independent cannabis testing laboratory" means a person that:

- (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

- 164 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent  
165 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 166 (b) "Independent cannabis testing laboratory" includes a laboratory that the department  
167 or a research university operates in accordance with Subsection 4-41a-201(14).
- 168 (29) "Independent cannabis testing laboratory agent" means an individual who  
169 holds a valid cannabis production establishment agent registration card with an  
170 independent cannabis testing laboratory designation.
- 171 (30) "Inventory control system" means a system described in Section 4-41a-103.
- 172 (31) "Licensing board" or "board" means the Cannabis Production Establishment and  
173 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 174 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 175 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 176 (34) "Medical cannabis courier" means a courier that:  
177 (a) the department licenses in accordance with Section 4-41a-1201; and  
178 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical  
179 cannabis shipments to fulfill electronic orders that the state central patient portal  
180 facilitates.
- 181 (35) "Medical cannabis courier agent" means an individual who:  
182 (a) is an employee of a medical cannabis courier; and  
183 (b) who holds a valid medical cannabis courier agent registration card.
- 184 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section  
185 26B-4-201.
- 186 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section  
187 26B-4-201.
- 188 (38) "Medical cannabis research license" means a license that the department issues to a  
189 research university for the purpose of obtaining and possessing medical cannabis for  
190 academic research.
- 191 (39) "Medical cannabis research licensee" means a research university that the department  
192 licenses to obtain and possess medical cannabis for academic research, in accordance  
193 with Section 4-41a-901.
- 194 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home  
195 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery  
196 address to fulfill an electronic medical cannabis order that the state central patient portal  
197 facilitates.

- (41) "Medical cannabis treatment" means the same as that term is defined in Section 26B-4-201.
- (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- (43) "Pharmacy ownership limit" means an amount equal to 30% of the total number of medical cannabis pharmacy licenses issued by the department rounded down to the nearest whole number.
- (44) "Pharmacy medical provider" means the same as that term is defined in Section 26B-4-201.
- ~~[(45) "Qualified medical provider" means the same as that term is defined in Section 26B-4-201.]~~
- ~~[(46)]~~ (45) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- ~~[(47)]~~ (46) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
- ~~[(48)]~~ (47) "Research university" means the same as that term is defined in Section 53B-7-702 and a private, nonprofit college or university in the state that:
- (a) is accredited by the Northwest Commission on Colleges and Universities;
  - (b) grants doctoral degrees; and
  - (c) has a laboratory containing or a program researching a schedule I controlled substance described in Section 58-37-4.
- ~~[(49)]~~ (48) "State electronic verification system" means the system described in Section 26B-4-202.
- ~~[(50)]~~ (49) "Targeted marketing" means the promotion of a cannabis product, medical cannabis brand, or a medical cannabis device using any of the following methods:
- (a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;
  - (b) an in-person marketing event that is:
    - (i) held inside a medical cannabis pharmacy; and
    - (ii) in an area where only a medical cannabis cardholder may access the event;
  - (c) other marketing material that is physically available or digitally displayed in a medical cannabis pharmacy; or
  - (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is provided to an individual when obtaining medical cannabis:
    - (i) in the medical cannabis pharmacy;

- (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- (iii) in a medical cannabis shipment.

~~[(51)]~~ (50) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.

~~[(52)]~~ (51) "THC analog" means the same as that term is defined in Section 4-41-102.

~~[(53)]~~ (52) "Total composite tetrahydrocannabinol" means all detectable forms of tetrahydrocannabinol.

~~[(54)]~~ (53) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in Section 4-41-102.

Section 2. Section **4-41a-301** is amended to read:

**4-41a-301 . Cannabis production establishment agent -- Registration.**

- (1) An individual may not act as a cannabis production establishment agent unless the department registers the individual as a cannabis production establishment agent, regardless of whether the individual is a seasonal, temporary, or permanent employee.
- (2) The following individuals, regardless of the individual's status as a ~~[qualified medical provider]~~ recommending medical provider, may not serve as a cannabis production establishment agent, have a financial or voting interest of 2% or greater in a cannabis production establishment, or have the power to direct or cause the management or control of a cannabis production establishment:
  - (a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
  - (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
  - (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
  - (d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (3) An independent cannabis testing laboratory agent may not act as an agent for a medical cannabis pharmacy, a medical cannabis courier, a cannabis processing facility, or a cannabis cultivation facility.
- (4)(a) The department shall, within 15 business days after the day on which the department receives a complete application from a prospective cannabis production establishment agent, register and issue a cannabis production establishment agent registration card to the prospective agent if the prospective agent:
  - (i) provides to the department:



- 266 (A) the prospective agent's name and address;
- 267 (B) which cannabis production establishment agent designations the applicant
- 268 desires; and
- 269 (C) the submission required under Subsection (4)(b); and
- 270 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),
- 271 the department sets in accordance with Section 63J-1-504.
- 272 (b) Each prospective agent described in Subsection (4)(a) shall:
- 273 (i) submit to the department:
- 274 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 275 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 276 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 277 Investigation Next Generation Identification System's Rap Back Service; and
- 278 (ii) consent to a fingerprint background check by:
- 279 (A) the Bureau of Criminal Identification; and
- 280 (B) the Federal Bureau of Investigation.
- 281 (c) The Bureau of Criminal Identification shall:
- 282 (i) check the fingerprints the prospective agent submits under Subsection (4)(b)
- 283 against the applicable state, regional, and national criminal records databases,
- 284 including the Federal Bureau of Investigation Next Generation Identification
- 285 System;
- 286 (ii) report the results of the background check to the department;
- 287 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 288 Subsection (4)(b) for search by future submissions to the local and regional
- 289 criminal records databases, including latent prints;
- 290 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 291 Next Generation Identification System's Rap Back Service for search by future
- 292 submissions to national criminal records databases, including the Next Generation
- 293 Identification System and latent prints; and
- 294 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 295 receives notifications for an individual with whom the department maintains an
- 296 authorizing relationship.
- 297 (d) The department shall:
- 298 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
- 299 amount that the department sets in accordance with Section 63J-1-504 for the

- 300 services that the Bureau of Criminal Identification or another authorized agency  
301 provides under this section; and
- 302 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal  
303 Identification.
- 304 (5)(a) The department shall designate, on an individual's cannabis production establishment  
305 agent registration card  
306 the type of cannabis production establishment for which the individual is authorized to  
307 act as an agent.
- 308 (b) When issuing a card under Subsection (5)(a) the department:
- 309 (i) may issue a cannabis production establishment agent registration card that  
310 contains both a cannabis processing facility designation and a cannabis cultivator  
311 facility designation; and
- 312 (ii) if the cannabis production establishment agent registration card will contain an  
313 independent cannabis testing laboratory designation, may not include any other  
314 designations.
- 315 (6) A cannabis production establishment agent shall comply with:
- 316 (a) a certification standard that the department develops; or  
317 (b) a certification standard that the department has reviewed and approved.
- 318 (7)(a) The department shall ensure that the certification standard described in Subsection  
319 (6) includes training:
- 320 (i) in Utah medical cannabis law;  
321 (ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;  
322 (iii) for a cannabis processing facility agent, in cannabis processing, manufacturing  
323 safety procedures for items for human consumption, and sanitation best practices;  
324 and  
325 (iv) for an independent cannabis testing laboratory agent, in cannabis testing best  
326 practices.
- 327 (b) The department shall review the training described in Subsection (7)(a) annually or  
328 as often as necessary to ensure compliance with this section.
- 329 (8) For an individual who holds or applies for a cannabis production establishment agent  
330 registration card:
- 331 (a) the department may revoke or refuse to issue the card if the individual violates the  
332 requirements of this chapter; and  
333 (b) the department shall revoke or refuse to issue the card if the individual is convicted

334 under state or federal law of:

335 (i) a felony in the preceding 10 years; or

336 (ii) after December 3, 2018, a misdemeanor for drug distribution.

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

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

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

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

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

346 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
347 Section 63J-1-504; and

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

350 (10) A cannabis production establishment shall:

351 (a) maintain a list of each employee that holds a cannabis production establishment  
352 agent registration card; and

353 (b) provide the list to the department upon request.

354 Section 3. Section **4-41a-602** is amended to read:

355 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**

356 (1) For any cannabis product that a cannabis processing facility processes or produces and  
357 for any raw cannabis that the facility packages, the facility shall:

358 (a) label the cannabis or cannabis product with a label that:

359 (i) clearly and unambiguously states that the cannabis product or package contains  
360 cannabis;

361 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,  
362 and any known cannabinoid that is greater than 1% of the total cannabinoids  
363 contained in the cannabis or cannabis product as determined under Subsection  
364 4-41a-701(4);

365 (iii) has a unique identification number that:

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

367 (B) identifies the unique cannabis product manufacturing process the cannabis

- 368 processing facility used to manufacture the cannabis product;
- 369 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
- 370 used to create the cannabis product;
- 371 (v) does not display an image, word, or phrase that the facility knows or should know
- 372 appeals to children; and
- 373 (vi) discloses each active or potentially active ingredient, in order of prominence, and
- 374 possible allergen; and
- 375 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
- 376 container that:
- 377 (i) is tamper evident and tamper resistant;
- 378 (ii) does not appeal to children;
- 379 (iii) does not mimic a candy container;
- 380 (iv) complies with child-resistant effectiveness standards that the United States
- 381 Consumer Product Safety Commission establishes;
- 382 (v) includes a warning label that states:
- 383 [~~(A) for a container labeled before July 1, 2021, "WARNING: Cannabis has~~
- 384 ~~intoxicating effects and may be addictive. Do not operate a vehicle or~~
- 385 ~~machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This~~
- 386 ~~product is for medical use only. Use only as directed by a qualified medical~~
- 387 ~~provider.";~~]
- 388 [~~(B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has~~
- 389 ~~intoxicating effects and may be addictive. Do not operate a vehicle or~~
- 390 ~~machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This~~
- 391 ~~product is for medical use only. Use only as directed by a recommending~~
- 392 ~~medical provider."; or]~~
- 393 [(C)] (A) for a container labeled on or after January 1, 2024, "WARNING:
- 394 Cannabis has intoxicating effects, may be addictive, and may increase risk of
- 395 mental illness. Do not operate a vehicle or machinery under its influence.
- 396 KEEP OUT OF REACH OF CHILDREN. This product is for medical use
- 397 only. Use only as directed by a recommending medical provider."; [and] or
- 398 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis
- 399 use by pregnant or breastfeeding women, may result in fetal injury, preterm
- 400 birth, or developmental problems for the child. Cannabis may be addictive and
- 401 may increase risk of mental illness. Do not operate a vehicle or machinery

- 402                   under its influence. KEEP OUT OF REACH OF CHILDREN. This product is  
403                   for medical use only. Use only as directed by a recommending medical  
404                   provider."; and
- 405           (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or  
406           after May 3, 2023, includes a warning label that states:
- 407                   (A) "WARNING: Vaping of cannabis-derived products has been associated with  
408                   lung injury."; and
- 409                   (B) "WARNING: Inhalation of cannabis smoke has been associated with lung  
410                   injury.".
- 411   (2) To ensure that a cannabis product that a cannabis processing facility processes or  
412   produces has a medical rather than recreational disposition, the facility may not produce  
413   or process a product whose logo, product name, or brand name includes terms related to  
414   recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"  
415   "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank,"  
416   "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong,"  
417   "budtender," "dab," "blaze," "toke," or "420."
- 418   (3) For any cannabis or cannabis product that the cannabis processing facility processes into  
419   a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular  
420   cuboid shape, the facility shall:
- 421           (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or  
422           other image of the content of the container; and
- 423           (b) include on the label described in Subsection (1)(a) a warning about the risks of  
424           over-consumption.
- 425   (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis  
426   processing facility shall ensure that the label clearly:
- 427           (a) identifies each artificially derived cannabinoid; and
- 428           (b) identifies that each artificially derived cannabinoid is an artificially derived  
429           cannabinoid.
- 430   (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
431   department:
- 432           (a) shall make rules to establish:
- 433                   (i) a standard labeling format that:
- 434                           (A) complies with the requirements of this section; and
- 435                           (B) ensures inclusion of a pharmacy label; and

(ii) additional requirements on packaging for cannabis and cannabis products to ensure safety and product quality; and

(b) may make rules to further define standards regarding images, words, phrases, or containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

Section 4. Section **4-41a-1101** is amended to read:

**4-41a-1101 . Operating requirements -- General.**

(1)(a) A medical cannabis pharmacy shall operate:

(i) at the physical address provided to the department under Section 4-41a-1001; and

(ii) in accordance with the operating plan provided to the department under Section 4-41a-1001 and, if applicable, Section 4-41a-1004.

