

Jennifer Dailey-Provost proposes the following substitute bill:

Cannabis Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- defines terms;
- allows for additional medical cannabis pharmacies;
- creates a new medical cannabis pharmacy license for independent medical cannabis pharmacies;
- creates ownership restrictions for independent medical cannabis pharmacies;
- adjusts fees for certain medical cannabis pharmacy licenses;
- modifies provisions related to enforcement and appeals;
- merges advertising sections;
- allows a cannabis processing facility to have a website that includes product information;
- limits the number of licenses that the Department of Agriculture and Food (department) may issue for cannabis processing facilities;
- amends provisions regarding when the department may seize products and test products;
- amends provisions related to information a medical cannabis pharmacy must have available to a patient purchasing medical cannabis;
- requires the department to provide a website displaying certificates of analysis;
- creates a reporting requirement for the department;
- repeals sections related to the state central patient portal;
- creates a medical cannabis ombudsman and duties for the ombudsman;
- creates a cannabis product transparency website;
- authorizes the creation of patient product information inserts;
- moves the repeal of the Cannabis Research Review Board earlier one year;

- 29 ▶ extends the repeal date for the Medical Cannabis Governance Structure Working Group;
- 30 and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
- 39 **4-41a-110**, as enacted by Laws of Utah 2023, Chapter 273
- 40 **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12
- 41 **4-41a-501**, as last amended by Laws of Utah 2023, Chapter 313
- 42 **4-41a-701**, as last amended by Laws of Utah 2023, Chapters 313, 317
- 43 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 44 Chapter 1
- 45 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217
- 46 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
- 47 **4-41a-1003**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and
- 48 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
- 49 Laws of Utah 2023, Chapter 307
- 50 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217
- 51 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217
- 52 **4-41a-1201**, as enacted by Laws of Utah 2023, Chapter 273
- 53 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 54 **4-41a-1203**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
- 55 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
- 56 **26B-1-310**, as last amended by Laws of Utah 2023, Chapters 273, 281 and renumbered
- 57 and amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause,
- 58 Laws of Utah 2023, Chapter 305
- 59 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240
- 60 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 61 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 62 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240

63 **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240
 64 **26B-4-243**, as enacted by Laws of Utah 2023, Chapter 281
 65 **26B-4-247**, as enacted by Laws of Utah 2023, Chapter 273
 66 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
 67 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
 68 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

69 ENACTS:

70 **4-41a-1006**, Utah Code Annotated 1953
 71 **13-1-19**, Utah Code Annotated 1953
 72 **26B-4-248**, Utah Code Annotated 1953

73 REPEALS AND REENACTS:

74 **4-41a-109**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
 75 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
 76 Laws of Utah 2023, Chapter 307

77 REPEALS:

78 **4-41a-403**, as last amended by Laws of Utah 2023, Chapter 327
 79 **4-41a-604**, as enacted by Laws of Utah 2024, Chapter 217
 80 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
 81 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 82 **4-41a-1104**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
 83 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
 84 Laws of Utah 2023, Chapter 307
 85 **26B-4-236**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
 86 and amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause,
 87 Laws of Utah 2023, Chapter 307

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

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

91 **4-41a-102 . Definitions.**

92 As used in this chapter:

- 93 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
 94 injurious to health, including:
 95 (a) pesticides;
 96 (b) heavy metals;

- 97 (c) solvents;
- 98 (d) microbial life;
- 99 (e) artificially derived cannabinoid;
- 100 (f) toxins; or
- 101 (g) foreign matter.
- 102 (2) "Advertise" or "advertising" means information provided by a person in any medium:
- 103 (a) to the public; and
- 104 (b) that is not age restricted to an individual who is at least 21 years old.
- 105 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 106 Section 26B-1-435.
- 107 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
- 108 of competition in the medical cannabis market that would be considered an attempt to
- 109 monopolize, as defined in Section 76-10-3103.
- 110 (b) "Anticompetitive business practice" may include:
- 111 (i) agreements that may be considered unreasonable when competitors interact to the
- 112 extent that they are:
- 113 (A) no longer acting independently; or
- 114 (B) when collaborating are able to wield market power together;
- 115 (ii) monopolizing or attempting to monopolize trade by:
- 116 (A) acting to maintain or acquire a dominant position in the market; or
- 117 (B) preventing new entry into the market; or
- 118 (iii) other conduct outlined in rule.
- 119 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
- 120 chemical reaction that changes the molecular structure of any chemical substance
- 121 derived from the cannabis plant.
- 122 (b) "Artificially derived cannabinoid" does not include:
- 123 (i) a naturally occurring chemical substance that is separated from the cannabis plant
- 124 by a chemical or mechanical extraction process; or
- 125 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
- 126 cannabinoid acid without the use of a chemical catalyst.
- 127 (6) "Batch" means a quantity of:
- 128 (a) cannabis extract produced on a particular date and time and produced between
- 129 completion of equipment and facility sanitation protocols until the next required
- 130 sanitation cycle during which lots of cannabis are used;

131 (b) cannabis product produced on a particular date and time and produced between
132 completion of equipment and facility sanitation protocols until the next required
133 sanitation cycle during which cannabis extract is used; or

134 (c) cannabis flower packaged on a particular date and time and produced between
135 completion of equipment and facility sanitation protocols until the next required
136 sanitation cycle during which lots of cannabis are being used.

137 ~~[(6)]~~ (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
138 created in Section 26B-1-420.

139 ~~[(7)]~~ (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.

140 ~~[(8)]~~ (9) "Cannabis concentrate" means:

141 (a) the product of any chemical or physical process applied to naturally occurring
142 biomass that concentrates or isolates the cannabinoids contained in the biomass; and

143 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
144 artificially derived cannabinoid's purified state.

145 ~~[(9)]~~ (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
146 intended to be sold as a cannabis plant product.

147 ~~[(10)]~~ (11) "Cannabis cultivation facility" means a person that:

148 (a) possesses cannabis;

149 (b) grows or intends to grow cannabis; and

150 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
151 processing facility, or a medical cannabis research licensee.

152 ~~[(11)]~~ (12) "Cannabis cultivation facility agent" means an individual who

153 holds a valid cannabis production establishment agent registration card with a cannabis
154 cultivation facility designation.

155 ~~[(12)]~~ (13) "Cannabis derivative product" means a product made using cannabis concentrate.

156 ~~[(13)]~~ (14) "Cannabis plant product" means any portion of a cannabis plant intended to be
157 sold in a form that is recognizable as a portion of a cannabis plant.

158 ~~[(14)]~~ (15) "Cannabis processing facility" means a person that:

159 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

160 (b) possesses cannabis with the intent to manufacture a cannabis product;

161 (c) manufactures or intends to manufacture a cannabis product from unprocessed
162 cannabis or a cannabis extract; and

163 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
164 medical cannabis research licensee.

165 [(15)] (16) "Cannabis processing facility agent" means an individual who
166 holds a valid cannabis production establishment agent registration card with a cannabis
167 processing facility designation.

168 [(16)] (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

169 [(17)] (18) "Cannabis production establishment" means a cannabis cultivation facility, a
170 cannabis processing facility, or an independent cannabis testing laboratory.

171 [(18)] (19) "Cannabis production establishment agent" means a cannabis cultivation facility
172 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory
173 agent.

174 [(19)] (20) "Cannabis production establishment agent registration card" means a registration
175 card that the department issues that:

176 (a) authorizes an individual to act as a cannabis production establishment agent; and

177 (b) designates the type of cannabis production establishment for which an individual is
178 authorized to act as an agent.

179 [(20)] (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
180 delivery medical cannabis pharmacy for delivering [~~cannabis or a medical cannabis~~
181 ~~product~~] medical cannabis.

182 [(21)] (22) "Community location" means a public or private elementary or secondary school,
183 a church, a public library, a public playground, or a public park.

184 [(22)] (23) "Cultivation space" means, quantified in square feet, the horizontal area in which
185 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
186 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
187 above other plants in multiple levels.

