

HB0054S01 compared with HB0054

{Omitted text} shows text that was in HB0054 but was omitted in HB0054S01

inserted text shows text that was not in HB0054 but was inserted into HB0054S01

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Hemp Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

LONG TITLE

General Description:

This bill amends provisions related to hemp products and regulation.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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19 None

22 AMENDS:

23 **4-41-102** , as last amended by Laws of Utah 2024, Chapter 35 , as last amended by Laws of Utah
2024, Chapter 35

24 **4-41-103.2** , as last amended by Laws of Utah 2023, Chapter 146 , as last amended by Laws of Utah
2023, Chapter 146

25 **4-41-103.3** , as last amended by Laws of Utah 2023, Chapters 146, 327 , as last amended by Laws of
Utah 2023, Chapters 146, 327

26 **4-41-105** , as last amended by Laws of Utah 2024, Chapter 35 , as last amended by Laws of Utah
2024, Chapter 35

27 **4-41-404 , as last amended by Laws of Utah 2019, Chapter 23 , as last amended by Laws of
Utah 2019, Chapter 23**

28 **58-37-3.6** , as last amended by Laws of Utah 2024, Chapter 35 , as last amended by Laws of Utah
2024, Chapter 35

29 **58-85-102** , as last amended by Laws of Utah 2018, Third Special Session, Chapter 1 , as last
amended by Laws of Utah 2018, Third Special Session, Chapter 1

30 **63N-3-1301 , as enacted by Laws of Utah 2024, Chapter 35 , as enacted by Laws of Utah
2024, Chapter 35**

31 **77-39-101** , as last amended by Laws of Utah 2024, Chapter 35 , as last amended by Laws of Utah
2024, Chapter 35

32 ENACTS:

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

34

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

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

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

As used in this chapter:

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

39 (a) pesticides;

40 (b) heavy metals;

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- 41 (c) solvents;
- 42 (d) microbial life;
- 43 (e) artificially derived cannabinoids;
- 44 (f) toxins; or
- 45 (g) foreign matter.
- 46 (2)
- . (a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substances derived from the cannabis plant.
- 49 (b) "Artificially derived cannabinoid" does not include:
- 50 (i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process; or
- 52 (ii) cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.
- 54 (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.
- 55 (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.
- 56 (5) "Cannabinoid processor license" means a license that the department issues to a person for the purpose of processing a cannabinoid product.
- 58 (6) "Cannabinoid product" means a product that:
- 59 (a) contains or is represented to contain one or more naturally occurring cannabinoids;
- 60 (b) contains less than the cannabinoid product THC level, by dry weight;
- 61 (c) contains a combined amount of total THC and any THC analog that does not exceed 10% of the total cannabinoid content;
- 63 (d) does not exceed a total of THC and any THC analog that is greater than:
- 64 (i) 5 milligrams per serving; and
- 65 (ii) 150 milligrams per package; and
- 66 (e) unless the product is in an oil based suspension, has a serving size that:
- 67 (i) is an integer; and
- 68 (ii) is a discrete unit of the cannabinoid product.
- 69 (7) "Cannabinoid product class" means a group of cannabinoid products that:
- 70 (a) have all ingredients in common; and
- 71 (b) are produced by or for the same company.