(b) A medical cannabis pharmacy shall notify the department before a change in the medical cannabis pharmacy's physical address or operating plan.

(2) An individual may not enter a medical cannabis pharmacy unless the individual:

(a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

(b) except as provided in Subsection (4):

(i) possesses a valid:

(A) medical cannabis pharmacy agent registration card;

(B) pharmacy medical provider registration card; or

(C) medical cannabis card;

(ii) is an employee of the department performing an inspection under Section 4-41a-1103; or

(iii) is another individual as the department provides.

(3) A medical cannabis pharmacy may not employ an individual who is younger than 21 years old.

(4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors the individual at all times while the individual is at the medical cannabis pharmacy and maintains a record of the individual's access.

(5) A medical cannabis pharmacy shall operate in a facility that has:

(a) a single, secure public entrance;

(b) a security system with a backup power source that:

(i) detects and records entry into the medical cannabis pharmacy; and

(ii) provides notice of an unauthorized entry to law enforcement when the medical

- 470 cannabis pharmacy is closed; and
- 471 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a  
472 cannabis product.
- 473 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical  
474 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection  
475 4-41a-1102(2).
- 476 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical  
477 cannabis pharmacy may not allow any individual to consume cannabis on the property  
478 or premises of the medical cannabis pharmacy.
- 479 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first  
480 indicating on the cannabis or cannabis product label the name of the medical cannabis  
481 pharmacy.
- 482 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
483 following information regarding each recommendation underlying a transaction:
- 484 (i) the recommending medical provider's name, address, and telephone number;  
485 (ii) the patient's name and address;  
486 (iii) the date of issuance;  
487 (iv) directions of use and dosing guidelines or an indication that the recommending  
488 medical provider did not recommend specific directions of use or dosing  
489 guidelines; and  
490 (v) if the patient did not complete the transaction, the name of the medical cannabis  
491 cardholder who completed the transaction.
- 492 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may  
493 not sell medical cannabis unless the medical cannabis has a label securely affixed  
494 to the container indicating the following minimum information:
- 495 (A) the name, address, and telephone number of the medical cannabis pharmacy;  
496 (B) the unique identification number that the medical cannabis pharmacy assigns;  
497 (C) the date of the sale;  
498 (D) the name of the patient;  
499 (E) the name of the recommending medical provider who recommended the  
500 medical cannabis treatment;  
501 (F) directions for use and cautionary statements, if any;  
502 (G) the amount dispensed and the cannabinoid content;  
503 (H) the suggested use date;

- (I) for unprocessed cannabis flower, the legal use termination date; and
- (J) any other requirements that the department determines, in consultation with the Division of Professional Licensing and the Board of Pharmacy.
- (ii) A medical cannabis pharmacy is exempt from the requirement to provide the following information under Subsection (9)(b)(i) if the information is already provided on the product label that a cannabis production establishment affixes:
- (A) a unique identification number;
- (B) directions for use and cautionary statements;
- (C) amount and cannabinoid content; and
- (D) a suggested use date.
- (iii) If the size of a medical cannabis container does not allow sufficient space to include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis pharmacy may provide the following information described in Subsection (9)(b)(i) on a supplemental label attached to the container or an informational enclosure that accompanies the container:
- (A) the cannabinoid content;
- (B) the suggested use date; and
- (C) any other requirements that the department determines.
- (iv) A medical cannabis pharmacy may sell medical cannabis to another medical cannabis pharmacy without a label described in Subsection (9)(b)(i).
- (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- (a) upon receipt of an order from a ~~[limited medical provider]~~ recommending medical provider in accordance with Subsections 26B-4-204(1)(b) ~~[through (d)]~~ and (c):
- (i) for a written order or an electronic order under circumstances that the department determines, contact the ~~[limited medical provider]~~ recommending medical provider or the ~~[limited medical provider's]~~ recommending medical provider's office to verify the validity of the recommendation; and
- (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to verification under Subsection (10)(a)(i), enter the ~~[limited medical provider's]~~ recommending medical provider's recommendation or renewal, including any associated directions of use, dosing guidelines, or caregiver indication, in the state electronic verification system;
- (b) in processing an order for a holder of a conditional medical cannabis card described



- 538 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of  
539 the pharmacy medical provider or medical cannabis pharmacy agent, contact the  
540 recommending medical provider or the recommending medical provider's office to  
541 verify the validity of the recommendation before processing the cardholder's order;
- 542 (c) unless the medical cannabis cardholder has had a consultation under Subsection  
543 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a  
544 purchase of cannabis, a cannabis product, or a medical cannabis device, personal  
545 counseling with the pharmacy medical provider; and
- 546 (d) provide a telephone number or website by which the cardholder may contact a  
547 pharmacy medical provider for counseling.
- 548 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program  
549 that allows an individual to deposit unused or excess medical cannabis or cannabis  
550 residue from a medical cannabis device in a locked box or other secure receptacle  
551 within the medical cannabis pharmacy.
- 552 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
553 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy  
554 medical provider can access deposited medical cannabis.
- 555 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 556 (i) rendering the deposited medical cannabis unusable and unrecognizable before  
557 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 558 (ii) disposing of the deposited medical cannabis in accordance with:
- 559 (A) federal and state law, rules, and regulations related to hazardous waste;
- 560 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 561 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 562 (D) other regulations that the department makes in accordance with Title 63G,  
563 Chapter 3, Utah Administrative Rulemaking Act.
- 564 (12) A medical cannabis pharmacy:
- 565 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
566 Practice Act, as a pharmacy medical provider;
- 567 (b) may employ a physician who has the authority to write a prescription and is licensed  
568 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
569 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 570 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works  
571 onsite during all business hours;

(d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy; and

(e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.

(13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by a medical cannabis pharmacy.

Section 5. Section **26B-1-435** is amended to read:

**26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership -- Duties.**

(1) There is created within the department the Medical Cannabis Policy Advisory Board.

(2)(a) The advisory board shall consist of the following members:

(i) appointed by the executive director:

(A) a ~~[qualified medical provider]~~ recommending medical provider who has recommended medical cannabis to at least 100 patients before being appointed;

(B) a medical research professional;

(C) a mental health specialist;

(D) an individual who represents an organization that advocates for medical cannabis patients;

(E) an individual who holds a medical cannabis patient card; and

(F) a member of the general public who does not hold a medical cannabis card; and

(ii) appointed by the commissioner of the Department of Agriculture and Food:

(A) an individual who owns or operates a licensed cannabis cultivation facility, as defined in Section 4-41a-102;

(B) an individual who owns or operates a licensed medical cannabis pharmacy; and

(C) a law enforcement officer.

(b) The commissioner of the Department of Agriculture and Food shall ensure that at least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a licensed cannabis processing facility.

(3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four year term.

(b) When appointing the initial membership of the advisory board, the executive director and the commissioner of the Department of Agriculture and Food shall coordinate to appoint four advisory board members to serve a term of two years to ensure that approximately half of the board is appointed every two years.

(4)(a) If an advisory board member is no longer able to serve as a member, a new member shall be appointed in the same manner as the original appointment.

(b) A member appointed in accordance with Subsection (4)(a) shall serve for the remainder of the unexpired term of the original appointment.

(5)(a) A majority of the advisory board members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the advisory board.

(c) For a term lasting one year, the advisory board shall annually designate members of the advisory board to serve as chair and vice-chair.

(d) When designating the chair and vice-chair, the advisory board shall ensure that at least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.

(6) An advisory board member may not receive compensation or benefits for the member's service on the advisory board but may receive per diem and reimbursement for travel expenses incurred as an advisory board member in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The department shall:

(a) provide staff support for the advisory board; and

(b) assist the advisory board in conducting meetings.

(8) The advisory board may recommend:

(a) to the department or the Department of Agriculture and Food changes to current or proposed medical cannabis rules or statutes; and

(b) to the appropriate legislative committee whether the advisory board supports a change to medical cannabis statutes.

(9) The advisory board shall:

(a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;

(b) consult with the Department of Agriculture and Food regarding the issuance of an additional:

(i) cultivation facility license under Section 4-41a-205; or

- (ii) pharmacy license under Section 4-41a-1005;
- (c) consult with the department regarding cannabis patient education;
- (d) consult regarding the reasonableness of any fees set by the department or the Department of Agriculture and Food that pertain to the medical cannabis program; and
- (e) consult regarding any issue pertaining to medical cannabis when asked by the department or the Utah Department of Agriculture and Food.

Section 6. Section **26B-2-203** is amended to read:

**26B-2-203 . Services required -- General acute hospitals -- Specialty hospitals.**

- (1) General acute hospitals and specialty hospitals shall remain open and be continuously ready to receive patients 24 hours of every day in a year and have an attending medical staff consisting of one or more physicians licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (2) A specialty hospital shall provide on-site all basic services required of a general acute hospital that are needed for the diagnosis, therapy, or rehabilitation offered to or required by patients admitted to or cared for in the facility.
- (3)(a) A home health agency shall provide at least licensed nursing services or therapeutic services directly through the agency employees.
- (b) A home health agency may provide additional services itself or under arrangements with another agency, organization, facility, or individual.
- (4) Beginning January 1, 2023, a hospice program shall provide at least one ~~[qualified medical provider]~~ recommending medical provider, as that term is defined in Section 26B-4-201, for the treatment of hospice patients.

Section 7. Section **26B-4-201** is amended to read:

**26B-4-201 . Definitions.**

As used in this part:

- (1) "Active tetrahydrocannabinol" means THC, any THC analog, and tetrahydrocannabinolic acid.
- (2) "Administration of criminal justice" means the performance of detection, apprehension, detention, pretrial release, post-trial release, prosecution, and adjudication.
- (3) "Advertise" means information provided by a person in any medium:
- (a) to the public; and
- (b) that is not age restricted to an individual who is at least 21 years old.

- 674 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
675 Section 26B-1-435.
- 676 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board  
677 created in Section 26B-1-420.
- 678 (6) "Cannabis" means marijuana.
- 679 (7) "Cannabis processing facility" means the same as that term is defined in Section  
680 4-41a-102.
- 681 (8) "Cannabis product" means a product that:  
682 (a) is intended for human use; and  
683 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
684 concentration of 0.3% or greater on a dry weight basis.
- 685 (9) "Cannabis production establishment" means the same as that term is defined in Section  
686 4-41a-102.
- 687 (10) "Cannabis production establishment agent" means the same as that term is defined in  
688 Section 4-41a-102.
- 689 (11) "Cannabis production establishment agent registration card" means the same as that  
690 term is defined in Section 4-41a-102.
- 691 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that  
692 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
693 applicant for a medical cannabis card to access medical cannabis during the department's  
694 review of the application.
- 695 (13) "Controlled substance database" means the controlled substance database created in  
696 Section 58-37f-201.
- 697 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 698 (15) "Department" means the Department of Health and Human Services.
- 699 (16) "Designated caregiver" means:  
700 (a) an individual:  
701 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
702 guardian card designates as the patient's caregiver; and  
703 (ii) who registers with the department under Section 26B-4-214; or  
704 (b)(i) a facility that an individual designates as a designated caregiver in accordance  
705 with Subsection 26B-4-214(1)(b); or  
706 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 707 (17) "Directions of use" means recommended routes of administration for a medical

cannabis treatment and suggested usage guidelines.