188 [(23)] (24) "Delivery address" means:

189 (a) for a medical cannabis cardholder who is not a facility:

190 (i) the medical cannabis cardholder's home address; or

191 (ii) an address designated by the medical cannabis cardholder that:

192 (A) is the medical cannabis cardholder's workplace; and

193 (B) is not a community location; or

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

195 [(24)] (25) "Department" means the Department of Agriculture and Food.

196 [(25)] (26) "Family member" means a parent, step-parent, spouse, child, sibling,

197 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,

198 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

- 199 ~~[(26)]~~ (27) "Government issued photo identification" means the same as that term is defined
 200 in Section 26B-4-201, including expired identification in accordance with Section
 201 26B-4-244.
- 202 ~~[(27)]~~ (28) "Home delivery medical cannabis pharmacy" means a medical cannabis
 203 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
 204 medical cannabis shipments to a delivery address to fulfill electronic orders~~[that the~~
 205 ~~state central patient portal facilitates]~~.
- 206 ~~[(28)]~~ (29)(a) "Independent cannabis testing laboratory" means a person that:
 207 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
 208 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
 209 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 210 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
 211 or a research university operates in accordance with Subsection 4-41a-201(14).
- 212 ~~[(29)]~~ (30) "Independent cannabis testing laboratory agent" means an individual who
 213 holds a valid cannabis production establishment agent registration card with an
 214 independent cannabis testing laboratory designation.
- 215 ~~[(30)]~~ (31) "Inventory control system" means a system described in Section 4-41a-103.
- 216 ~~[(31)]~~ (32) "Licensing board" or "board" means the Cannabis Production Establishment and
 217 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 218 ~~[(32)]~~ (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
 219 defined in Section 26B-4-201.
- 220 ~~[(33)]~~ (34) "Medical cannabis card" means the same as that term is defined in Section
 221 26B-4-201.
- 222 ~~[(34)]~~ (35) "Medical cannabis courier" means a courier that:
 223 (a) the department licenses in accordance with Section 4-41a-1201; and
 224 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
 225 cannabis shipments to fulfill electronic orders~~[that the state central patient portal~~
 226 ~~facilitates]~~.
- 227 ~~[(35)]~~ (36) "Medical cannabis courier agent" means an individual who:
 228 (a) is an employee of a medical cannabis courier; and
 229 (b) who holds a valid medical cannabis courier agent registration card.
- 230 (37) "Medical cannabis ombudsman" means the ombudsman created in Section 13-1-9.
- 231 ~~[(36)]~~ (38) "Medical cannabis pharmacy" means the same as that term is defined in Section
 232 26B-4-201.

233 [(37)] (39) "Medical cannabis pharmacy agent" means the same as that term is defined in
234 Section 26B-4-201.

235 [(38)] (40) "Medical cannabis research license" means a license that the department issues to
236 a research university for the purpose of obtaining and possessing medical cannabis for
237 academic research.

238 [(39)] (41) "Medical cannabis research licensee" means a research university that the
239 department licenses to obtain and possess medical cannabis for academic research, in
240 accordance with Section 4-41a-901.

241 [(40)] (42) "Medical cannabis shipment" means a shipment of medical cannabis that a home
242 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
243 address to fulfill an electronic medical cannabis order[~~that the state central patient portal~~
244 ~~facilitates~~].

245 [(41)] (43) "Medical cannabis treatment" means the same as that term is defined in Section
246 26B-4-201.

247 [(42)] (44) "Medicinal dosage form" means the same as that term is defined in Section
248 26B-4-201.

249 (45) "Patient product information insert" means the same as that term is defined in Section
250 26B-4-201.

251 [(43)] (46) "Pharmacy ownership limit" means an amount equal to 30% of the total number
252 of medical cannabis pharmacy licenses issued by the department rounded down to the
253 nearest whole number.

254 [(44)] (47) "Pharmacy medical provider" means the same as that term is defined in Section
255 26B-4-201.

256 [(45)] (48) "Qualified medical provider" means the same as that term is defined in Section
257 26B-4-201.

258 [(46)] (49) "Qualified Production Enterprise Fund" means the fund created in Section
259 4-41a-104.

260 [(47)] (50) "Recommending medical provider" means the same as that term is defined in
261 Section 26B-4-201.

262 [(48)] (51) "Research university" means the same as that term is defined in Section
263 53B-7-702 and a private, nonprofit college or university in the state that:

264 (a) is accredited by the Northwest Commission on Colleges and Universities;
265 (b) grants doctoral degrees; and
266 (c) has a laboratory containing or a program researching a schedule I controlled

- 267 substance described in Section 58-37-4.
- 268 [(49)] (52) "State electronic verification system" means the system described in Section
269 26B-4-202.
- 270 [(50)] (53) "Targeted marketing" means the promotion of [~~a cannabis product~~] medical
271 cannabis, a medical cannabis brand, or a medical cannabis device using any of the
272 following methods:
- 273 (a) electronic communication to an individual who is at least 21 years old and has
274 requested to receive promotional information;
- 275 (b) an in-person marketing event that is:
- 276 (i) held inside a medical cannabis pharmacy; and
277 (ii) in an area where only a medical cannabis cardholder may access the event;
- 278 (c) other marketing material that is physically available or digitally displayed in a
279 medical cannabis pharmacy; or
- 280 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
281 provided to an individual when obtaining medical cannabis:
- 282 (i) in the medical cannabis pharmacy;
283 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
284 (iii) in a medical cannabis shipment.
- 285 [(51)] (54) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
286 Section 4-41-102.
- 287 [(52)] (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- 288 [(53)] (56) "Total composite tetrahydrocannabinol" means all detectable forms of
289 tetrahydrocannabinol.
- 290 [(54)] (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
291 defined in Section 4-41-102.
- 292 Section 2. Section **4-41a-109** is repealed and reenacted to read:
- 293 **4-41a-109 . Advertising.**
- 294 (1) Except as provided in this section and Section 26B-4-204:
- 295 (a) a person may not advertise:
- 296 (i) regarding the recommendation, sale, dispensing, or transportation of medical
297 cannabis;
- 298 (ii) a promotional discount or incentive related to medical cannabis;
- 299 (iii) a particular medical cannabis product, medical cannabis device, medical
300 cannabis brand, or medicinal dosage form;

- 301 (iv) an assurance of a medical outcome related to a medical cannabis treatment; or
302 (v) regarding a medical cannabis pharmacy or the dispensing of medical cannabis
303 within the state; and
- 304 (b) a cannabis production establishment may not advertise to the general public in any
305 medium.
- 306 (2)(a) A nonprofit organization that offers financial assistance for medical cannabis
307 treatment to low-income patients may advertise the organization's assistance if the
308 advertisement does not relate to a specific:
- 309 (i) medical cannabis pharmacy;
310 (ii) medical cannabis product;
311 (iii) medical cannabis courier; or
312 (iv) cannabis production facility.
- 313 (b) A medical cannabis pharmacy may provide information regarding subsidies for the
314 cost of medical cannabis treatment to patients who affirmatively accept receipt of the
315 subsidy information.
- 316 (3) A medical cannabis pharmacy may:
- 317 (a) advertise an employment opportunity at the medical cannabis pharmacy;
318 (b) notwithstanding any municipal or county ordinance prohibiting signage, use signage
319 on the outside of the medical cannabis pharmacy that:
- 320 (i) includes only:
- 321 (A) in accordance with Subsection (7), the medical cannabis pharmacy's name,
322 logo, and hours of operation; and
- 323 (B) a green cross; and
- 324 (ii) complies with local ordinances regulating signage;
- 325 (c) advertise in any medium:
- 326 (i) the pharmacy's name and logo;
327 (ii) the location and hours of operation of the medical cannabis pharmacy;
328 (iii) a service available at the medical cannabis pharmacy;
329 (iv) personnel affiliated with the medical cannabis pharmacy;
330 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
331 cannabis pharmacy;
332 (vi) best practices that the medical cannabis pharmacy upholds; and
333 (vii) educational material related to the medical use of cannabis, as defined by the
334 department;