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- 72 (8) "Cannabinoid product THC level" means a combined concentration of total THC and any THC
analog of less than 0.3% on a dry weight basis if laboratory testing confirms a result within a
measurement of uncertainty that includes the combined concentration of 0.3%.
- 76 (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 77 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS#
1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 79 (11) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration
of less than 0.3% tetrahydrocannabinol by dry weight.
- 81 (12) "Industrial hemp producer registration" means a registration that the department issues to a person
for the purpose of processing industrial hemp or an industrial hemp product.
- 85 (13)
- . (a) "Industrial hemp product" means a product made by processing industrial hemp plants or industrial
hemp parts.
- 87 (b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid product.
- 83 [(13)] (14) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who
sells any viable industrial hemp seed or cannabinoid product.
- 85 [(14)]
- . (a) "Industrial hemp product" means a product made by processing industrial hemp plants or industrial
hemp parts.]
- 87 [(b) "Industrial hemp product" does not include cannabinoid material.]
- 88 (15) "Key participant" means any of the following:
- 89 (a) a licensee;
- 90 (b) an operation manager;
- 91 (c) a site manager; or
- 92 (d) an employee who has access to any industrial hemp material with a THC concentration above 0.3%.
- 94 (16) "Licensee" means a person possessing a cannabinoid processor license that the department issues
under this chapter.
- 102 (17) "Newly identified cannabinoid" means a cannabinoid that:
- 103 (a) is not expressly identified by chemical name or CAS number in this chapter; and
- 104 (b) is identified by the department under Section 4-41-405.
- 96 [(17)] (18) "Non-compliant material" means:

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- 97 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with a concentration
of 0.3% tetrahydrocannabinol or greater by dry weight; ~~and~~
- 99 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the cannabinoid
product THC level~~[-]~~ ; and
- 101 (c) a cannabinoid product containing any of the following:
- 102 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS# 54763-99-4;
- 104 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS# 51768-60-6;
- 106 (iii) delta-9-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS# 23132-17-4;
- 108 (iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS# 23050-54-6;
- 110 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS# 36403-91-5; or
- 112 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS# 36403-90-4.
- 114 ~~[(18)]~~ (19) "Permittee" means a person possessing a permit that the department issues under this
chapter.
- 116 ~~[(19)]~~ (20) "Person" means:
- 117 (a) an individual, partnership, association, firm, trust, limited liability company, or corporation; and
- 119 (b) an agent or employee of an individual, partnership, association, firm, trust, limited liability
company, or corporation.
- 121 ~~[(20)]~~ (21) "Retailer permittee" means a person possessing an industrial hemp retailer permit that the
department issues under this chapter.
- 123 ~~[(21)]~~ (22) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the cannabinoid
identified as CAS# 1972-08-3.
- 125 ~~[(22)]~~ (23)
- . (a) "THC analog" means a substance that is structurally or pharmacologically substantially similar to, or
is represented as being similar to, delta-9-THC.
- 127 (b) "THC analog" does not include the following substances or the naturally occurring acid forms of the
following substances:
- 129 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
- 130 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
- 131 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
- 132 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
- 133 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;

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- 134 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
- 135 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
- 136 (viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;
- 137 ~~{(ix)} cannabicitran (CBTC), the cannabinoid identified as CAS# 31508-71-1;~~
- 138 ~~{(ix)}{}~~ ~~{(x)}~~ cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
- 139 ~~{(x)}~~ ~~{(xi)}~~ delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#
31262-37-0.
- 141 ~~[(23)]~~ (24) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol and
cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".
- 143 ~~[(24)]~~ (25) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined amounts of
delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC = delta-9-THC + (THCA x
0.877)".
- 146 ~~[(25)]~~ (26) "Transportable industrial hemp concentrate" means any amount of a natural cannabinoid in a
purified state that:
- 148 (a) is the product of any chemical or physical process applied to naturally occurring biomass that
concentrates or isolates the cannabinoids contained in the biomass;
- 150 (b) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days
before the day on which the cannabis plant was harvested, contains a combined concentration of
total THC and any THC analog of less than 0.3% on a dry weight basis;
- 154 (c) has a THC and THC analog concentration total that is less than 20% when concentrated from the
cannabis plant to the purified state; and
- 156 (d) is intended to be processed into a cannabinoid product.
- 165 Section 2. Section **4-41-103.2** is amended to read:
- 166 **4-41-103.2. Cannabinoid processor license.**
- 159 (1) The department or a licensee of the department may process a cannabinoid product.
- 160 (2) A person seeking a cannabinoid processor license shall provide to the department:
- 161 (a) the legal description and global positioning coordinates sufficient for locating the facility the person
uses to process industrial hemp; and
- 163 (b) written consent allowing a representative of the department and local law enforcement to enter all
premises where the person processes or stores industrial hemp for the purpose of:
- 166 (i) conducting a physical inspection; or