(18) "Dosing guidelines" means a quantity range and frequency of administration for a recommended treatment of medical cannabis.

(19) "Government issued photo identification" means any of the following forms of identification:

(a) a valid state-issued driver license or identification card;

(b) a valid United States federal-issued photo identification, including:

(i) a United States passport;

(ii) a United States passport card;

(iii) a United States military identification card; or

(iv) a permanent resident card or alien registration receipt card; or

(c) a foreign passport.

(20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a delivery address to fulfill electronic orders that the state central patient portal facilitates.

(21) "Inventory control system" means the system described in Section 4-41a-103.

(22) "Legal dosage limit" means an amount that:

(a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant recommending medical provider or the state central patient portal or pharmacy medical provider, in accordance with Subsection [26B-4-230(5)] 26B-4-231(5), recommends; and

(b) may not exceed:

(i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

(ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than 20 grams of active tetrahydrocannabinol.

(23) "Legal use termination date" means a date on the label of a container of unprocessed cannabis flower:

(a) that is 60 days after the date of purchase of the cannabis; and

(b) after which, the cannabis is no longer in a medicinal dosage form outside of the primary residence of the relevant medical cannabis patient cardholder.

~~[(24) "Limited medical provider" means an individual who:]~~

~~[(a) meets the recommending qualifications; and]~~

~~[(b) has no more than 15 patients with a valid medical cannabis patient card as a result]~~

of the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).]

~~[(25)]~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.

~~[(26)]~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

~~[(27)]~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.

~~[(28)]~~ (27) "Medical cannabis cardholder" means:

(a) a holder of a medical cannabis card; or

(b) a facility or assigned employee, described in Subsection (16)(b), only:

(i) within the scope of the facility's or assigned employee's performance of the role of a medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b); and

(ii) while in possession of documentation that establishes:

(A) a caregiver designation described in Subsection 26B-4-214(1)(b);

(B) the identity of the individual presenting the documentation; and

(C) the relation of the individual presenting the documentation to the caregiver designation.

~~[(29)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:

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

(b) is connected to the electronic verification system.

~~[(30)]~~ (29) "Medical cannabis courier" means the same as that term is defined in Section 4-41a-102.

~~[(31)]~~ (30)(a) "Medical cannabis device" means a device that an individual uses to ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(b) "Medical cannabis device" does not include a device that:

(i) facilitates cannabis combustion; or

(ii) an individual uses to ingest substances other than cannabis.

~~[(32)]~~ (31) "Medical cannabis guardian card" means an electronic document that a cardholder may print or store on an electronic device or a physical card or document that:

(a) the department issues to the parent or legal guardian of a minor with a qualifying

776 condition; and

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

778 ~~[(33)]~~ (32) "Medical cannabis patient card" means an electronic document that a cardholder  
779 may print or store on an electronic device or a physical card or document that:

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

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

782 ~~[(34)]~~ (33) "Medical cannabis pharmacy" means a person that:

783 (a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a  
784 medicinal dosage form from a cannabis processing facility or another medical  
785 cannabis pharmacy or a medical cannabis device; or

786 (ii) possesses medical cannabis or a medical cannabis device; and

787 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical  
788 cannabis cardholder.

789 ~~[(35)]~~ (34) "Medical cannabis pharmacy agent" means an individual who holds a valid  
790 medical cannabis pharmacy agent registration card issued by the department.

791 ~~[(36)]~~ (35) "Medical cannabis pharmacy agent registration card" means a registration card  
792 issued by the department that authorizes an individual to act as a medical cannabis  
793 pharmacy agent.

794 ~~[(37)]~~ (36) "Medical cannabis shipment" means the same as that term is defined in Section  
795 4-41a-102.

796 ~~[(38)]~~ (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
797 cannabis product in a medicinal dosage form, or a medical cannabis device.

798 ~~[(39)]~~ (38)(a) "Medicinal dosage form" means:

799 (i) for processed medical cannabis, the following with a specific and consistent  
800 cannabinoid content:

801 (A) a tablet;

802 (B) a capsule;

803 (C) a concentrated liquid or viscous oil;

804 (D) a liquid suspension that does not exceed 30 milliliters;

805 (E) a topical preparation;

806 (F) a transdermal preparation;

807 (G) a sublingual preparation;

808 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
809 rectangular cuboid shape;



- 810 (I) a resin or wax;
- 811 (J) an aerosol;
- 812 (K) a suppository preparation; or
- 813 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
- 814 spherical shape, is homogeneous in color and texture, and each piece is a single
- 815 serving; or
- 816 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 817 (A) contains cannabis flower in a quantity that varies by no more than 10% from
- 818 the stated weight at the time of packaging;
- 819 (B) at any time the medical cannabis cardholder transports or possesses the
- 820 container in public, is contained within an opaque bag or box that the medical
- 821 cannabis pharmacy provides; and
- 822 (C) is labeled with the container's content and weight, the date of purchase, the
- 823 legal use termination date, and a barcode that provides information connected
- 824 to an inventory control system.
- 825 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 826 (i) the medical cannabis cardholder has recently removed from the container
- 827 described in Subsection ~~[(39)(a)(ii)]~~ (38)(a)(ii) for use; and
- 828 (ii) does not exceed the quantity described in Subsection ~~[(39)(a)(ii)]~~ (38)(a)(ii).
- 829 (c) "Medicinal dosage form" does not include:
- 830 (i) any unprocessed cannabis flower outside of the container described in Subsection [
- 831 ~~(39)(a)(ii)]~~ (38)(a)(ii), except as provided in Subsection ~~[(39)(b)]~~ (38)(b);
- 832 (ii) any unprocessed cannabis flower in a container described in Subsection [
- 833 ~~(39)(a)(ii)]~~ (38)(a)(ii) after the legal use termination date;
- 834 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 835 cannabis on a nail or other metal object that is heated by a flame, including a
- 836 blowtorch;
- 837 (iv) a liquid suspension that is branded as a beverage;
- 838 (v) a substance described in Subsection ~~[(39)(a)(i)]~~ (38)(a)(i) or (ii) if the substance is
- 839 not measured in grams, milligrams, or milliliters; or
- 840 (vi) a substance that contains or is covered to any degree with chocolate.
- 841 ~~[(40)]~~ (39) "Nonresident patient" means an individual who:
- 842 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 843 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

card under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and

(c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

~~[(41)]~~ (40) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26B-4-219.

~~[(42)]~~ (41) "Provisional patient card" means a card that:

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

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

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

(b) is connected to the electronic verification system.

~~[(43) "Qualified medical provider" means an individual:]~~

~~[(a) who meets the recommending qualifications; and]~~

~~[(b) whom the department registers to recommend treatment with cannabis in a medicinal dosage form under Section 26B-4-204.]~~

~~[(44)]~~ (42) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26B-1-310.

~~[(45)]~~ (43) "Qualifying condition" means a condition described in Section 26B-4-203.

~~[(46)]~~ (44) "Recommend" or "recommendation" means, for a recommending medical provider, the act of suggesting the use of medical cannabis treatment, which:

(a) certifies the patient's eligibility for a medical cannabis card; and

(b) may include, at the recommending medical provider's discretion, directions of use, with or without dosing guidelines.

~~[(47)]~~ (45) "Recommending medical provider" ~~[means a qualified medical provider or a limited medical provider]~~ means an individual who:

(a) meets the recommending qualifications[-];

(b) completes four hours of continuing medical education specific to medical cannabis through formal or informal sources; and

(c) every two years, provides an acknowledgment to the department that the individual completed four hours of continuing medical education.

~~[(48)]~~ (46) "Recommending qualifications" means that an individual:

(a)(i) has the authority to write a prescription;

(ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

- 878 Controlled Substances Act; and
- 879 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 880 prescribe a Schedule II controlled substance; and
- 881 (b) is licensed as:
- 882 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 883 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 884 Act;
- 885 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 886 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 887 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 888 [(49)] (47) "State central patient portal" means the website the department creates, in
- 889 accordance with Section 26B-4-236, to facilitate patient safety, education, and an
- 890 electronic medical cannabis order.
- 891 [(50)] (48) "State electronic verification system" means the system described in Section
- 892 26B-4-202.
- 893 [(51)] (49) "Targeted marketing" means the promotion by a ~~[qualified medical provider]~~
- 894 recommending medical provider, medical clinic, or medical office that employs a [
- 895 ~~qualified medical provider~~] recommending medical provider of a medical cannabis
- 896 recommendation service using any of the following methods:
- 897 (a) electronic communication to an individual who is at least 21 years old and has
- 898 requested to receive promotional information;
- 899 (b) an in-person marketing event that is held in an area where only an individual who is
- 900 at least 21 years old may access the event;
- 901 (c) other marketing material that is physically or digitally displayed in the office of the
- 902 medical clinic or office that employs a ~~[qualified medical provider]~~ recommending
- 903 medical provider; or
- 904 (d) a leaflet that a ~~[qualified medical provider]~~ recommending medical provider, medical
- 905 clinic, or medical office that employs a ~~[qualified medical provider]~~ recommending
- 906 medical provider shares with an individual who is at least 21 years old.
- 907 [(52)] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
- 908 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 909 [(53)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.
- 910 Section 8. Section **26B-4-202** is amended to read:
- 911 **26B-4-202 . Electronic verification system.**

- (1) The Department of Agriculture and Food, the department, the Department of Public Safety, and the Division of Technology Services shall:
- (a) enter into a memorandum of understanding in order to determine the function and operation of the state electronic verification system in accordance with Subsection (2);
  - (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and maintain the state electronic verification system in coordination with the Division of Technology Services; and
  - (c) select a third-party provider who:
    - (i) meets the requirements contained in the request for proposals issued under Subsection (1)(b); and
    - (ii) may not have any commercial or ownership interest in a cannabis production establishment or a medical cannabis pharmacy.
- (2) The Department of Agriculture and Food, the department, the Department of Public Safety, and the Division of Technology Services shall ensure that the state electronic verification system described in Subsection (1):
- (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a medical cannabis guardian card, provided that the card may not become active until:
    - (i) the relevant ~~[qualified medical provider]~~ recommending medical provider completes the associated medical cannabis recommendation; or
    - (ii) ~~[for a medical cannabis card related to a limited medical provider's recommendation,]~~ the medical cannabis pharmacy completes the recording described in Subsection (2)(d);
  - (b) allows an individual to apply to renew a medical cannabis patient card or a medical cannabis guardian card in accordance with Section 26B-4-213;
  - (c) allows a ~~[qualified medical provider]~~ recommending medical provider, or an employee described in Subsection (3) acting on behalf of the ~~[qualified medical provider]~~ recommending medical provider, to:
    - (i) access dispensing and card status information regarding a patient:
      - (A) with whom the ~~[qualified medical provider]~~ recommending medical provider has a provider-patient relationship; and
      - (B) for whom the ~~[qualified medical provider]~~ recommending medical provider has recommended or is considering recommending a medical cannabis card;
    - (ii) electronically recommend treatment with cannabis in a medicinal dosage form or