- 335 (d) hold an educational event for the public or medical providers in accordance with
336 Subsection (6) and rules made under Subsection (8);
- 337 (e) maintain on the medical cannabis pharmacy's website non-promotional information
338 regarding the medical cannabis pharmacy's inventory; or
- 339 (f) engage in targeted marketing, as determined by the department through rule, for
340 advertising a particular medical cannabis product, medical cannabis device, or
341 medical cannabis brand.
- 342 (4) A licensed home delivery medical cannabis pharmacy or a licensed medical cannabis
343 courier may advertise:
- 344 (a) a green cross;
- 345 (b) the pharmacy's or courier's name and logo; and
- 346 (c) that the pharmacy or courier is licensed to transport medical cannabis shipments.
- 347 (5)(a) A cannabis production establishment may:
- 348 (i) advertise an employment opportunity at the cannabis production establishment;
- 349 (ii) maintain a website that:
- 350 (A) contains information about the establishment and employees; and
- 351 (B) except as provided in Subsection (5)(b), does not advertise any medical
352 cannabis product or medical cannabis device;
- 353 (iii) notwithstanding any municipal or county ordinance prohibiting signage, use
354 signage on the outside of the cannabis production establishment that:
- 355 (A) includes only:
- 356 (I) in accordance with Subsection (7), the cannabis production establishment's
357 name, logo, and hours of operation; and
- 358 (II) a green cross; and
- 359 (B) complies with local ordinances regulating signage; and
- 360 (iv) hold an educational event for the public or medical providers in accordance with
361 Subsection (6) and rules made under Subsection (8).
- 362 (b) A cannabis processing facility may:
- 363 (i) maintain a website that contains information regarding:
- 364 (A) medical cannabis produced by the cannabis processing facility, including the
365 certificate of analysis that is created by an independent cannabis testing
366 facility; and
- 367 (B) where medical cannabis produced by the cannabis processing facility may be
368 purchased in the state; and

- 369 (ii) engage in targeted marketing, as determined by the department through rule, for
370 advertising a particular medical cannabis product, medical cannabis device, or
371 medical cannabis brand.
- 372 (6) A medical cannabis pharmacy or cannabis production establishment may not include in
373 an educational event:
- 374 (a) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2, Cannabinoid
375 Research and Medical Cannabis;
- 376 (b) any gift items or merchandise other than educational materials, as those terms are
377 defined by the department;
- 378 (c) any marketing for a specific product from the establishment or any other statement,
379 claim, or information that would violate the Federal Food, Drug, and Cosmetic Act,
380 21 U.S.C. Sec. 301, et seq.; or
- 381 (d) a presenter other than:
- 382 (i) for a cannabis production establishment, a cannabis production establishment
383 agent;
- 384 (ii) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 385 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
386 Nurse Practice Act;
- 387 (iv) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
388 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 389 (v) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
390 Assistant Act;
- 391 (vi) a medical practitioner, similar to a practitioner described in Subsections (6)(d)(ii)
392 through (v), who is licensed in another state or country;
- 393 (vii) a state employee; or
- 394 (viii) if the presentation relates to a cannabis topic other than medical treatment or
395 medical conditions, an individual whom the department approves based on the
396 individual's background and credentials in the presented topic.
- 397 (7) To ensure that the name and logo of a medical cannabis pharmacy or cannabis
398 production establishment have a medical rather than a recreational disposition, the name
399 and logo:
- 400 (a) may include terms and images associated with:
- 401 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
402 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic,"

- 403 "compassionate," "relief," "treatment," and "patient"; or
 404 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom"; and
 405 (b) may not include:
 406 (i) any term, statement, design representation, picture, or illustration that is associated
 407 with a recreational disposition or that appeals to children;
 408 (ii) an emphasis on a psychoactive ingredient;
 409 (iii) a specific cannabis strain; or
 410 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer,"
 411 "grass," "hash," "ganja," "Mary Jane," "high," "buzz," "haze," "stoned," "joint,"
 412 "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec,"
 413 "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."
 414 (8) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
 415 Administrative Rulemaking Act:
 416 (a) to define standards for advertising authorized under this section, including names and
 417 logos in accordance with Subsection (7), to ensure a medical rather than recreational
 418 disposition;
 419 (b) to define educational material described in Subsection (3)(c)(vii);
 420 (c) regarding an educational event as described in Subsection (6), including:
 421 (i) a minimum age of 21 years old for attendees; and
 422 (ii) an exception to the minimum age for a medical cannabis patient cardholder who
 423 is at least 18 years old; and
 424 (d) regarding targeted marketing as described in Subsections (3)(f) and (5)(b)(ii).
 425 Section 3. Section **4-41a-110** is amended to read:
 426 **4-41a-110 . Department coordination.**
 427 (1) The department shall:
 428 [(+) (a) provide draft rules made under this chapter to:
 429 (i) the advisory board for the advisory board's review; and
 430 (ii) the medical cannabis ombudsman;
 431 [(2) (b) consult with the advisory board before issuing an additional:
 432 [(a)] (i) cultivation facility license under Section 4-41a-205; or
 433 [(b)] (ii) pharmacy license under Section 4-41a-1005;
 434 [(3) (c) consult with the advisory board regarding fees set by the department that pertain
 435 to the medical cannabis program; and
 436 [(4) (d) when appropriate, consult with the advisory board regarding issues that arise in

437 the medical cannabis program.

438 (2)(a) The department may not file a rule under Title 63G, Chapter 3, Utah
 439 Administrative Rulemaking Act, unless the medical cannabis ombudsman agrees the
 440 rule should be filed.

441 (b) The 180 day rulemaking deadline described in Subsection 63G-3-301(14) is tolled
 442 while a rule is reviewed by the medical cannabis ombudsman.

443 Section 4. Section **4-41a-205** is amended to read:

444 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities -- Cannabis**
 445 **processing facilities.**

446 (1) Except as provided in Subsection (2)(a), the department shall issue at least five but not
 447 more than eight licenses to operate a cannabis cultivation facility.

448 (2)(a) The department may issue a number of licenses to operate a cannabis cultivation
 449 facility that, in addition to the licenses described in Subsection (1), does not cause the
 450 total number of licenses to exceed 15 if the department determines, in consultation
 451 with the Department of Health and Human Services and after an annual or more
 452 frequent analysis of the current and anticipated market for medical cannabis, that
 453 each additional license is necessary to provide an adequate supply, quality, or variety
 454 of medical cannabis to medical cannabis cardholders.

455 (b) If the recipient of one of the initial licenses described in Subsection (1) ceases
 456 operations for any reason or otherwise abandons the license, the department may but
 457 is not required to grant the vacant license to another applicant based on an analysis as
 458 described in Subsection (2)(a).

459 (3) If there are more qualified applicants than the number of available licenses for cannabis
 460 cultivation facilities under Subsections (1) and (2), the department shall evaluate the
 461 applicants and award the limited number of licenses described in Subsections (1) and (2)
 462 to the applicants that best demonstrate:

463 (a) experience with establishing and successfully operating a business that involves:

464 (i) complying with a regulatory environment;

465 (ii) tracking inventory; and

466 (iii) training, evaluating, and monitoring employees;

467 (b) an operating plan that will best ensure the safety and security of patrons and the
 468 community;

469 (c) positive connections to the local community; and

470 (d) the extent to which the applicant can increase efficiency and reduce the cost to

471 patients of medical cannabis.

472 (4) The department may conduct a face-to-face interview with an applicant for a license that
473 the department evaluates under Subsection (3).

474 (5) The licensing board may not issue more than 18 cannabis processing facility licenses.

475 Section 5. Section **4-41a-501** is amended to read:

476 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

477 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
478 cultivation facility is not visible from the ground level of the cannabis cultivation facility
479 perimeter.

480 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
481 facility's inventory control system to identify:

482 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
483 cannabis plant;

484 (b) each unique harvest of cannabis plants;

485 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
486 cannabis processing facility, or an independent cannabis testing laboratory; and

487 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
488 facility disposes.

489 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
490 cannabis plant product before transferring the cannabis biomass from the facility.

491 (4) A cannabis cultivation facility shall either:

492 (a) ensure that a cannabis processing facility chemically or physically processes
493 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation
494 into cannabis derivative products; or

495 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

496 (5) A cannabis cultivation facility may utilize radiation-based methods and equipment for
497 quality assurance or remediation purposes.