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- 167 (ii) ensuring compliance with the requirements of this chapter.
- 168 (3) An individual who has been convicted of a drug-related felony within the last 10 years is not eligible
to obtain a cannabinoid processor license.
- 170 (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the application for a
cannabinoid processor license.
- 172 (5) A licensee may only market a cannabinoid product that the licensee processes.
- 173 ~~(6)~~
- . (a) ~~Each applicant for a license to process cannabinoid products shall submit to the department, at the
time of application, from each key participant:]~~
- 175 ~~[(i) a fingerprint card in a form acceptable to the Department of Public Safety;]~~
- 176 ~~[(ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration
of the individual's fingerprints in the Federal Bureau of Investigation Next Generation
Identification System's Rap Back Service; and]~~
- 179 ~~[(iii) consent to a fingerprint background check by:]~~
- 180 ~~[(A) the Bureau of Criminal Identification; and]~~
- 181 ~~[(B) the Federal Bureau of Investigation.]~~
- 182 ~~[(b) The Bureau of Criminal Identification shall:]~~
- 183 ~~[(i) check the fingerprints the applicant submits under Subsection (6)(a) against the applicable state,
regional, and national criminal records databases, including the Federal Bureau of Investigation
Next Generation Identification System;]~~
- 186 ~~[(ii) report the results of the background check to the department;]~~
- 187 ~~[(iii) maintain a separate file of fingerprints that applicants submit under Subsection (6)(a) for search by
future submissions to the local and regional criminal records databases, including latent prints;]~~
- 190 ~~[(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation
Identification System's Rap Back Service for search by future submissions to national criminal
records databases, including the Next Generation Identification System and latent prints; and]~~
- 194 ~~[(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications
for an individual with whom the department maintains an authorizing relationship.]~~
- 197 ~~[(e) The department shall:]~~
- 198

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

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

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

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

205 (1) Except as provided in Subsection [~~(4)~~] (5), a retailer permittee of the department may market or sell a cannabinoid product or a viable industrial hemp seed.

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

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

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

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

215 (i) conducting a physical inspection; or

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

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

218 (a) maintain a video surveillance system that:

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

220 (ii) is tamper proof; and

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

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

223 [~~(3)~~] (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the application for an industrial hemp retailer permit.

225 [~~(4)~~] (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall include a notice to consumers that the product is hemp and is not cannabis or medical cannabis, as those terms are defined in Section 26B-4-201.

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

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

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(1) It is unlawful for a person to handle, process, or market living industrial hemp plants, viable hemp seeds, leaf materials, or floral materials derived from industrial hemp without the appropriate license or permit issued by the department under this chapter.

233 (2)

(a) It is unlawful for any person to:

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

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

236 (B) noncompliant material;

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

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

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

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

245 (C) smokable flower; or

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

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

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

252 (ii)

(A) has ~~[an industrial hemp producer registration]~~ a cannabinoid processor license; or

254 (B) the equivalent to ~~[an industrial hemp producer registration]~~ a cannabinoid processor license from another state.

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

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

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

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

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

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may take an

enforcement action in accordance with Section 4-41-106

The department [~~shall assess the fine described in Subsection 4-41-403(4)~~] against any person who offers an

unregistered cannabinoid product for sale in this state.

273 Section 6. Section **6** is enacted to read:

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

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

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

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

280 (c) modify the maximum allowable concentration described in Subsection (1)(a) as necessary if it would not create a threat to public health.

282 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement Subsection (1).