- 946 a cannabis product in a medicinal dosage form and optionally recommend dosing  
947 guidelines;
- 948 (iii) electronically renew a recommendation to a medical cannabis patient cardholder  
949 or medical cannabis guardian cardholder:
- 950 (A) using telehealth services, for the ~~[qualified medical provider]~~ recommending  
951 medical provider who originally recommended a medical cannabis treatment  
952 during a face-to-face visit with the patient; or
- 953 (B) during a face-to-face visit with the patient, for a ~~[qualified medical provider]~~  
954 recommending medical provider who did not originally recommend the  
955 medical cannabis treatment during a face-to-face visit; and
- 956 (iv) submit an initial application, renewal application, or application payment on  
957 behalf of an individual applying for any of the following:
- 958 (A) a medical cannabis patient card;  
959 (B) a medical cannabis guardian card; or  
960 (C) a medical cannabis caregiver card;
- 961 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy  
962 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 963 (i) access the electronic verification system to review the history within the system of  
964 a patient with whom the provider or agent is interacting, limited to read-only  
965 access for medical cannabis pharmacy agents unless the medical cannabis  
966 pharmacy's pharmacist in charge authorizes add and edit access;
- 967 (ii) record a patient's recommendation from a ~~[limited medical provider]~~  
968 recommending medical provider, including any directions of use, dosing  
969 guidelines, or caregiver indications from the ~~[limited medical provider]~~  
970 recommending medical provider;
- 971 (iii) record a ~~[limited medical provider's]~~ recommending medical provider's renewal  
972 of the provider's previous recommendation; and
- 973 (iv) submit an initial application, renewal application, or application payment on  
974 behalf of an individual applying for any of the following:
- 975 (A) a medical cannabis patient card;  
976 (B) a medical cannabis guardian card; or  
977 (C) a medical cannabis caregiver card;
- 978 (e) connects with:
- 979 (i) an inventory control system that a medical cannabis pharmacy uses to track in real

time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a medicinal dosage form, or a medical cannabis device, including:

(A) the time and date of each purchase;

(B) the quantity and type of cannabis, cannabis product, or medical cannabis device purchased;

(C) any cannabis production establishment, any medical cannabis pharmacy, or any medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis device; and

(D) the personally identifiable information of the medical cannabis cardholder who made the purchase; and

(ii) any commercially available inventory control system that a cannabis production establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to track and confirm compliance;

(f) provides access to:

(i) the department to the extent necessary to carry out the department's functions and responsibilities under this part;

(ii) the Department of Agriculture and Food to the extent necessary to carry out the functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and

(iii) the Division of Professional Licensing to the extent necessary to carry out the functions and responsibilities related to the participation of the following in the recommendation and dispensing of medical cannabis:

(A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

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

(E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;

(g) provides access to and interaction with the state central patient portal;

- 1014 (h) communicates dispensing information from a record that a medical cannabis  
1015 pharmacy submits to the state electronic verification system under Subsection  
1016 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1017 (i) provides access to state or local law enforcement only to verify the validity of an  
1018 individual's medical cannabis card for the administration of criminal justice and  
1019 through a database used by law enforcement; and
- 1020 (j) creates a record each time a person accesses the system that identifies the person who  
1021 accesses the system and the individual whose records the person accesses.

1022 (3)(a) An employee of a [~~qualified medical provider~~] recommending medical provider  
1023 may access the electronic verification system for a purpose described in Subsection

1024 (2)(c) on behalf of the [~~qualified medical provider~~] recommending medical provider if:

- 1025 (i) the [~~qualified medical provider~~] recommending medical provider has designated  
1026 the employee as an individual authorized to access the electronic verification  
1027 system on behalf of the [~~qualified medical provider~~] recommending medical  
1028 provider;
- 1029 (ii) the [~~qualified medical provider~~] recommending medical provider provides written  
1030 notice to the department of the employee's identity and the designation described  
1031 in Subsection (3)(a)(i); and
- 1032 (iii) the department grants to the employee access to the electronic verification  
1033 system.

1034 (b) An employee of a business that employs a [~~qualified medical provider~~]  
1035 recommending medical provider may access the electronic verification system for a  
1036 purpose described in Subsection (2)(c) on behalf of the [~~qualified medical provider~~]  
1037 recommending medical provider if:

- 1038 (i) the [~~qualified medical provider~~] recommending medical provider has designated  
1039 the employee as an individual authorized to access the electronic verification  
1040 system on behalf of the [~~qualified medical provider~~] recommending medical  
1041 provider;
- 1042 (ii) the [~~qualified medical provider~~] recommending medical provider and the  
1043 employing business jointly provide written notice to the department of the  
1044 employee's identity and the designation described in Subsection (3)(b)(i); and
- 1045 (iii) the department grants to the employee access to the electronic verification  
1046 system.

1047 (4)(a) As used in this Subsection (4), "prescribing provider" means:

- 1048 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
1049 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1050 Practice Act;  
1051 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1052 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or  
1053 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1054 Assistant Act.
- 1055 (b) A prescribing provider may access information in the electronic verification system  
1056 regarding a patient the prescribing provider treats.
- 1057 (5) The department may release limited data that the system collects for the purpose of:  
1058 (a) conducting medical and other department approved research;  
1059 (b) providing the report required by Section 26B-4-222; and  
1060 (c) other official department purposes.
- 1061 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1062 Administrative Rulemaking Act, to establish:  
1063 (a) the limitations on access to the data in the state electronic verification system as  
1064 described in this section; and  
1065 (b) standards and procedures to ensure accurate identification of an individual requesting  
1066 information or receiving information in this section.
- 1067 (7) Any person who negligently or recklessly releases any information in the state  
1068 electronic verification system in violation of this section is guilty of a class C  
1069 misdemeanor.
- 1070 (8) Any person who obtains or attempts to obtain information from the state electronic  
1071 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1072 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly  
1073 and intentionally use, release, publish, or otherwise make available to any other  
1074 person information obtained from the state electronic verification system for any  
1075 purpose other than a purpose specified in this section.
- 1076 (b) Each separate violation of this Subsection (9) is:  
1077 (i) a third degree felony; and  
1078 (ii) subject to a civil penalty not to exceed \$5,000.
- 1079 (c) A law enforcement officer who uses the database used by law enforcement to access  
1080 information in the electronic verification system for a reason that is not the  
1081 administration of criminal justice is guilty of a class B misdemeanor.



- (d) The department shall determine a civil violation of this Subsection (9) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General Fund.
- (f) This Subsection (9) does not prohibit a person who obtains information from the state electronic verification system under Subsection (2)(a), (c), or (f) from:
- (i) including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file;
  - (ii) providing the information to a person in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996; or
  - (iii) discussing or sharing that information about the patient with the patient.

Section 9. Section **26B-4-203** is amended to read:

**26B-4-203 . Qualifying condition.**

- (1) By designating a particular condition under Subsection (2) for which the use of medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state that:
- (a) current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the condition; or
  - (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- (2) For the purposes of this part, each of the following conditions is a qualifying condition:
- (a) HIV or acquired immune deficiency syndrome;
  - (b) Alzheimer's disease;
  - (c) amyotrophic lateral sclerosis;
  - (d) cancer;
  - (e) cachexia;
  - (f) persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to:
    - (i) pregnancy;
    - (ii) cannabis-induced cyclical vomiting syndrome; or
    - (iii) cannabinoid hyperemesis syndrome;
  - (g) Crohn's disease or ulcerative colitis;
  - (h) epilepsy or debilitating seizures;
  - (i) multiple sclerosis or persistent and debilitating muscle spasms;
  - (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental

health therapist, as that term is defined in Section 58-60-102, and that:

- (i) has been diagnosed by a healthcare provider or mental health provider employed or contracted by the United States Veterans Administration, evidenced by copies of medical records from the United States Veterans Administration that are included as part of the ~~[qualified medical provider's]~~ recommending medical provider's pre-treatment assessment and medical record documentation; or
- (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of the patient, by a provider who is:
  - (A) a licensed board-eligible or board-certified psychiatrist;
  - (B) a licensed psychologist with a master's-level degree;
  - (C) a licensed clinical social worker with a master's-level degree;
  - (D) a licensed advanced practice registered nurse who is qualified to practice within the psychiatric mental health nursing specialty and who has completed the clinical practice requirements in psychiatric mental health nursing, including in psychotherapy, in accordance with Subsection 58-31b-302(5)(g); or
  - (E) a licensed physician assistant who is qualified to specialize in mental health care under Section 58-70a-501.1;
- (k) autism;
- (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- (m) a condition resulting in the individual receiving hospice care;
- (n) a rare condition or disease that:
  - (i) affects less than 200,000 individuals in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and
  - (ii) is not adequately managed despite treatment attempts using:
    - (A) conventional medications other than opioids or opiates; or
    - (B) physical interventions;
- (o) pain lasting longer than two weeks that is not adequately managed, in the ~~[qualified medical provider's]~~ recommending medical provider's opinion, despite treatment attempts using:
  - (i) conventional medications other than opioids or opiates; or
  - (ii) physical interventions;
- (p) pain that is expected to last for two weeks or longer for an acute condition, including a surgical procedure, for which a medical professional may generally prescribe

opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and  
(q) a condition that the Compassionate Use Board approves under Section 26B-1-421,  
on an individual, case-by-case basis.

Section 10. Section **26B-4-204** is amended to read:

**26B-4-204 . Treatment recommendation.**

(1)(a)(i) ~~[Except as provided in Subsection (1)(b), an individual may not recommend  
a medical cannabis treatment unless the department registers the individual as a  
qualified medical provider in accordance with this section.]~~ A recommending  
medical provider may recommend medical cannabis.

(ii) Notwithstanding Subsection (1)(a)(i), a ~~[qualified medical provider]~~  
recommending medical provider who is a podiatrist licensed under Title 58,  
Chapter 5a, Podiatric Physician Licensing Act, may not recommend a medical  
cannabis treatment except within the course and scope of a practice of podiatry, as  
that term is defined in Section 58-5a-102.

~~[(b) An individual who meets the recommending qualifications may recommend a  
medical cannabis treatment as a limited medical provider without registering under  
Subsection (1)(a) if:]~~

~~[(i) the individual recommends the use of medical cannabis to the patient through an  
order described in Subsection (1)(c) after:]~~

~~[(A) a face-to-face visit for an initial recommendation or the renewal of a  
recommendation for a patient for whom the limited medical provider did not  
make the patient's original recommendation; or]~~

~~[(B) a visit using telehealth services for a renewal of a recommendation for a  
patient for whom the limited medical provider made the patient's original  
recommendation; and]~~

~~[(ii) the individual's recommendation or renewal would not cause the total number of  
the individual's patients who have a valid medical cannabis patient card or  
provisional patient card resulting from the individual's recommendation to exceed  
15.]~~

~~[(e)]~~ (b) ~~[The individual described in Subsection (1)(b) shall]~~ A recommending medical  
provider may communicate the individual's recommendation through an order for the  
medical cannabis pharmacy to record the individual's recommendation or renewal in  
the state electronic verification system under the individual's recommendation that:

(i)(A) the individual or the individual's employee sends electronically to a medical

cannabis pharmacy; or

(B) the individual gives to the patient in writing for the patient to deliver to a medical cannabis pharmacy; and

(ii) may include:

(A) directions of use or dosing guidelines; and

(B) an indication of a need for a caregiver in accordance with Subsection 26B-4-213(3)(c).

~~[(d)]~~ (c) If the ~~[limited medical provider]~~ recommending medical provider gives the patient a written recommendation to deliver to a medical cannabis pharmacy under Subsection ~~[(1)(c)(i)(B), the limited medical provider]~~ (1)(b)(i)(B), the recommending medical provider shall ensure that the document includes all of the information that is included on a prescription the provider would issue for a controlled substance, including:

(i) the date of issuance;

(ii) the provider's name, address and contact information, controlled substance license information, and signature; and

(iii) the patient's name, address and contact information, age, and diagnosed qualifying condition.

~~[(e)]~~ (d) In considering making a recommendation as a ~~[limited medical provider]~~ recommending medical provider, an individual may consult information that the department makes available on the department's website for recommending providers.