498 Section 6. Section **4-41a-701** is amended to read:

499 **4-41a-701 . Cannabis and cannabis product testing.**

500 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
501 department may make rules to:

502 (a) determine required adulterant tests for a cannabis plant product, cannabis
503 concentrate, or cannabis product;

504 (b) determine the amount of any adulterant that is safe for human consumption;

- 505 (c) immediately ban or limit the presence of any ingredient in a medical cannabis
506 product after receiving a recommendation to do so from a public health authority
507 under Section 26B-1-102;
- 508 (d) establish protocols for a recall of [~~cannabis or a cannabis product~~] medical cannabis
509 by a cannabis production establishment; or
- 510 (e) allow the propagation of testing results forward to derived product if the processing
511 steps the cannabis production establishment uses to produce the product are unlikely
512 to change the results of the test.
- 513 (2)(a) The department may require testing for a toxin if:
- 514 [~~(a)~~] (i) the department receives information indicating the potential presence of a
515 toxin; or
- 516 [~~(b)~~] (ii) the department's inspector has reason to believe a toxin may be present based
517 on the inspection of a facility.
- 518 (b) The department may not require a cannabis processor to test a cannabis batch or a
519 cannabis product batch a third time if the cannabis batch or cannabis product has
520 previously met all testing requirements after being tested by:
- 521 (i) an independent cannabis testing laboratory that is not the department; and
522 (ii) the department.
- 523 (3)(a) A cannabis production establishment may not:
- 524 (i) incorporate cannabis concentrate into a cannabis derivative product until an
525 independent cannabis testing laboratory tests the cannabis concentrate in
526 accordance with department rule; or
- 527 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
528 independent cannabis testing laboratory tests a representative sample of the
529 cannabis or cannabis product in accordance with department rule.
- 530 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
531 sale unless an independent cannabis testing laboratory has tested a representative
532 sample of the cannabis or cannabis product in accordance with department rule.
- 533 (4) Before the sale of a medical cannabis product, an independent cannabis testing
534 laboratory shall:
- 535 (a) identify and quantify any cannabinoid known to be present in [a] the medical
536 cannabis product; and
- 537 (b) test terpene profiles for the following products:
- 538 (i) raw cannabis; or

- 539 (ii) a cannabis product:
- 540 (A) contained in a vaporizer cartridge; or
- 541 (B) in concentrate form; and
- 542 (c) record the five highest terpene profiles tested under Subsection (4)(b).
- 543 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 544 Administrative Rulemaking Act, the standards, methods, practices, and procedures for
- 545 the testing of cannabis and cannabis products by independent cannabis testing
- 546 laboratories.
- 547 (6) The department may require an independent cannabis testing laboratory to participate in
- 548 a proficiency evaluation that the department conducts or that an organization that the
- 549 department approves conducts.
- 550 (7)(a) Before July 1, 2026, the department shall create a website that allows a cannabis
- 551 processing facility that creates a medical cannabis product to post the certificate of
- 552 analysis of the product.
- 553 (b) A certificate of analysis may only be posted if:
- 554 (i) the certificate of analysis was created by an independent cannabis testing facility;
- 555 and
- 556 (ii) approved by the creating cannabis processing facility.
- 557 Section 7. Section **4-41a-801** is amended to read:
- 558 **4-41a-801 . Enforcement -- Fine -- Citation.**
- 559 (1) If a person that is a cannabis production establishment~~[-or]~~, a cannabis production
- 560 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy agent,
- 561 or a medical cannabis courier violates this chapter, the department may:
- 562 (a) revoke the person's license [~~or cannabis production establishment-~~]agent registration
- 563 card;
- 564 (b) decline to renew the person's license [~~or cannabis production establishment-~~]agent
- 565 registration card;
- 566 (c) issue a warning in accordance with Subsection (12); or
- 567 ~~[(e)]~~ (d) assess the person an administrative penalty that the department establishes by
- 568 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 569 (2) The department shall deposit an administrative penalty imposed under this section into
- 570 the General Fund.
- 571 (3)(a) The department may take an action described in Subsection (3)(b) if the
- 572 department concludes, upon investigation, that~~[- for a person that is]~~ a cannabis

- 573 production establishment~~[-or]~~ , a cannabis production establishment agent~~[:]~~ , a
 574 medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical
 575 cannabis courier
- 576 ~~[(i) the person]~~ has violated the provisions of this chapter, a rule made under this
 577 chapter, or an order issued under this chapter~~[:or]~~ .
- 578 ~~[(ii) the person produced cannabis or a cannabis product batch that contains a~~
 579 ~~substance, other than cannabis, that poses a significant threat to human health.]~~
- 580 (b) If the department makes the determination about a person described in Subsection
 581 (3)(a), the department shall:
- 582 (i) issue the person a written administrative citation;
- 583 (ii) attempt to negotiate a stipulated settlement;
- 584 ~~[(iii) seize, embargo, or destroy the cannabis or cannabis product batch;]~~
- 585 ~~[(iv)]~~ (iii) order the person to cease and desist from the action that creates a violation;
- 586 and
- 587 ~~[(v)]~~ (iv) direct the person to appear before an adjudicative proceeding conducted
 588 under Title 63G, Chapter 4, Administrative Procedures Act.
- 589 (c) If the department concludes, upon investigation, that a cannabis production
 590 establishment or a cannabis production establishment agent has produced a cannabis
 591 batch or a cannabis product batch that contains a substance that poses a significant
 592 threat to human health, the department shall seize, embargo, or destroy the cannabis
 593 batch or cannabis product batch.
- 594 (4)(a) The department may, for a person subject to an uncontested citation, a stipulated
 595 settlement, or a finding of a violation in an adjudicative proceeding under this
 596 section, for a fine amount not already specified in law, assess the person, who is not
 597 an individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule
 598 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
 599 Administrative Rulemaking Act.
- 600 (b) The department may not issue a fine described in Subsection (4)(a) or other
 601 monetary administrative penalty under this chapter unless the department determines
 602 that the conduct justifying the fine undermines public health or violates a statutory
 603 provision.
- 604 (5) The department may not revoke a ~~[cannabis production establishment's-]~~license without
 605 first directing the ~~[cannabis production establishment]~~ licensee to appear before an
 606 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative

607 Procedures Act.

608 (6) If within [20] 30 calendar days after the day on which a department serves a citation for
609 a violation of this chapter, the person that is the subject of the citation fails to request a
610 hearing to contest the citation, the citation becomes the department's final order.

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

612 (a) refuse to issue or renew the person's license or cannabis production establishment
613 agent registration card; or

614 (b) suspend, revoke, or place on probation the person's license or cannabis production
615 establishment registration card.

616 (8)(a) Except where a criminal penalty is expressly provided for a specific violation of
617 this chapter, if an individual:

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

619 (A) guilty of an infraction; and

620 (B) subject to a \$100 fine; or

621 (ii) intentionally or knowingly violates a provision of this chapter or violates this
622 chapter three or more times, the individual is:

623 (A) guilty of a class B misdemeanor; and

624 (B) subject to a \$1,000 fine.

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

628 (9) Nothing in this section prohibits the department from referring potential criminal
629 activity to law enforcement.

630 (10) An appeal of an administrative penalty under this section shall be conducted as a
631 formal proceeding with an administrative law judge in accordance with Title 63G,
632 Chapter 4, Administrative Procedures Act.

633 (11) The department may not provide information regarding issued warnings to the
634 licensing board if the warnings were not found to have merit.

635 (12)(a) If the department issues a warning for a potential violation, the department shall
636 allow a licensee 30 days to respond from the day the warning was issued.

637 (b) If after the response, the department still determines there is a violation:

638 (i) the department shall notify the licensee; and

639 (ii) the licensee may file a dispute resolution complaint with the medical cannabis

640 ombudsman in accordance with Section 13-1-19 within 10 days from the day the

- 641 department notifies the licensee under Subsection (12)(b)(i).
- 642 (c) The department may not issue an administrative penalty after a warning is issued
- 643 until:
- 644 (i) if no complaint is filed with the medical cannabis ombudsman, the applicable time
- 645 period in Subsection (12)(b) expires; or
- 646 (ii) if a complaint is filed with the medical cannabis ombudsman the earlier of:
- 647 (A) the day the medical cannabis ombudsman issues the summary opinion
- 648 described in Section 13-1-19; or
- 649 (B) 60 days from the day the complaint is filed.
- 650 (d) This Subsection (12) is only effective when the position of medical cannabis
- 651 ombudsman is actively occupied by an employed individual.