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

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

262 (1) As used in this section:

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

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

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

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

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

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

270 [~~(c)] (c) "Expanded cannabinoid product" means a product intended for human ingestion that:~~

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

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

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

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

277 [(i) contains or is represented to contain one or more naturally occurring cannabinoids;]

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- 278 [~~(ii) contains less than the cannabinoid product THC level, by dry weight;~~
279 [~~(iii) contains a combined amount of total THC and any THC analog that does not exceed 10% of the
total cannabinoid content;~~
281 [~~(iv) does not exceed a total of THC and any THC analog that is greater than five milligrams per
serving and 150 milligrams per package; and]~~
283 [~~(v) unless the product is in an oil based suspension, has a serving size that is an integer.]~~
284 [~~(f)~~] (d) "Transportable industrial hemp concentrate" means any amount of a natural cannabinoid in a
purified state that:
286 (i) is the product of any chemical or physical process applied to naturally occurring biomass that
concentrates or isolates the cannabinoids contained in the biomass;
288 (ii) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days
before the day on which the cannabis plant was harvested, contains a combined concentration of
total THC and any THC analog of less than 0.3% on a dry weight basis; and
292 (iii) has a THC and THC analog concentration total less than 20% when concentrated from the cannabis
plant to the purified state.
294 [~~(g) "Medicinal dosage form" means:~~
295 [~~(i) a tablet;~~
296 [~~(ii) a capsule;~~
297 [~~(iii) a concentrated oil;~~
298 [~~(iv) a liquid suspension;~~
299 [~~(v) a transdermal preparation; or]~~
300 [~~(vi) a sublingual preparation.]~~
301 [~~(h)~~] (e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in
Subsection 58-37-4(2)(a)(iii)(AA).
303 (2) Notwithstanding any other provision of this chapter an individual who possesses or distributes a
cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in
this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the
individual's possession or distribution of the cannabinoid product or expanded cannabinoid product
complies with [~~Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis]~~ Section
26B-4-212.
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- (3) Notwithstanding any other provision of this chapter, a person who possesses and distributes transportable industrial hemp concentrate is not subject to the penalties described in this chapter for the possession or distribution of transportable industrial hemp concentrate if the transportable industrial hemp concentrate is handled in accordance with the rules established under Subsection 4-41-103.1(1)(e) or is destroyed.

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

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

As used in this chapter:

- 317 (1) "Eligible patient" means an individual who has been diagnosed with a terminal illness by a
physician.
- 319 (2) "Insurer" means the same as that term is defined in Section 31A-1-301.
- 320 (3) "Investigational device" means a device that:
- 321 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and
- 322 (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an
investigational device described in 21 C.F.R. Part 812.
- 324 (4) "Investigational drug" means a drug that:
- 325 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and
- 326 (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an
investigational new drug described in 21 C.F.R. Part 312.
- 328 (5) "Medicinal dosage form" [~~means the same as that term is defined in Section 58-37-3.6.~~] means:
- 330 (a) a tablet;
- 331 (b) a capsule;
- 332 (c) a concentrated oil;
- 333 (d) a liquid suspension;
- 334 (e) a transdermal preparation; or
- 335 (f) a sublingual preparation.
- 336 (6) "Physician" means an individual who is licensed under:
- 337 (a) Title 58, Chapter 67, Utah Medical Practice Act; or
- 338 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 339 (7) "Terminal illness" means a condition of a patient that:
- 340 (a) as determined by a physician:

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

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

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

As used in this part:

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

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

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

350 (1) As used in this section:

- 351 (a) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.
- 352 (b) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.
- 354 (c) "Nicotine product" means the same as that term is defined in Section 76-10-101.
- 355 (d) "Peace officer" means the same as the term is described in Section 53-13-109.
- 356 (e) "Tobacco product" means the same as that term is defined in Section 76-10-101.

357 (2)

- . (a) A peace officer may investigate the possible violation of:
- 358 (i) Section 32B-4-403 by requesting an individual under 21 years old to enter into and attempt to
purchase or make a purchase of alcohol from a retail establishment;
- 360 (ii) Section 76-10-114 by requesting an individual under 21 years old to enter into and attempt to
purchase or make a purchase from a retail establishment of:

362 (A) a tobacco product;