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

~~[(i) provides to the department the individual's name and address;]~~

~~[(ii) provides to the department an acknowledgment that the individual has completed four hours of continuing education related to medical cannabis;]~~

~~[(iii) provides to the department evidence that the individual meets the recommending qualifications;]~~

~~[(iv) for an applicant on or after November 1, 2021, provides to the department the information described in Subsection (10)(a); and]~~

~~[(v) pays the department a fee in an amount that:]~~

~~[(A) the department sets, in accordance with Section 63J-1-504; and]~~

~~[(B) does not exceed \$300 for an initial registration.]~~

1218           ~~[(b) The department may not register an individual as a qualified medical provider if the~~  
1219           ~~individual is:]~~

1220           ~~[(i) a pharmacy medical provider; or]~~

1221           ~~[(ii) an owner, officer, director, board member, employee, or agent of a cannabis~~  
1222           ~~production establishment, a medical cannabis pharmacy, or a medical cannabis~~  
1223           ~~courier.]]~~

1224           ~~[(3)(a) An individual shall complete the continuing education related to medical~~  
1225           ~~cannabis in the following amounts:]~~

1226           ~~[(i) for an individual as a condition precedent to registration, four hours; and]~~

1227           ~~[(ii) for a qualified medical provider as a condition precedent to renewal, four hours~~  
1228           ~~every two years.]]~~

1229           ~~[(b)]~~ (2)(a) The department may, in consultation with the Division of Professional  
1230           Licensing, develop continuing education related to medical cannabis.

1231           ~~[(e)]~~ (b) The continuing education described in this Subsection ~~[(3)]~~ (2) may discuss:

1232           (i) the provisions of this part;

1233           (ii) general information about medical cannabis under federal and state law;

1234           (iii) the latest scientific research on the endocannabinoid system and medical  
1235           cannabis, including risks and benefits;

1236           (iv) recommendations for medical cannabis as it relates to the continuing care of a  
1237           patient in pain management, risk management, potential addiction, or palliative  
1238           care; and

1239           (v) best practices for recommending the form and dosage of medical cannabis based  
1240           on the qualifying condition underlying a medical cannabis recommendation.

1241           ~~[(4)]~~ (3)(a) Except as provided in Subsection ~~[(4)(b)]~~ (3)(b), a ~~[qualified medical provider]~~  
1242           recommending medical provider may not recommend a medical cannabis treatment  
1243           to more than 1.5% of the total amount of medical cannabis patient cardholders.

1244           ~~(b)~~ If a ~~[qualified medical provider]~~ recommending medical provider receives payment  
1245           from an insurance plan for services provided under this chapter, then the patient  
1246           whose insurance plan was billed does not count toward the 1.5% patient cap  
1247           described in Subsection ~~[(4)(a)]~~ (3)(a).

1248           ~~[(5)]~~ (4) A recommending medical provider may recommend medical cannabis to an  
1249           individual under this part only in the course of a provider-patient relationship after the  
1250           recommending medical provider has completed and documented in the patient's medical  
1251           record a thorough assessment of the patient's condition and medical history based on the

appropriate standard of care for the patient's condition.

~~[(6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that the person or the person's employee recommends a medical cannabis treatment.]~~

~~[(b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical provider, medical clinic, or medical office that employs a qualified medical provider may advertise only the following:]~~

~~[(i) a green cross;]~~

~~[(ii) the provider's or clinic's name and logo;]~~

~~[(iii) a qualifying condition that the individual treats;]~~

~~[(iv) that the qualified medical provider, medical clinic, or medical office evaluates patients for medical cannabis recommendations;]~~

~~[(v) a scientific study regarding medical cannabis use; or]~~

~~[(vi) contact information.]~~

~~[(e) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical provider, medical clinic, or medical office that employs a qualified medical provider may engage in targeted marketing, as determined by the department through rule, for advertising medical cannabis recommendation services.]~~

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

~~[(b) The department shall renew a qualified medical provider's registration card if the provider:]~~

~~[(i) applies for renewal;]~~

~~[(ii) is eligible for a qualified medical provider registration card under this section, including maintaining an unrestricted license under the recommending qualifications;]~~

~~[(iii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information;]~~

~~[(iv) submits a report detailing the completion of the continuing education requirement described in Subsection (3); and]~~

~~[(v) pays the department a fee in an amount that:]~~

~~[(A) the department sets, in accordance with Section 63J-1-504; and]~~

~~[(B) does not exceed \$50 for a registration renewal.]~~

~~[(8) The department may revoke the registration of a qualified medical provider who fails to maintain compliance with the requirements of this section.]~~

1286     ~~[(9) A recommending medical provider may not:]~~  
1287         ~~[(a) receive any compensation or benefit for the qualified medical provider's medical~~  
1288             ~~cannabis treatment recommendation from:]~~  
1289             ~~[(i) a cannabis production establishment or an owner, officer, director, board~~  
1290                 ~~member, employee, or agent of a cannabis production establishment;]~~  
1291             ~~[(ii) a medical cannabis pharmacy or an owner, officer, director, board member,~~  
1292                 ~~employee, or agent of a medical cannabis pharmacy; or]~~  
1293             ~~[(iii) a recommending medical provider or pharmacy medical provider; or]~~  
1294         ~~[(b) provide a medical cannabis recommendation at a medical clinic or medical office~~  
1295             ~~that is violating the advertising limitations described in Subsection (6).]~~  
1296     ~~[(10)]~~ (5)(a) ~~[Each quarter, a qualified medical provider shall report to the department, in~~  
1297         ~~a manner designated by the department:]~~ The department shall host a recommending  
1298         provider contact list on the department's website that contains the information  
1299         described in Subsection (5)(b).  
1300             ~~[(i) if applicable, that the qualified medical provider or the entity that employs the~~  
1301                 ~~qualified medical provider represents online or on printed material that the~~  
1302                 ~~qualified medical provider is a qualified medical provider or offers medical~~  
1303                 ~~cannabis recommendations to patients; and]~~  
1304             ~~[(ii)(A) for cash payment without insurance, the fee amount that the qualified~~  
1305                 ~~medical provider or the entity that employs the qualified medical provider~~  
1306                 ~~charges a patient for a medical cannabis recommendation as an actual cash~~  
1307                 ~~rate; and]~~  
1308             ~~[(B) whether the qualified medical provider or the entity that employs the~~  
1309                 ~~qualified medical provider bills insurance.]~~  
1310         (b) ~~[The department shall:]~~ A recommending medical provider that elects to be included  
1311             on the contact list shall provide the department the following:  
1312             ~~[(i) ensure that the following information related to qualified medical providers and~~  
1313                 ~~entities described in Subsection (10)(a)(i) is available on the department's website~~  
1314                 ~~or on the health care price transparency tool under Subsection (10)(b)(ii):]~~  
1315             ~~[(A)]~~ (i) ~~the name of the [qualified medical provider]~~ recommending medical provider  
1316                 ~~and, if applicable, the name of the entity that employs the [qualified medical~~  
1317                 ~~provider]~~ recommending medical provider;  
1318             ~~[(B)]~~ (ii) ~~the address of the [qualified medical provider's]~~ recommending medical  
1319                 provider's office or, if applicable, the entity that employs the [qualified medical

provider] recommending medical provider; and  
[(C)] (iii)(A) the fee amount [described in Subsection (10)(a)(ii)(A); and] charged  
by the recommending medical provider; or  
(B) whether the recommending medical provider or entity that employs the  
recommending medical provider bills insurance.  
[(ii)] (c) The department shall share data collected under this Subsection [(10)] (5) with  
the state auditor for use in the health care price transparency tool[described in  
Section 67-3-11].

Section 11. Section **26B-4-205** is amended to read:

**26B-4-205 . Standard of care -- Physicians and pharmacists not liable -- No  
private right of action.**

- (1) An individual described in Subsection (2) is not subject to the following solely for  
violating a federal law or regulation that would otherwise prohibit recommending,  
prescribing, or dispensing medical cannabis, a medical cannabis product, or a  
cannabis-based drug that the United States Food and Drug Administration has not  
approved:
- (a) civil or criminal liability; or
  - (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,  
Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act,  
Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter  
70a, Utah Physician Assistant Act.
- (2) The limitations of liability described in Subsection (1) apply to:
- [(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,  
an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice  
Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician  
assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act:]
  - [(i)(A) whom the department has registered as a qualified medical provider; or]  
[(B) who makes a recommendation as a limited medical provider; and]
  - [(ii)] (a) a recommending medical provider who recommends treatment with cannabis in  
a medicinal dosage form or a cannabis product in a medicinal dosage form to a  
patient in accordance with this part; and
  - (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:
    - (i) whom the department has registered as a pharmacy medical provider; and



- 1354 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a  
1355 medicinal dosage form or a cannabis product in a medicinal dosage form to a  
1356 medical cannabis cardholder in accordance with this part.
- 1357 (3) Nothing in this section or part reduces or in any way negates the duty of an individual  
1358 described in Subsection (2) to use reasonable and ordinary care in the treatment of a  
1359 patient:
- 1360 (a) who may have a qualifying condition; and
- 1361 (b)(i) for whom the individual described in Subsection [~~(2)(a)(i) or (ii)~~] (2)(a) has  
1362 recommended or might consider recommending a treatment with cannabis or a  
1363 cannabis product; or
- 1364 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the  
1365 dosing or dispensing of cannabis or a cannabis product.
- 1366 (4)(a) As used in this Subsection (4), "healthcare facility" means a health care facility as  
1367 defined in Section 26B-2-201.
- 1368 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of  
1369 medical cannabis on the premises of the healthcare facility by a medical cannabis  
1370 cardholder who resides at or is actively receiving treatment or care at the healthcare  
1371 facility.
- 1372 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not  
1373 subject to civil or criminal liability for carrying out employment duties, including:
- 1374 (i) providing or supervising care to a medical cannabis cardholder; or
- 1375 (ii) in accordance with a caregiver designation under Section 26B-4-214 for a  
1376 medical cannabis cardholder residing at the healthcare facility, purchasing,  
1377 transporting, or possessing medical cannabis for the relevant patient and in  
1378 accordance with the designation.
- 1379 (d) Nothing in this section requires a healthcare facility to adopt a restriction under  
1380 Subsection (4)(b).
- 1381 Section 12. Section **26B-4-213** is amended to read:
- 1382 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**  
1383 **Conditional medical cannabis card -- Application -- Fees -- Studies.**
- 1384 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual  
1385 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an  
1386 application in accordance with this section or Section 26B-4-214, the department  
1387 shall:

- 1388 (i) issue a medical cannabis patient card to an individual described in Subsection  
1389 (2)(a);
- 1390 (ii) issue a medical cannabis guardian card to an individual described in Subsection  
1391 (2)(b);
- 1392 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and  
1393 (iv) issue a medical cannabis caregiver card to an individual described in Subsection  
1394 26B-4-214(4).
- 1395 (b)(i) Upon the entry of a recommending medical provider's medical cannabis  
1396 recommendation for a patient in the state electronic verification system, either by  
1397 the provider or the provider's employee or by a medical cannabis pharmacy  
1398 medical provider or medical cannabis pharmacy in accordance with Subsection  
1399 4-41a-1101(10)(a), the department shall issue to the patient an electronic  
1400 conditional medical cannabis card, in accordance with this Subsection (1)(b).
- 1401 (ii) A conditional medical cannabis card is valid for the lesser of:  
1402 (A) 60 days; or  
1403 (B) the day on which the department completes the department's review and issues  
1404 a medical cannabis card under Subsection (1)(a), denies the patient's medical  
1405 cannabis card application, or revokes the conditional medical cannabis card  
1406 under Subsection (8).
- 1407 (iii) The department may issue a conditional medical cannabis card to an individual  
1408 applying for a medical cannabis patient card for which approval of the  
1409 Compassionate Use Board is not required.
- 1410 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1411 obligations under law applicable to a holder of the medical cannabis card for  
1412 which the individual applies and for which the department issues the conditional  
1413 medical cannabis card.
- 1414 (2)(a) An individual is eligible for a medical cannabis patient card if:  
1415 (i)(A) the individual is at least 21 years old; or  
1416 (B) the individual is 18, 19, or 20 years old, the individual petitions the  
1417 Compassionate Use Board under Section 26B-1-421, and the Compassionate  
1418 Use Board recommends department approval of the petition;
- 1419 (ii) the individual is a Utah resident;  
1420 (iii) the individual's recommending medical provider recommends treatment with  
1421 medical cannabis in accordance with Subsection (4);