652 Section 8. Section **4-41a-802** is amended to read:

653 **4-41a-802 . Report.**

- 654 (1) At or before the November interim meeting each year, the department shall report to the
- 655 Health and Human Services Interim Committee on:
- 656 (a) the number of applications and renewal applications that the department receives
- 657 under this chapter;
- 658 (b) the number of each type of cannabis production facility that the department licenses
- 659 in each county;
- 660 (c) the amount of cannabis that licensees grow;
- 661 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 662 (e) the number of licenses the department revokes under this chapter;
- 663 (f) the department's operation of an independent cannabis testing laboratory under
- 664 Section 4-41a-201, including:
- 665 (i) the cannabis and cannabis products the department tested; and
- 666 (ii) the results of the tests the department performed;
- 667 (g) the expenses incurred and revenues generated under this chapter; and
- 668 (h) an analysis of product availability in medical cannabis pharmacies in consultation
- 669 with the Department of Health and Human Services.
- 670 (2) The department may not include personally identifying information in the report
- 671 described in this section.
- 672 (3) The department shall report to the working group described in Section 36-12-8.2 as
- 673 requested by the working group.
- 674 (4)(a) Before August 1, of each year, the department shall provide a report to the

675 working group described in Section 36-12-8.2 that provides the following for each
676 fine issued by the department under this chapter:

677 (i) the date of the fine;

678 (ii) the reference to statute that was violated for each fine issued; and

679 (iii) a short description explaining why the fine was issued.

680 (b) The report described in Subsection (4)(a) may not include identifying information of
681 the person that was subject to the fine.

682 Section 9. Section **4-41a-1001** is amended to read:

683 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

684 (1) A person may not:

685 (a) operate as a medical cannabis pharmacy without a license that the department issues
686 under this part;

687 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
688 person to exceed the pharmacy ownership limit;

689 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
690 partial ownership share would cause the person to exceed the pharmacy ownership
691 limit; or

692 (d) enter into any contract or agreement that allows the person to directly or indirectly
693 control the operations of a medical cannabis pharmacy if the person's control of the
694 medical cannabis pharmacy would cause the person to effectively exceed the
695 pharmacy ownership limit.

696 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department
697 shall issue a license to operate a medical cannabis pharmacy through the licensing
698 board created under Section 4-41a-201.1.

699 (ii) The department may not issue a license to operate a medical cannabis pharmacy
700 to an applicant who is not eligible for a license under this section.

701 (b) An applicant is eligible for a license under this section if the applicant submits to the
702 department:

703 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
704 operate the medical cannabis pharmacy;

705 (ii) the name and address of an individual who:

706 (A) for a publicly traded company, has a financial or voting interest of 10% or
707 greater in the proposed medical cannabis pharmacy;

708 (B) for a privately held company, a financial or voting interest in the proposed

- 709 medical cannabis pharmacy; or
- 710 (C) has the power to direct or cause the management or control of a proposed
- 711 medical cannabis pharmacy;
- 712 (iii) for each application that the applicant submits to the department, a statement
- 713 from the applicant that the applicant will obtain and maintain:
- 714 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
- 715 to transact surety business in the state; or
- 716 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 717 (iv) an operating plan that:
- 718 (A) complies with Section 4-41a-1004;
- 719 (B) includes operating procedures to comply with the operating requirements for a
- 720 medical cannabis pharmacy described in this part and with a relevant municipal
- 721 or county law that is consistent with Section 4-41a-1106; and
- 722 (C) the department approves;
- 723 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 724 department sets in accordance with Section 63J-1-504; and
- 725 (vi) a description of any investigation or adverse action taken by any licensing
- 726 jurisdiction, government agency, law enforcement agency, or court in any state for
- 727 any violation or detrimental conduct in relation to any of the applicant's
- 728 cannabis-related operations or businesses.
- 729 (c)(i) A person may not locate a medical cannabis pharmacy:
- 730 (A) within 200 feet of a community location; or
- 731 (B) in or within 600 feet of a district that the relevant municipality or county has
- 732 zoned as primarily residential.
- 733 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 734 from the nearest entrance to the medical cannabis pharmacy establishment by
- 735 following the shortest route of ordinary pedestrian travel to the property boundary
- 736 of the community location or residential area.
- 737 (iii) The department may grant a waiver to reduce the proximity requirements in
- 738 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
- 739 reasonably feasible for the applicant to cite the proposed medical cannabis
- 740 pharmacy without the waiver.
- 741 (iv) An applicant for a license under this section shall provide evidence of
- 742 compliance with the proximity requirements described in Subsection (2)(c)(i).

- 743 (d) The department may not issue a license to an eligible applicant that the department
 744 has selected to receive a license until the selected eligible applicant complies with the
 745 bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 746 (e) If the department receives more than one application for a medical cannabis
 747 pharmacy within the same city or town, the department shall consult with the local
 748 land use authority before approving any of the applications pertaining to that city or
 749 town.
- 750 (f) In considering the issuance of a medical cannabis pharmacy license under this
 751 section, the department may consider the extent to which the pharmacy can increase
 752 efficiency and reduce cost to patients of medical cannabis.
- 753 [~~(3) If the department selects an applicant]~~
- 754 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under
 755 this section, the department shall:
- 756 [~~(a)~~] (i) charge the applicant an initial license fee in an amount that, subject to
 757 Subsection 4-41a-104(5), the department sets in accordance with Section
 758 63J-1-504;
- 759 [~~(b)~~] (ii) notify the Department of Public Safety of the license approval and the names
 760 of each individual described in Subsection (2)(b)(ii); and
- 761 [~~(c)~~] (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104
 762 (5), the department sets in accordance with Section 63J-1-504, for any change in
 763 location, ownership, or company structure.
- 764 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis
 765 pharmacy located in a medically underserved area as determined by the federal
 766 Health Resources and Services Administration shall be 50% less than what is charged
 767 for other medical cannabis pharmacies.
- 768 (4) The department may not issue a license to operate a medical cannabis pharmacy to an
 769 applicant if an individual described in Subsection (2)(b)(ii):
- 770 (a) has been convicted under state or federal law of:
- 771 (i) a felony in the preceding 10 years; or
- 772 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 773 (b) is younger than 21 years old; or
- 774 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 775 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds
 776 another license under this chapter, the department may not give preference to the

- 777 applicant based on the applicant's status as a holder of the license.
- 778 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
779 license to operate a cannabis cultivation facility under this section, the department
780 may give consideration to the applicant's status as a holder of the license if:
- 781 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
782 result from the applicant's vertical integration than from a more competitive
783 marketplace; and
- 784 (ii) the department finds multiple other factors, in addition to the existing license, that
785 support granting the new license.
- 786 (6) The licensing board may revoke a license under this part:
- 787 (a) if the medical cannabis pharmacy does not begin operations within one year after the
788 day on which the department issues an announcement of the department's intent to
789 award a license to the medical cannabis pharmacy;
- 790 (b) after the third the same violation of this chapter in any of the licensee's licensed
791 cannabis production establishments or medical cannabis pharmacies;
- 792 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
793 active, under state or federal law of:
- 794 (i) a felony; or
- 795 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 796 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
797 the time of application, or fails to supplement the information described in
798 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
799 submission of the application within 14 calendar days after the licensee receives
800 notice of the investigation or adverse action;
- 801 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
802 requirements of this chapter or the rules the department makes in accordance with
803 this chapter;
- 804 (f) if, after a change of ownership described in Subsection (11)(c), the department
805 determines that the medical cannabis pharmacy no longer meets the minimum
806 standards for licensure and operation of the medical cannabis pharmacy described in
807 this chapter; or
- 808 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
809 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board
810 finds that the licensee has participated in anticompetitive business practices.