363 (B) an electronic cigarette product; or

364 (C) a nicotine product; or

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- (iii) Subsection [~~4-41-105(2)(d)~~] 4-41-105(2)(a)(iv) by requesting an individual under 21 years old to enter into and attempt to purchase or make a purchase of a cannabinoid product that contains THC or a THC analog from a retail establishment.
- 369 (b) A peace officer who is present at the site of a proposed purchase shall direct, supervise, and monitor
the individual requested to make the purchase.
- 371 (c) Immediately following a purchase or attempted purchase or as soon as practical the supervising
peace officer shall inform the cashier and the proprietor or manager of the retail establishment that
the attempted purchaser was under the legal age to purchase:
- 375 (i) alcohol;
- 376 (ii)
- . (A) a tobacco product;
- 377 (B) an electronic cigarette product; or
- 378 (C) a nicotine product; or
- 379 (iii) a cannabinoid product that contains THC or a THC analog.
- 380 (d) If a citation or information is issued, the citation or information shall be issued within seven days
after the day on which the purchase occurs.
- 382 (3)
- . (a) If an individual under 18 years old is requested to attempt a purchase, a written consent of that
individual's parent or guardian shall be obtained before the individual participates in any attempted
purchase.
- 385 (b) An individual requested by the peace officer to attempt a purchase may:
- 386 (i) be a trained volunteer; or
- 387 (ii) receive payment, but may not be paid based on the number of successful purchases of alcohol,
tobacco products, electronic cigarette products, nicotine products, or cannabinoid products that
contain THC or a THC analog.
- 390 (4) The individual requested by the peace officer to attempt a purchase and anyone accompanying the
individual attempting a purchase may use false identification in attempting the purchase if:
- 393 (a) the Department of Public Safety created in Section 53-1-103 provides the false identification;
- 395 (b) the false identification:
- 396 (i) accurately represents the individual's age; and
- 397 (ii) displays a current photo of the individual; and

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- 398 (c) the peace officer maintains possession of the false identification at all times outside the attempt to
purchase.
- 400 (5) An individual requested to attempt to purchase or make a purchase pursuant to this section is
immune from prosecution, suit, or civil liability for the purchase of, attempted purchase of, or
possession of alcohol, a tobacco product, an electronic cigarette product, a nicotine product, or a
cannabinoid product that contains THC or a THC analog if a peace officer directs, supervises, and
monitors the individual.
- 405 (6)
- . (a) Except as provided in Subsection (6)(b), a purchase attempted under this section shall be conducted
within a 12-month period:
- 407 (i) on a random basis at any one retail establishment location, not more often than four times for the
attempted purchase of alcohol;
- 409 (ii) a minimum of two times at a retail establishment that sells tobacco products, electronic cigarette
products, or nicotine products for the attempted purchase of a tobacco product, an electronic
cigarette product, or a nicotine product; and
- 412 (iii) a minimum of one time at a retail establishment that sells a cannabinoid product that contains
THC or a THC analog.
- 414 (b) This section does not prohibit an investigation or an attempt to purchase alcohol, a tobacco product,
an electronic cigarette product, or a nicotine product under this section if:
- 417 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a tobacco product,
an electronic cigarette product, a nicotine product, or a cannabinoid product that contains THC or a
THC analog to an individual under the age established by Section 32B-4-403, Section 76-10-114, or
Subsection 4-41-105(2)(d); and
- 422 (ii) the supervising peace officer makes a written record of the grounds for the reasonable suspicion.
- 424 (7)
- . (a) The peace officer exercising direction, supervision, and monitoring of the attempted purchase shall
make a report of the attempted purchase, whether or not a purchase was made.
- 427 (b) The report required by this Subsection (7) shall include:
- 428 (i) the name of the supervising peace officer;
- 429 (ii) the name of the individual attempting the purchase;
- 430

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- (iii) a photograph of the individual attempting the purchase showing how that individual appeared at the time of the attempted purchase;
- 432 (iv) the name and description of the cashier or proprietor from whom the individual attempted the purchase;
- 434 (v) the name and address of the retail establishment; and
- 435 (vi) the date and time of the attempted purchase.

472 Section 11. **Effective date.**

This bill takes effect on May 7, 2025.

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