- 1422 (iv) the individual signs an acknowledgment stating that the individual received the  
1423 information described in Subsection (9); and
- 1424 (v) the individual pays to the department a fee in an amount that, subject to  
1425 Subsection 26B-1-310(5), the department sets in accordance with Section  
1426 63J-1-504.
- 1427 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:  
1428 (A) is at least 18 years old;  
1429 (B) is a Utah resident;  
1430 (C) is the parent or legal guardian of a minor for whom the minor's recommending  
1431 medical provider recommends a medical cannabis treatment, the individual  
1432 petitions the Compassionate Use Board under Section 26B-1-421, and the  
1433 Compassionate Use Board recommends department approval of the petition;  
1434 (D) the individual signs an acknowledgment stating that the individual received  
1435 the information described in Subsection (9); and  
1436 (E) pays to the department a fee in an amount that, subject to Subsection  
1437 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus  
1438 the cost of the criminal background check described in Section 26B-4-215.
- 1439 (ii) The department shall notify the Department of Public Safety of each individual  
1440 that the department registers for a medical cannabis guardian card.
- 1441 (c)(i) A minor is eligible for a provisional patient card if:  
1442 (A) the minor has a qualifying condition;  
1443 (B) the minor's recommending medical provider recommends a medical cannabis  
1444 treatment to address the minor's qualifying condition;  
1445 (C) one of the minor's parents or legal guardians petitions the Compassionate Use  
1446 Board under Section 26B-1-421, and the Compassionate Use Board  
1447 recommends department approval of the petition; and  
1448 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian  
1449 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)  
1450 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 1451 (ii) The department shall automatically issue a provisional patient card to the minor  
1452 described in Subsection (2)(c)(i) at the same time the department issues a medical  
1453 cannabis guardian card to the minor's parent or legal guardian.
- 1454 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)  
1455 through (C) does not qualify for a medical cannabis guardian card under Subsection

(2)(b), the parent or legal guardian may designate up to two caregivers in accordance with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe access to the recommended medical cannabis treatment.

(3)(a) An individual who is eligible for a medical cannabis card described in Subsection

(2)(a) or (b) shall submit an application for a medical cannabis card to the department:

(i) through an electronic application connected to the state electronic verification system;

(ii) with the recommending medical provider; and

(iii) with information including:

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

(B) the number of the applicant's government issued photo identification;

(C) for a medical cannabis guardian card, the name, gender, and age of the minor receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

(D) for a provisional patient card, the name of the minor's parent or legal guardian who holds the associated medical cannabis guardian card.

(b) The department shall ensure that a medical cannabis card the department issues under this section contains the information described in Subsection (3)(a)(iii).

(c)(i) If a recommending medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the recommending medical provider recommends, the recommending medical provider may indicate the cardholder's need in the state electronic verification system, either directly or ~~for a limited medical provider,~~ through the order described in Subsections [ ~~26B-4-204(1)(e) and (d)~~ 26B-4-204(1)(b) and (c).

(ii) If a recommending medical provider makes the indication described in Subsection (3)(c)(i):

(A) the department shall add a label to the relevant medical cannabis patient card indicating the cardholder's need for assistance;

(B) any adult who is 18 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis device as needed to assist the cardholder in administering the recommended medical cannabis treatment; and

- 1490 (C) an individual of any age who is physically present with the cardholder in the  
1491 event of an emergency medical condition, as that term is defined in Section  
1492 31A-1-301, may handle the medical cannabis treatment and any associated  
1493 medical cannabis device as needed to assist the cardholder in administering the  
1494 recommended medical cannabis treatment.
- 1495 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may  
1496 not:
- 1497 (A) ingest or inhale medical cannabis;
- 1498 (B) possess, transport, or handle medical cannabis or a medical cannabis device  
1499 outside of the immediate area where the cardholder is present or with an intent  
1500 other than to provide assistance to the cardholder; or
- 1501 (C) possess, transport, or handle medical cannabis or a medical cannabis device  
1502 when the cardholder is not in the process of being dosed with medical cannabis.
- 1503 ~~[(4) To recommend a medical cannabis treatment to a patient or to renew a~~  
1504 ~~recommendation, a recommending medical provider shall:]~~
- 1505 ~~[(a) visit with the patient face-to-face for an initial recommendation unless the patient:]~~
- 1506 ~~[(i) prefers a virtual visit; and]~~
- 1507 ~~[(ii)(A) is on hospice or has a terminal illness according to the patient's medical~~  
1508 ~~provider; or]~~
- 1509 ~~[(B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or~~  
1510 ~~a nursing care facility, as defined in Section 26B-2-201;]~~
- 1511 ~~[(b)] (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider~~  
1512 ~~may not recommend medical cannabis to a patient through a virtual visit.~~
- 1513 ~~(b) A recommending medical provider may recommend medical cannabis to a patient~~  
1514 ~~through a virtual visit if the patient:~~
- 1515 ~~(i) is on hospice or has a terminal illness according to the patient's medical provider;~~
- 1516 ~~(ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a~~  
1517 ~~nursing care facility, as defined in Section 26B-2-201;~~
- 1518 ~~(iii) has previously received a medical cannabis recommendation from the~~  
1519 ~~recommending medical provider through a face-to-face visit; or~~
- 1520 ~~(iv) is a current patient of the recommending medical provider and has met with the~~  
1521 ~~recommending medical provider face-to-face previously.~~
- 1522 (c) A recommending medical provider shall:
- 1523 (i) before recommending or renewing a recommendation for medical cannabis in a

medicinal dosage form or a cannabis product in a medicinal dosage form:

[(i)] (A) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's government issued photo identification described in Subsection (3)(a);

[(ii)] (B) review any record related to the patient and, for a minor patient, the patient's parent or legal guardian ~~[in:]~~ accessible to the recommending medical provider including in the controlled substance database created in Section 58-37f-201; and

~~[(A) for a qualified medical provider, the state electronic verification system; and]~~

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

[(iii)] (C) consider the recommendation in light of the patient's qualifying condition, history of substance use or opioid use disorder, and history of medical cannabis and controlled substance use during a visit with the patient; and

[(e)] (ii) state in the recommending medical provider's recommendation that the patient:

[(i)] (A) suffers from a qualifying condition, including the type of qualifying condition; and

[(ii)] (B) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the department issues under this section is valid for the lesser of:

(i) an amount of time that the recommending medical provider determines; or

(ii) one year from the day the card is issued.

(b)(i) A medical cannabis card that the department issues in relation to a terminal illness described in Section 26B-4-203 expires after one year.

(ii) The recommending medical provider may revoke a recommendation that the provider made in relation to a terminal illness described in Section 26B-4-203 if the medical cannabis cardholder no longer has the terminal illness.

(c) A medical cannabis card that the department issues in relation to acute pain as described in Section 26B-4-203 expires 30 days after the day on which the department first issues a conditional or full medical cannabis card.

(6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable if:

- 1558 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)  
1559 or (b); or  
1560 (ii) the cardholder received the medical cannabis card through the recommendation of  
1561 the Compassionate Use Board under Section 26B-1-421.
- 1562 (b) The recommending medical provider who made the underlying recommendation for  
1563 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's  
1564 card through phone or video conference with the cardholder, at the recommending  
1565 medical provider's discretion.
- 1566 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
1567 shall pay to the department a renewal fee in an amount that:  
1568 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with  
1569 Section 63J-1-504; and  
1570 (ii) may not exceed the cost of the relatively lower administrative burden of renewal  
1571 in comparison to the original application process.
- 1572 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
1573 patient card renews automatically at the time the minor's parent or legal guardian  
1574 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1575 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis  
1576 card with the patient's name.
- 1577 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may  
1578 purchase, in accordance with this part and the recommendation underlying the  
1579 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1580 dosage form, or a medical cannabis device.
- 1581 (ii) A cardholder under this section may possess or transport, in accordance with this  
1582 part and the recommendation underlying the card, cannabis in a medicinal dosage  
1583 form, a cannabis product in a medicinal dosage form, or a medical cannabis  
1584 device.
- 1585 (iii) To address the qualifying condition underlying the medical cannabis treatment  
1586 recommendation:  
1587 (A) a medical cannabis patient cardholder or a provisional patient cardholder may  
1588 use medical cannabis or a medical cannabis device; and  
1589 (B) a medical cannabis guardian cardholder may assist the associated provisional  
1590 patient cardholder with the use of medical cannabis or a medical cannabis  
1591 device.

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



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

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

Section 13. Section **26B-4-214** is amended to read:

**26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal -- Revocation.**

- (1)(a) A cardholder described in Section 26B-4-213 may designate, through the state central patient portal, up to two individuals, or an individual and a facility in accordance with Subsection (1)(b), to serve as a designated caregiver for the cardholder.
- (b)(i) A cardholder described in Section 26B-4-213 may designate one of the

following types of facilities as one of the caregivers described in Subsection (1)(a):

(A) for a patient or resident, an assisted living facility, as that term is defined in Section 26B-2-201;

(B) for a patient or resident, a nursing care facility, as that term is defined in Section 26B-2-201; or

(C) for a patient, a general acute hospital, as that term is defined in Section 26B-2-201.

(ii) A facility may:

(A) assign one or more employees to assist patients with medical cannabis treatment under the caregiver designation described in this Subsection (1)(b); and

(B) receive a medical cannabis shipment from a medical cannabis pharmacy or a medical cannabis courier on behalf of the medical cannabis cardholder within the facility who designated the facility as a caregiver.

(iii) The department shall make rules to regulate the practice of facilities and facility employees serving as designated caregivers under this Subsection (1)(b).

(c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation with the minor and the minor's ~~[qualified medical provider]~~ recommending medical provider, may designate, through the state central patient portal, up to two individuals to serve as a designated caregiver for the minor, if the department determines that the parent or legal guardian is not eligible for a medical cannabis guardian card under Section 26B-4-213.

(d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient with a terminal illness described in Section 26B-4-203, the department shall issue to the designated caregiver an electronic conditional medical cannabis caregiver card, in accordance with this Subsection (1)(d).

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

(A) 60 days; or

(B) the day on which the department completes the department's review and issues a medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis caregiver card application, or revokes the conditional medical cannabis caregiver card under 26B-4-246.

(iii) The department may issue a conditional medical cannabis card to an individual applying for a medical cannabis patient card for which approval of the

1694 Compassionate Use Board is not required.

1695 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1696 obligations under law applicable to a holder of the medical cannabis card for  
1697 which the individual applies and for which the department issues the conditional  
1698 medical cannabis card.

1699 (2) An individual that the department registers as a designated caregiver under this section  
1700 and a facility described in Subsection (1)(b):

1701 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver  
1702 card;

1703 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in  
1704 the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1705 dosage form, or a medical cannabis device on behalf of the designating medical  
1706 cannabis cardholder;

1707 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
1708 or for a service that the designated caregiver provides in relation to the role as a  
1709 designated caregiver; and

1710 (d) may accept reimbursement from the designating medical cannabis cardholder for  
1711 direct costs the designated caregiver incurs for assisting with the designating  
1712 cardholder's medicinal use of cannabis.

1713 (3)(a) The department shall:

1714 (i) within 15 days after the day on which an individual submits an application in  
1715 compliance with this section, issue a medical cannabis card to the applicant if the  
1716 applicant:

1717 (A) is designated as a caregiver under Subsection (1);

1718 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1719 (C) complies with this section; and

1720 (ii) notify the Department of Public Safety of each individual that the department  
1721 registers as a designated caregiver.

1722 (b) The department shall ensure that a medical cannabis caregiver card contains the  
1723 information described in Subsections (5)(b) and (3)(c)(i).