- 811 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
812 the municipality or county where the licensed medical cannabis pharmacy will be
813 located requires a local land use permit, shall submit to the department a copy of the
814 licensee's approved application for the land use permit within 120 days after the day
815 on which the department issues the license.
- 816 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
817 permit application in accordance with Subsection (7)(a), the department may revoke
818 the licensee's license.
- 819 (8) The department shall deposit the proceeds of a fee imposed by this section into the
820 Qualified Production Enterprise Fund.
- 821 (9) The department shall begin accepting applications under this part on or before March 1,
822 2020.
- 823 (10)(a) The department's authority to issue a license under this section is plenary and is
824 not subject to review.
- 825 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
826 an applicant is not subject to:
- 827 (i) Title 63G, Chapter 6a, Part 16, Protests; or
828 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 829 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 830 (b) A medical cannabis pharmacy shall report in writing to the department no later than
831 10 business days before the date of any change of ownership of the medical cannabis
832 pharmacy.
- 833 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 834 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
835 pharmacy shall submit a new application described in Subsection (2)(b), subject to
836 Subsection (2)(c);
- 837 (ii) within 30 days of the submission of the application, the department shall:
- 838 (A) conduct an application review; and
839 (B) award a license to the medical cannabis pharmacy for the remainder of the
840 term of the medical cannabis pharmacy's license before the ownership change
841 if the medical cannabis pharmacy meets the minimum standards for licensure
842 and operation of the medical cannabis pharmacy described in this chapter; and
- 843 (iii) if the department approves the license application, notwithstanding Subsection
844 (3), the medical cannabis pharmacy shall pay a license fee that the department sets

845 in accordance with Section 63J-1-504 in an amount that covers the department's
846 cost of conducting the application review.

847 Section 10. Section **4-41a-1003** is amended to read:

848 **4-41a-1003 . Renewal - Notice of available license.**

849 (1)(a) The department shall renew a license [~~under Sections 4-41a-1001 through~~
850 ~~4-41a-1005~~] issued under this part every year if, at the time of renewal:

851 [(a)] (i) the licensee meets the requirements of Section 4-41a-1001;

852 [(b)] (ii) the licensee pays the department a license renewal fee in an amount that,
853 subject to Subsection 4-41a-1004(5), the department sets in accordance with
854 Section 63J-1-504; and

855 [(c)] (iii) if the medical cannabis pharmacy changes the operating plan described in
856 Section 4-41a-1004 that the department approved under Subsection
857 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

858 (b) A license fee for a medical cannabis pharmacy located in a county of the third,
859 fourth, fifth, or sixth class shall be 50% less than what is charged for other medical
860 cannabis pharmacies.

861 (2)(a) If a licensed medical cannabis pharmacy abandons the medical cannabis
862 pharmacy's license, the department shall publish notice of an available license[-], for
863 the geographic area in which the medical cannabis pharmacy license is available, as a
864 class A notice under Section 63G-30-102, for at least seven days.

865 (b) The department may establish criteria, in collaboration with the Division of
866 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
867 Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
868 pharmacy actions that constitute abandonment of a medical cannabis pharmacy
869 license.

870 (3) If the department has not completed the necessary processes to make a determination on
871 a license renewal under Subsections (1)(a) and (c) before the expiration of a license, the
872 department may issue a conditional medical cannabis pharmacy license to a licensed
873 medical cannabis pharmacy that has applied for license renewal under this section and
874 paid the fee described in Subsection (1)(b).

875 Section 11. Section **4-41a-1005** is amended to read:

876 **4-41a-1005 . Maximum number of licenses.**

877 (1)(a) [~~Except as provided in Subsection (1)(b) or (d), if a sufficient number of~~
878 ~~applicants apply, the department]~~ The licensing board shall issue up to [15] 40 medical

879 cannabis pharmacy licenses in accordance with this section including the three
880 medical cannabis pharmacy licenses in accordance with Section 4-41a-1006.

881 (b) The medical cannabis ombudsman shall select the entities to receive a license in
882 accordance with this chapter.

883 (c) The medical cannabis ombudsman may choose to select entities as an entity is
884 qualified for a license and in accordance with Subsection (2)(c).

885 [~~(b) If an insufficient number of qualified applicants apply for the available number of~~
886 ~~medical cannabis pharmacy licenses, the department shall issue a medical cannabis~~
887 ~~pharmacy license to each qualified applicant.]~~

888 [~~(c) The department may issue the licenses described in Subsection (1)(a) in accordance~~
889 ~~with this Subsection (1)(c).]~~

890 [~~(i) Using one procurement process, the department may issue eight licenses to an~~
891 ~~initial group of medical cannabis pharmacies and six licenses to a second group of~~
892 ~~medical cannabis pharmacies.]~~

893 [~~(ii) The department shall:~~

894 [~~(A) divide the state into no less than four geographic regions, set by the~~
895 ~~department in rule;]~~

896 [~~(B) issue at least one license in each geographic region during each phase of~~
897 ~~issuing licenses; and]~~

898 [~~(C) complete the process of issuing medical cannabis pharmacy licenses no later~~
899 ~~than July 1, 2020.]~~

900 [~~(iii) In issuing a 15th license under Subsection (1), the department shall ensure that~~
901 ~~the license recipient will locate the medical cannabis pharmacy within Dagget,~~
902 ~~Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.]~~

903 [~~(d)(i) The department may issue licenses to operate a medical cannabis pharmacy in~~
904 ~~addition to the licenses described in Subsection (1)(a) if the department~~
905 ~~determines, in consultation with the Department of Health and Human Services~~
906 ~~and after an annual or more frequent analysis of the current and anticipated market~~
907 ~~for medical cannabis, that each additional license is necessary to provide an~~
908 ~~adequate supply, quality, or variety of medical cannabis to medical cannabis~~
909 ~~cardholders.]~~

910 [~~(ii) The department shall:~~

911 [~~(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
912 ~~Act, make rules to establish criteria and processes for the consultation;~~

913 analysis, and application for a license described in Subsection (1)(d)(i); and]
 914 [~~(B) report to the Executive Appropriations Committee of the Legislature before~~
 915 ~~each time the department issues an additional license under Subsection~~
 916 ~~(1)(d)(i) regarding the results of the consultation and analysis described in~~
 917 ~~Subsection (1)(d)(i) and the application of the criteria described in Subsection~~
 918 ~~(1)(d)(ii)(A).]~~

919 (2)(a) [~~If there are more qualified applicants than there are available licenses for medical~~
 920 ~~cannabis pharmacies, the department]~~ The medical cannabis ombudsman shall:

- 921 (i) evaluate each applicant and award the license to the applicant that best
 922 demonstrates:
- 923 (A) experience with establishing and successfully operating a business that
 924 involves complying with a regulatory environment, tracking inventory, and
 925 training, evaluating, and monitoring employees;
 - 926 (B) an operating plan that will best ensure the safety and security of patrons and
 927 the community;
 - 928 (C) positive connections to the local community;
 - 929 (D) the suitability of the proposed location and the location's accessibility for
 930 qualifying patients;
 - 931 (E) the extent to which the applicant can increase efficiency and reduce the cost of
 932 medical cannabis for patients; and
 - 933 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a
 934 comparatively high likelihood of success; and

935 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
 936 maximize access to the largest number of medical cannabis cardholders.

937 (b) In making the evaluation described in Subsection (2)(a), the [~~department]~~ the medical
 938 cannabis ombudsman may give increased consideration to applicants who indicate a
 939 willingness to:

940 (i) site a medical cannabis pharmacy in an area or population center designated as a
 941 medically underserved area or population as determined by the federal Health
 942 Resources and Services Administration;

943 (ii) operate as a home delivery medical cannabis pharmacy that accepts electronic
 944 medical cannabis orders[~~that the state central patient portal facilitates]; and~~

945 [~~(ii)] (iii) accept payments through:~~

946 (A) a payment provider that the Division of Finance approves, in consultation

- 947 with the state treasurer, in accordance with Section 4-41a-108; or
 948 (B) a financial institution in accordance with Subsection 4-41a-108(4).
 949 (c) Except for the licenses described in Section 13-1-19, before each new license may be
 950 issued under this section, the medical cannabis ombudsman shall:
 951 (i) consider the number of patients in the program; and
 952 (ii) consult with other government agencies, licensees, and other stakeholders to
 953 determine the economic impact of an additional license.
 954 (3) The [department] medical cannabis ombudsman may conduct a face-to-face interview
 955 with an applicant for a license that the [department] the medical cannabis ombudsman
 956 evaluates under Subsection (2).