1724 (c) If a cardholder described in Section 26B-4-213 designates an individual as a  
1725 caregiver who already holds a medical cannabis caregiver card, the individual with  
1726 the medical cannabis caregiver card:

1727 (i) shall report to the department the information required of applicants under

- 1728 Subsection (5)(b) regarding the new designation;
- 1729 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
- 1730 to file an application for another medical cannabis caregiver card;
- 1731 (iii) may receive an additional medical cannabis caregiver card in relation to each
- 1732 additional medical cannabis patient who designates the caregiver; and
- 1733 (iv) is not subject to an additional background check.
- 1734 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1735 (a) is at least 21 years old;
- 1736 (b) is a Utah resident;
- 1737 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
- 1738 the department sets in accordance with Section 63J-1-504, plus the cost of the
- 1739 criminal background check described in Section 26B-4-215;
- 1740 (d) signs an acknowledgment stating that the applicant received the information
- 1741 described in Subsection 26B-4-213(9) .
- 1742 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1743 (a) submit an application for a medical cannabis caregiver card to the department
- 1744 through an electronic application connected to the state electronic verification
- 1745 system; and
- 1746 (b) submit the following information in the application described in Subsection (5)(a):
- 1747 (i) the applicant's name, gender, age, and address;
- 1748 (ii) the name, gender, age, and address of the cardholder described in Section
- 1749 26B-4-213 who designated the applicant;
- 1750 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1751 gender, and age of the minor receiving a medical cannabis treatment in relation to
- 1752 the medical cannabis guardian cardholder; and
- 1753 (iv) any additional information that the department requests to assist in matching the
- 1754 application with the designating medical cannabis patient.
- 1755 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
- 1756 department issues under this section is valid for the lesser of:
- 1757 (a) an amount of time that the cardholder described in Section 26B-4-213 who
- 1758 designated the caregiver determines; or
- 1759 (b) the amount of time remaining before the card of the cardholder described in Section
- 1760 26B-4-213 expires.
- 1761 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated

caregiver's medical cannabis caregiver card renews automatically at the time the cardholder described in Section 26B-4-213 who designated the caregiver:

- (i) renews the cardholder's card; and
  - (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- (b) The department shall provide a method in the card renewal process to allow a cardholder described in Section 26B-4-213 who has designated a caregiver to:
- (i) signify that the cardholder renews the caregiver's designation;
  - (ii) remove a caregiver's designation; or
  - (iii) designate a new caregiver.

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

Section 14. Section **26B-4-231** is amended to read:

**26B-4-231 . Partial filling -- Pharmacy medical provider directions of use.**

- (1) As used in this section, "partially fill" means to provide less than the full amount of cannabis or cannabis product that the recommending medical provider recommends, if the recommending medical provider recommended specific dosing guidelines.
- (2) A pharmacy medical provider may partially fill a recommendation for a medical cannabis treatment at the request of the recommending medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.
- (3) The department shall make rules, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and quantity remaining of a partially filled medical cannabis treatment recommendation.
- (4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing guidelines, subject to the dosing limits in Subsection 4-41a-1102(2), to fill the quantity remaining of a partially filled medical cannabis treatment recommendation if:
- (a) the pharmacy medical provider determined dosing guidelines for the partial fill under Subsection 4-41a-1102(5) or (6); and
  - (b) the medical cannabis cardholder reports that:
    - (i) the partial fill did not substantially affect the qualifying condition underlying the medical cannabis recommendation; or
    - (ii) the patient experienced an adverse reaction to the partial fill or was otherwise unable to successfully use the partial fill.

- 1796 (5) If a recommending medical provider recommends treatment with medical cannabis but  
1797 wishes for the pharmacy medical provider to determine directions of use and dosing  
1798 guidelines:
- 1799 (a) the recommending medical provider shall provide to the pharmacy medical provider,  
1800 either through the state electronic verification system or through a medical cannabis  
1801 pharmacy's recording of a recommendation under the order of a [~~limited medical~~  
1802 ~~provider~~] recommending medical provider, any of the following information that the  
1803 recommending medical provider feels would be needed to provide appropriate  
1804 directions of use and dosing guidelines:
- 1805 (i) information regarding the qualifying condition underlying the recommendation;  
1806 (ii) information regarding prior treatment attempts with medical cannabis; and  
1807 (iii) portions of the patient's current medication list; and
- 1808 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the  
1809 pharmacy medical provider shall:
- 1810 (i) review pertinent medical records, including the recommending medical provider  
1811 documentation described in Subsection (5)(a); and  
1812 (ii) after completing the review described in Subsection (5)(b)(i) and consulting with  
1813 the recommending medical provider as needed, determine the best course of  
1814 treatment through consultation with the cardholder regarding:
- 1815 (A) the patient's qualifying condition underlying the recommendation from the  
1816 recommending medical provider;  
1817 (B) indications for available treatments;  
1818 (C) directions of use and dosing guidelines; and  
1819 (D) potential adverse reactions.

1820 Section 15. Section **26B-4-245** is amended to read:

1821 **26B-4-245 . Purchasing and use limitations.**

- 1822 (1) An individual with a medical cannabis card:
- 1823 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1824 (i) unprocessed cannabis in a medicinal dosage form; and  
1825 (ii) a cannabis product in a medicinal dosage form;
- 1826 (b) may not purchase:
- 1827 (i) except as provided in Subsection (2), more medical cannabis than described in  
1828 Subsection (1)(a); or  
1829 (ii) if the relevant recommending medical provider did not recommend directions of

1830 use and dosing guidelines, until the individual consults with the pharmacy medical  
1831 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and  
1832 (c) may not use a route of administration that the relevant recommending medical  
1833 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231  
1834 (5), has not recommended.

1835 (2)(a) A ~~[qualified medical provider]~~ recommending medical provider may petition the  
1836 department to waive the 28-day period limit described in Subsection (1)(a) for a  
1837 medical cannabis cardholder if the medical cannabis cardholder:

- 1838 (i) has been diagnosed with a terminal illness;
- 1839 (ii) has a life expectancy of six months or less; and
- 1840 (iii) needs the waiver for palliative purposes.

1841 (b) The department shall:

- 1842 (i) consult with the Compassionate Use Board to determine whether the waiver  
1843 should be granted;
- 1844 (ii) issue a response to the petition within 10 days from the day on which the petition  
1845 is received.

1846 (c) The department may waive the 28-day period limit for no more than 180 days.

1847 (d) A petition described in this Subsection (2) may be combined with the petition  
1848 described in Subsection 26B-1-421(6).

1849 Section 16. Section **53B-17-903** is amended to read:

1850 **53B-17-903 . Education in pain treatment.**

1851 The University of Utah School of Medicine shall ensure that any licensed physicians  
1852 who oversee fellowship training to specialize in pain treatment are ~~[qualified medical providers]~~  
1853 recommending medical providers, as that term is defined in Section 26B-4-201.

1854 Section 17. Section **58-1-513** is enacted to read:

1855 **58-1-513 . Recommending medical provider cannabis advertisement -- Payment**  
1856 **restriction -- Unprofessional conduct.**

1857 (1) As used in this section:

1858 (a) "Recommending medical provider" means the same as that term is defined in Section  
1859 26B-4-201.

1860 (b) "Targeted marketing" means the same as that term is defined in Section 26B-4-201.

1861 (2)(a) Except as provided in Subsections (2)(b) and (c), a person may not advertise that  
1862 the person or the person's employee recommends a medical cannabis treatment.

1863 (b) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical

provider, medical clinic, or medical office that employs a recommending medical provider may advertise only the following:

- (i) a green cross;
- (ii) the provider's or clinic's name and logo;
- (iii) a qualifying condition that the individual treats;
- (iv) that the recommending medical provider, medical clinic, or medical office evaluates patients for medical cannabis recommendations;
- (v) a scientific study regarding medical cannabis use; or
- (vi) contact information.

(c) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider may engage in targeted marketing, as determined by the Department of Health and Human Services through rule, for advertising medical cannabis recommendation services.

(3)(a) A recommending medical provider may not:

(i) receive any compensation or benefit for the recommending medical provider's medical cannabis treatment recommendation from:

- (A) a cannabis production establishment or an owner, officer, director, board member, employee, or agent of a cannabis production establishment;
- (B) a medical cannabis pharmacy or an owner, officer, director, board member, employee, or agent of a medical cannabis pharmacy; or
- (C) a recommending medical provider or pharmacy medical provider; or

(ii) provide a medical cannabis recommendation at a medical clinic or medical office that is violating the advertising limitations described in Subsection (2).

(b) A violation of Subsection (3)(a) is unprofessional conduct.

Section 18. Section **58-5a-102** is amended to read:

**58-5a-102 . Definitions.**

In addition to the definitions under Section 58-1-102, as used in this chapter:

- (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
- (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- (3) "Indirect supervision" means the same as that term is defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Medical assistant" means an unlicensed individual working under the indirect supervision of a licensed podiatric physician and engaging in specific tasks assigned by



the licensed podiatric physician in accordance with the standards and ethics of the podiatry profession.

(5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions, and wound debridement on the limbs and torso, by all appropriate and lawful means.

(6) "Unlawful conduct" includes:

(a) the conduct that constitutes unlawful conduct under Section 58-1-501; and

(b) for an individual who is not licensed under this chapter:

(i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor, foot specialist, or D.P.M.; or

(ii) implying or representing that the individual is qualified to practice podiatry.

(7)(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:

(i) the conduct that constitutes unprofessional conduct under Section 58-1-501;

(ii) communicating to a third party, without the consent of the patient, information the individual acquires in treating the patient, except as necessary for professional consultation regarding treatment of the patient;

(iii) allowing the individual's name or license to be used by an individual who is not licensed to practice podiatry under this chapter;

(iv) except as described in Section 58-5a-306, employing, directly or indirectly, any unlicensed individual to practice podiatry;

(v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs the individual's ability to practice podiatry;

(vi) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-2;

(vii) gross incompetency in the practice of podiatry;

(viii) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;

(ix) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due;

(x) willfully using false or fraudulent advertising;

(xi) conduct the division defines as unprofessional conduct by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- (xii) falsely making an entry in, or altering, a medical record with the intent to conceal:
- (A) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
- (B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection 58-1-501 (1); or
- (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

- (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when ~~[registered as a qualified medical provider or acting as a limited medical provider, as those terms are]~~ acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis within the scope of [a] practice of podiatry.

Section 19. Section **58-31b-305** is amended to read:

**58-31b-305 . Term of license -- Expiration -- Renewal.**

- (1)(a) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule.
- (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.
- (2) The division shall renew the license of a licensee who, at the time of renewal:
- (a) completes and submits an application for renewal in a form prescribed by the division;
- (b) pays a renewal fee established by the division under Section 63J-1-504;
- (c) views a suicide prevention video described in Section 58-1-601 and submits proof in the form required by the division; and
- (d) meets continuing competency requirements as established by rule.
- (3) In addition to the renewal requirements under Subsection (2), a person licensed as an advanced practice registered nurse shall be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.
- (4) In addition to the requirements described in Subsections (2) and (3), an advanced

1966 practice registered nurse licensee specializing in psychiatric mental health nursing who,  
1967 as of the day on which the division originally issued the licensee's license had not  
1968 completed the division's clinical practice requirements in psychiatric and mental health  
1969 nursing, shall, to qualify for renewal:

1970 (a) if renewing less than two years after the day on which the division originally issued  
1971 the license, demonstrate satisfactory progress toward completing the clinical practice  
1972 requirements; or

1973 (b) have completed the clinical practice requirements.

1974 (5) Each license or certification automatically expires on the expiration date shown on the  
1975 license or certification unless renewed in accordance with Section 58-1-308.

1976 ~~[(6) The division shall accept and apply toward an hour requirement that the division~~  
1977 ~~establishes under Subsection (2)(d) continuing education that an advanced practice~~  
1978 ~~registered nurse completes in accordance with Section 26B-4-204.]~~

1979 Section 20. Section **58-31b-502** is amended to read:

1980 **58-31b-502 . Unprofessional conduct.**

1981 (1) "Unprofessional conduct" includes:

1982 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,  
1983 diagnosis, personal effects, or any other matter about which the licensee is privileged  
1984 to know because of the licensee's or person with a certification's position or practice  
1985 as a nurse or practice as a medication aide certified;

1986 (b) failure to provide nursing service or service as a medication aide certified in a  
1987 manner that demonstrates respect for the patient's human dignity and unique personal  
1988 character and needs without regard to the patient's race, religion, ethnic background,  
1989 socioeconomic status, age, sex, or the nature of the patient's health problem;

1990 (c) engaging in sexual relations with a patient during any:

1991 (i) period when a generally recognized professional relationship exists between the  
1992 person licensed or certified under this chapter and the patient; or

1993 (ii) extended period when a patient has reasonable cause to believe a professional  
1994 relationship exists between the person licensed or certified under the provisions of  
1995 this chapter and the patient;

1996 (d)(i) as a result of any circumstance under Subsection (1)(c), exploiting or using  
1997 information about a patient or exploiting the licensee's or the person with a  
1998 certification's professional relationship between the licensee or holder of a  
1999 certification under this chapter and the patient; or

- 2000 (ii) exploiting the patient by use of the licensee's or person with a certification's  
2001 knowledge of the patient obtained while acting as a nurse or a medication aide  
2002 certified;
- 2003 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;  
2004 (f) unauthorized taking or personal use of nursing supplies from an employer;  
2005 (g) unauthorized taking or personal use of a patient's personal property;  
2006 (h) unlawful or inappropriate delegation of nursing care;  
2007 (i) failure to exercise appropriate supervision of persons providing patient care services  
2008 under supervision of the licensed nurse;  
2009 (j) employing or aiding and abetting the employment of an unqualified or unlicensed  
2010 person to practice as a nurse;  
2011 (k) failure to file or record any medical report as required by law, impeding or  
2012 obstructing the filing or recording of such a report, or inducing another to fail to file  
2013 or record such a report;  
2014 (l) breach of a statutory, common law, regulatory, or ethical requirement of  
2015 confidentiality with respect to a person who is a patient, unless ordered by a court;  
2016 (m) failure to pay a penalty imposed by the division;  
2017 (n) violating Section 58-31b-801;  
2018 (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8,  
2019 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic  
2020 Pharmacy, if applicable;  
2021 (p) performing or inducing an abortion in violation of the requirements of Section  
2022 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified  
2023 under the provisions of this chapter is found guilty of a crime in connection with the  
2024 violation;  
2025 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:  
2026 (i) a wrongful or negligent act or omission of an individual licensed under this  
2027 chapter or an individual under the direction or control of an individual licensed  
2028 under this chapter; or  
2029 (ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);  
2030 (r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and  
2031 Medical Cannabis; or  
2032 (s) for an advance practice registered nurse, designating a child as do not resuscitate  
2033 without parental consent.

(2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when ~~[registered as a qualified medical provider, or acting as a limited medical provider, as those terms are]~~ acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis.

(3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

Section 21. Section **58-67-304** is amended to read:

**58-67-304 . License renewal requirements.**

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

- (a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule made in collaboration with the board;
- (b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-67-302(1)(i);
- (c) if the licensee practices medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for the licensee; and
- (d) if the licensee is an associate physician licensed under Section 58-67-302.8, successfully complete the educational methods and programs described in Subsection 58-67-807(4).

(2) If a renewal period is extended or shortened under Section 58-67-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

(3)(a) An application to renew a license under this chapter shall:

- (i) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and
- (ii) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an

abortion that is necessary to avert a serious physical risk of substantial impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure compliance with the definitions and requirements of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition.

(4) In order to assist the Department of Health and Human Services in fulfilling the department's responsibilities relating to the licensing of a health care facility and the enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition, if a physician responds positively to the question described in Subsection (3)(a)(i) the division shall, within 30 days after the day on which the division renews the physician's license under this chapter, inform the Department of Health and Human Services in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a)(i).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) any continuing education that a physician completes in accordance with [~~Sections 26B-4-204 and~~ Section 26B-4-219.

Section 22. Section **58-67-502** is amended to read:

**58-67-502 . Unprofessional conduct.**

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;

(b) making a material misrepresentation regarding the qualifications for licensure under Section 58-67-302.7 or 58-67-302.8;

(c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

(d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;

(e) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under

- 2102 this chapter is found guilty of a crime in connection with the violation;
- 2103 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2104 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2105 chapter or an individual under the direction or control of an individual licensed
- 2106 under this chapter; or
- 2107 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2108 (g) performing, or causing to be performed, upon an individual who is less than 18 years
- 2109 old:
- 2110 (i) a primary sex characteristic surgical procedure; or
- 2111 (ii) a secondary sex characteristic surgical procedure; or
- 2112 (h) designating a child as do not resuscitate without parental consent.
- 2113 (2) "Unprofessional conduct" does not include:
- 2114 (a) in compliance with Section 58-85-103:
- 2115 (i) obtaining an investigational drug or investigational device;
- 2116 (ii) administering the investigational drug to an eligible patient; or
- 2117 (iii) treating an eligible patient with the investigational drug or investigational device;
- 2118 or
- 2119 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
- 2120 Cannabis:
- 2121 (i) when [~~registered as a qualified medical provider or acting as a limited medical~~
- 2122 ~~provider, as those terms are~~] acting as a recommending medical provider, as that
- 2123 term is defined in Section 26B-4-201, recommending the use of medical cannabis;
- 2124 or
- 2125 (ii) when registered as a pharmacy medical provider, as that term is defined in
- 2126 Section 26B-4-201, providing pharmacy medical provider services in a medical
- 2127 cannabis pharmacy.
- 2128 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
- 2129 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2130 define unprofessional conduct for a physician described in Subsection (2)(b).
- 2131 Section 23. Section **58-68-304** is amended to read:
- 2132 **58-68-304 . License renewal requirements.**
- 2133 (1) As a condition precedent for license renewal, each licensee shall, during each two-year
- 2134 licensure cycle or other cycle defined by division rule:
- 2135 (a) complete qualified continuing professional education requirements in accordance

with the number of hours and standards defined by division rule in collaboration with the board;

(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-68-302(1)(i);

(c) if the licensee practices osteopathic medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for access to medical records for the licensee in accordance with Subsection 58-68-302(1)(j); and

(d) if the licensee is an associate physician licensed under Section 58-68-302.5, successfully complete the educational methods and programs described in Subsection 58-68-807(4).

(2) If a renewal period is extended or shortened under Section 58-68-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

(3)(a) An application to renew a license under this chapter shall:

(i) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and

(ii) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious physical risk of substantial impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure compliance with the definitions and requirements of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition.

(4) In order to assist the Department of Health and Human Services in fulfilling the department's responsibilities relating to the licensing of a health care facility and the enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition, if a physician responds positively to the question described in Subsection (3)(a)(i), the division shall, within 30 days after the day on which it renews the



physician's license under this chapter, inform the Department of Health and Human Services in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a)(i).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) any continuing education that a physician completes in accordance with [Sections ~~26B-4-204 and~~] Section 26B-4-219.

Section 24. Section **58-68-502** is amended to read:

**58-68-502 . Unprofessional conduct.**

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;

(b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

(c) making a material misrepresentation regarding the qualifications for licensure under Section 58-68-302.5;

(d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;

(e) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under this chapter is found guilty of a crime in connection with the violation;

(f) falsely making an entry in, or altering, a medical record with the intent to conceal:

(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or

(ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);

(g) performing or causing to be performed, upon an individual who is less than 18 years old:

(i) a primary sex characteristic surgical procedure; or

(ii) a secondary sex characteristic surgical procedure; or

(h) designating a child as do not resuscitate without parental consent.

(2) "Unprofessional conduct" does not include:

(a) in compliance with Section 58-85-103:

(i) obtaining an investigational drug or investigational device;

(ii) administering the investigational drug to an eligible patient; or

(iii) treating an eligible patient with the investigational drug or investigational device;

or

(b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:

(i) when ~~[registered as a qualified medical provider or acting as a limited medical provider, as those terms are]~~ acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis;

or

(ii) when registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201, providing pharmacy medical provider services in a medical cannabis pharmacy.

(3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician described in Subsection (2)(b).

Section 25. Section **58-70a-303** is amended to read:

**58-70a-303 . Term of license -- Expiration -- Renewal.**

(1)(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

~~[(4) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (2) continuing education that a physician assistant completes in accordance with Section 26B-4-204.]~~

Section 26. Section **58-70a-503** is amended to read:

**58-70a-503 . Unprofessional conduct.**

(1) "Unprofessional conduct" includes:

(a) violation of a patient confidence to any person who does not have a legal right and a

- 2238 professional need to know the information concerning the patient;
- 2239 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
- 2240 or offering to prescribe, sell, furnish, give away, or administer any prescription drug
- 2241 except for a legitimate medical purpose upon a proper diagnosis indicating use of that
- 2242 drug in the amounts prescribed or provided;
- 2243 (c) prescribing prescription drugs for oneself or administering prescription drugs to
- 2244 oneself, except those that have been legally prescribed for the physician assistant by a
- 2245 licensed practitioner and that are used in accordance with the prescription order for
- 2246 the condition diagnosed;
- 2247 (d) in a practice that has physician assistant ownership interests, failure to allow a
- 2248 physician the independent final decision making authority on treatment decisions for
- 2249 the physician's patient;
- 2250 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
- 2251 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 2252 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2253 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2254 chapter or an individual under the direction or control of an individual licensed
- 2255 under this chapter; or
- 2256 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2257 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
- 2258 Medical Cannabis; or
- 2259 (h) designating a child as do not resuscitate without parental consent.
- 2260 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
- 2261 4, Part 2, Cannabinoid Research and Medical Cannabis, when ~~[registered as a~~
- 2262 ~~qualified medical provider or acting as a limited medical provider, as those terms are]~~
- 2263 acting as a recommending medical provider, as that term is defined in Section
- 2264 26B-4-201, recommending the use of medical cannabis.
- 2265 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in
- 2266 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2267 define unprofessional conduct for a physician assistant described in Subsection (2)(a).
- 2268 Section 27. Section **80-4-109** is amended to read:
- 2269 **80-4-109 . Consideration of cannabis during proceedings.**
- 2270 (1) As used in this section:
- 2271 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.

(b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

(c)(i) "Chronic" means repeated or patterned.

(ii) "Chronic" does not mean an isolated incident.

(d) "Directions of use" means the same as that term is defined in Section 26B-4-201.

(e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.

(f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

(g) "Medical cannabis cardholder" means the same as that term is defined in Section 26B-4-201.

(h) "[~~Qualified~~] Recommending medical provider" means the same as that term is defined in Section 26B-4-201.

(2) In a proceeding under this chapter in which the juvenile court makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if:

(a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;

(b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

(c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(ii) the individual reasonably complies with the directions of use and dosing guidelines determined by the individual's [~~qualified medical provider~~] recommending medical provider or through a consultation described in Subsection [ ~~26B-4-230(5)~~] 26B-4-231(5).

(3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis product is not abuse or neglect of a child unless there is evidence showing that:

(a) the child is harmed because of the child's inhalation or ingestion of cannabis, or because of cannabis being introduced to the child's body in another manner; or

(b) the child is at an unreasonable risk of harm because of chronic inhalation or ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

(4) Unless there is harm or an unreasonable risk of harm to the child as described in Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not contrary to the best interests of a child if:

(a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates from the directions of use and dosing guidelines determined by the parent's or guardian's ~~[qualified medical provider]~~ recommending medical provider or through a consultation described in Subsection [ ~~26B-4-230(5)] 26B-4-231(5); or~~

(b) before January 1, 2021, the parent's or guardian's possession or use complies with Subsection 58-37-3.7(2) or (3).

(5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior that would separately constitute abuse or neglect of the child.

Section 28. **Effective Date.**

This bill takes effect on July 1, 2025.