957 Section 12. Section **4-41a-1006** is enacted to read:

958 **4-41a-1006 . Licensees selected by medical cannabis ombudsman.**

- 959 (1) Upon receiving a recommendation from the medical cannabis ombudsman under
 960 Section 13-1-19, the licensing board shall issue a license to the entity.
 961 (2) An entity selected for a license under Section 13-1-19 is subject to all of the applicable
 962 requirements of this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 963 Medical Cannabis.
 964 (3) The department shall ensure compliance with Subsection 13-1-19(3)(e).

965 Section 13. Section **4-41a-1101** is amended to read:

966 **4-41a-1101 . Operating requirements -- General.**

- 967 (1)(a) A medical cannabis pharmacy shall operate:
 968 (i) at the physical address provided to the department under Section 4-41a-1001; and
 969 (ii) in accordance with the operating plan provided to the department under Section
 970 4-41a-1001 and, if applicable, Section 4-41a-1004.
 971 (b) A medical cannabis pharmacy shall notify the department before a change in the
 972 medical cannabis pharmacy's physical address or operating plan.
 973 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
 974 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
 975 (b) except as provided in Subsection (4):
 976 (i) possesses a valid:
 977 (A) medical cannabis pharmacy agent registration card;
 978 (B) pharmacy medical provider registration card; or
 979 (C) medical cannabis card;
 980 (ii) is an employee of the department performing an inspection under Section

- 981 4-41a-1103; or
- 982 (iii) is another individual as the department provides.
- 983 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 984 years old.
- 985 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
- 986 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
- 987 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
- 988 monitors the individual at all times while the individual is at the medical cannabis
- 989 pharmacy and maintains a record of the individual's access.
- 990 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 991 (a) a single, secure public entrance;
- 992 (b) a security system with a backup power source that:
- 993 (i) detects and records entry into the medical cannabis pharmacy; and
- 994 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 995 cannabis pharmacy is closed; and
- 996 (c) a lock on each area where the medical cannabis pharmacy stores [~~cannabis or a~~
- 997 ~~cannabis product~~] medical cannabis.
- 998 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 999 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1000 4-41a-1102(2).
- 1001 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
- 1002 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 1003 or premises of the medical cannabis pharmacy.
- 1004 (8) A medical cannabis pharmacy may not sell [~~cannabis or a cannabis product~~] medical
- 1005 cannabis without first indicating on the [~~cannabis or cannabis product~~] medical cannabis
- 1006 label the name of the medical cannabis pharmacy.
- 1007 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1008 following information regarding each recommendation underlying a transaction:
- 1009 (i) the recommending medical provider's name, address, and telephone number;
- 1010 (ii) the patient's name and address;
- 1011 (iii) the date of issuance;
- 1012 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1013 medical provider did not recommend specific directions of use or dosing
- 1014 guidelines; and

- 1015 (v) if the patient did not complete the transaction, the name of the medical cannabis
1016 cardholder who completed the transaction.
- 1017 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
1018 not sell medical cannabis unless the medical cannabis has a label securely affixed
1019 to the container indicating the following minimum information:
- 1020 (A) the name, address, and telephone number of the medical cannabis pharmacy;
 - 1021 (B) the unique identification number that the medical cannabis pharmacy assigns;
 - 1022 (C) the date of the sale;
 - 1023 (D) the name of the patient;
 - 1024 (E) the name of the recommending medical provider who recommended the
1025 medical cannabis treatment;
 - 1026 (F) directions for use and cautionary statements, if any;
 - 1027 (G) the amount dispensed and the cannabinoid content;
 - 1028 (H) the suggested use date;
 - 1029 (I) for unprocessed cannabis flower, the legal use termination date; and
 - 1030 (J) any other requirements that the department determines, in consultation with the
1031 Division of Professional Licensing and the Board of Pharmacy.
- 1032 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1033 following information under Subsection (9)(b)(i) if the information is already
1034 provided on the product label that a cannabis production establishment affixes:
- 1035 (A) a unique identification number;
 - 1036 (B) directions for use and cautionary statements;
 - 1037 (C) amount and cannabinoid content; and
 - 1038 (D) a suggested use date.
- 1039 (iii) If the size of a medical cannabis container does not allow sufficient space to
1040 include the labeling requirements described in Subsection (9)(b)(i), the medical
1041 cannabis pharmacy may provide the following information described in
1042 Subsection (9)(b)(i) on a supplemental label attached to the container or an
1043 informational enclosure that accompanies the container:
- 1044 (A) the cannabinoid content;
 - 1045 (B) the suggested use date; and
 - 1046 (C) any other requirements that the department determines.
- 1047 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1048 cannabis pharmacy without a label described in Subsection (9)(b)(i).

- 1049 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 1050 (a) upon receipt of an order from a limited medical provider in accordance with
- 1051 Subsections 26B-4-204(1)(b) through (d):
- 1052 (i) for a written order or an electronic order under circumstances that the department
- 1053 determines, contact the limited medical provider or the limited medical provider's
- 1054 office to verify the validity of the recommendation; and
- 1055 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 1056 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
- 1057 to verification under Subsection (10)(a)(i), enter the limited medical provider's
- 1058 recommendation or renewal, including any associated directions of use, dosing
- 1059 guidelines, or caregiver indication, in the state electronic verification system;
- 1060 (b) in processing an order for a holder of a conditional medical cannabis card described
- 1061 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
- 1062 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 1063 recommending medical provider or the recommending medical provider's office to
- 1064 verify the validity of the recommendation before processing the cardholder's order;
- 1065 (c) unless the medical cannabis cardholder has had a consultation under Subsection
- 1066 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
- 1067 purchase of [~~medical cannabis, a cannabis product,~~] medical cannabis or a medical cannabis
- 1068 device, personal counseling with the pharmacy medical provider; and
- 1069 (d) provide a telephone number or website by which the cardholder may contact a
- 1070 pharmacy medical provider for counseling.
- 1071 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
- 1072 that allows an individual to deposit unused or excess medical cannabis or cannabis
- 1073 residue from a medical cannabis device in a locked box or other secure receptacle
- 1074 within the medical cannabis pharmacy.
- 1075 (b) A medical cannabis pharmacy with a disposal program described in Subsection
- 1076 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
- 1077 medical provider can access deposited medical cannabis.
- 1078 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 1079 (i) rendering the deposited medical cannabis unusable and unrecognizable before
- 1080 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 1081 (ii) disposing of the deposited medical cannabis in accordance with:
- 1082 (A) federal and state law, rules, and regulations related to hazardous waste;

- 1083 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1084 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 1085 (D) other regulations that the department makes in accordance with Title 63G,
- 1086 Chapter 3, Utah Administrative Rulemaking Act.

1087 (12) A medical cannabis pharmacy:

- 1088 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
- 1089 Practice Act, as a pharmacy medical provider;
- 1090 (b) may employ a physician who has the authority to write a prescription and is licensed
- 1091 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 1092 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1093 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
- 1094 onsite during all business hours;
- 1095 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
- 1096 pharmacist-in-charge to oversee the operation of and generally supervise the medical
- 1097 cannabis pharmacy;[-and]
- 1098 (e) shall allow the pharmacist-in-charge to determine which [~~cannabis and cannabis~~
- 1099 ~~products~~] medical cannabis products the medical cannabis pharmacy maintains in the
- 1100 medical cannabis pharmacy's inventory[-:] ;
- 1101 (f) if a patient product information insert is available, shall provide a patient who
- 1102 purchases a medical cannabis product the medical cannabis product's patient product
- 1103 information insert using any of the following methods:
- 1104 (i) a physical document;
- 1105 (ii) an email message;
- 1106 (iii) a text message; or
- 1107 (iv) a quick response code; and
- 1108 (g) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 1109 (i) allow a medical cannabis cardholder located in the pharmacy to view the back
- 1110 panel of the product when requested; and
- 1111 (ii) beginning July 1, 2025, include a picture of the back panel of the product on the
- 1112 medical cannabis pharmacy's website.

1113 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah

1114 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products

1115 by a medical cannabis pharmacy.

1116 Section 14. Section **4-41a-1201** is amended to read:

1117 **4-41a-1201 . Medical cannabis home delivery designation.**

- 1118 (1) The department may designate a medical cannabis pharmacy as a home delivery
 1119 medical cannabis pharmacy if the department determines that the medical cannabis
 1120 pharmacy's operating plan demonstrates the functional and technical ability to:
 1121 (a) safely conduct transactions for medical cannabis shipments;
 1122 (b) accept electronic medical cannabis orders~~[-that the state central patient portal~~
 1123 ~~facilitates];~~ and
 1124 (c) accept payments through:
 1125 (i) a payment provider that the Division of Finance approves, in consultation with the
 1126 state treasurer, in accordance with Section 26-61a-603; or
 1127 (ii) a financial institution in accordance with Subsection 26-61a-603(4).
 1128 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall
 1129 identify in the applicant's operating plan any information relevant to the department's
 1130 evaluation described in Subsection (1), including:
 1131 (a) the name and contact information of the payment provider;
 1132 (b) the nature of the relationship between the prospective licensee and the payment
 1133 provider;
 1134 (c) the processes of the following to safely and reliably conduct transactions for medical
 1135 cannabis shipments:
 1136 (i) the prospective licensee; and
 1137 (ii) the electronic payment provider or the financial institution described in
 1138 Subsection (1)(c); and
 1139 (d) the ability of the licensee to comply with the department's rules regarding the secure
 1140 transportation and delivery of medical cannabis ~~[or medical cannabis product]~~to a
 1141 medical cannabis cardholder.
 1142 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that
 1143 the department designates as a home delivery medical cannabis pharmacy may deliver
 1144 medical cannabis shipments in accordance with this part.

1145 Section 15. Section **4-41a-1202** is amended to read:

1146 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
 1147 **couriers -- License.**

- 1148 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
 1149 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
 1150 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders[

- 1151 ~~that the state central patient portal facilitates],~~ including rules regarding the safe and
1152 controlled delivery of medical cannabis shipments.
- 1153 (2) A person may not operate as a medical cannabis courier without a license that the
1154 department issues under this section.
- 1155 (3)(a) Subject to Subsections (5) and (6), the department shall issue a license to operate
1156 as a medical cannabis courier to an applicant who is eligible for a license under this
1157 section.
- 1158 (b) An applicant is eligible for a license under this section if the applicant submits to the
1159 department:
- 1160 (i) the name and address of an individual who:
- 1161 (A) has a financial or voting interest of 10% or greater in the proposed medical
1162 cannabis courier; or
- 1163 (B) has the power to direct or cause the management or control of a proposed
1164 cannabis production establishment;
- 1165 (ii) an operating plan that includes operating procedures to comply with the operating
1166 requirements for a medical cannabis courier described in this chapter; and
- 1167 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
1168 department sets in accordance with Section 63J-1-504.
- 1169 (4) If the department determines that an applicant is eligible for a license under this section,
1170 the department shall:
- 1171 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1172 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1173 (b) notify the Department of Public Safety of the license approval and the names of each
1174 individual described in Subsection (3)(b)(i).
- 1175 (5) The department may not issue a license to operate as a medical cannabis courier to an
1176 applicant if an individual described in Subsection (3)(b)(i):
- 1177 (a) has been convicted under state or federal law of:
- 1178 (i) a felony in the preceding 10 years; or
- 1179 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1180 (b) is younger than 21 years old.
- 1181 (6) The department may revoke a license under this part if:
- 1182 (a) the medical cannabis courier does not begin operations within one year after the day
1183 on which the department issues the initial license;
- 1184 (b) the medical cannabis courier makes the same violation of this chapter three times;

- 1185 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
1186 active, under state or federal law of:
- 1187 (i) a felony; or
1188 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1189 (d) after a change of ownership described in Subsection (14)(c), the department
1190 determines that the medical cannabis courier no longer meets the minimum standards
1191 for licensure and operation of the medical cannabis courier described in this chapter.
- 1192 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1193 Qualified Production Enterprise Fund.
- 1194 (8) The department's authority to issue a license under this section is plenary and is not
1195 subject to review.
- 1196 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of
1197 application, from each individual who has a financial or voting interest of 10% or
1198 greater in the applicant or who has the power to direct or cause the management or
1199 control of the applicant:
- 1200 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
1201 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1202 registration of the individual's fingerprints in the Federal Bureau of Investigation
1203 Next Generation Identification System's Rap Back Service; and
- 1204 (c) consent to a fingerprint background check by:
1205 (i) the Bureau of Criminal Identification; and
1206 (ii) the Federal Bureau of Investigation.
- 1207 (10) The Bureau of Criminal Identification shall:
- 1208 (a) check the fingerprints the applicant submits under Subsection (9) against the
1209 applicable state, regional, and national criminal records databases, including the
1210 Federal Bureau of Investigation Next Generation Identification System;
- 1211 (b) report the results of the background check to the department;
- 1212 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
1213 for search by future submissions to the local and regional criminal records databases,
1214 including latent prints;
- 1215 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1216 Generation Identification System's Rap Back Service for search by future
1217 submissions to national criminal records databases, including the Next Generation
1218 Identification System and latent prints; and

- 1219 (e) establish a privacy risk mitigation strategy to ensure that the department only
1220 receives notifications for an individual with whom the department maintains an
1221 authorizing relationship.
- 1222 (11) The department shall:
- 1223 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
1224 amount that the department sets in accordance with Section 63J-1-504 for the
1225 services that the Bureau of Criminal Identification or another authorized agency
1226 provides under this section; and
- 1227 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1228 (12) The department shall renew a license under this section every year if, at the time of
1229 renewal:
- 1230 (a) the licensee meets the requirements of this section; and
- 1231 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1232 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1233 (13) A person applying for a medical cannabis courier license shall submit to the
1234 department a proposed operating plan that complies with this section and that includes:
- 1235 (a) a description of the physical characteristics of any proposed facilities, including a
1236 floor plan and an architectural elevation, and delivery vehicles;
- 1237 (b) a description of the credentials and experience of each officer, director, or owner of
1238 the proposed medical cannabis courier;
- 1239 (c) the medical cannabis courier's employee training standards;
- 1240 (d) a security plan; and
- 1241 (e) storage and delivery protocols, both short and long term, to ensure that medical
1242 cannabis shipments are stored and delivered in a manner that is sanitary and
1243 preserves the integrity of the cannabis.
- 1244 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1245 (b) A medical cannabis courier shall report in writing to the department no later than 10
1246 business days before the date of any change of ownership of the medical cannabis
1247 courier.
- 1248 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1249 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis
1250 courier shall submit a new application described in Subsection (3)(b);
- 1251 (ii) within 30 days of the submission of the application, the department shall:
- 1252 (A) conduct an application review; and

1253 (B) award a license to the medical cannabis courier for the remainder of the term
 1254 of the medical cannabis courier's license before the ownership change if the
 1255 medical cannabis courier meets the minimum standards for licensure and
 1256 operation of the medical cannabis courier described in this chapter; and
 1257 (iii) if the department approves the license application, notwithstanding Subsection
 1258 (4), the medical cannabis courier shall pay a license fee that the department sets in
 1259 accordance with Section 63J-1-504 in an amount that covers the board's cost of
 1260 conducting the application review.

1261 ~~[(15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding~~
 1262 ~~the transportation of medical cannabis.]~~

1263 ~~[(b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed~~
 1264 ~~home delivery medical cannabis pharmacy or a licensed medical cannabis courier~~
 1265 ~~may advertise:]~~

1266 ~~[(i) a green cross;]~~

1267 ~~[(ii) the pharmacy's or courier's name and logo; and]~~

1268 ~~[(iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.]~~

1269 Section 16. Section **4-41a-1203** is amended to read:

1270 **4-41a-1203 . Medical cannabis shipment transportation.**

1271 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
 1272 capable of delivering, directly or through a medical cannabis courier, medical cannabis
 1273 shipments in a secure manner.

1274 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
 1275 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
 1276 medical cannabis orders~~[that the state central patient portal facilitates].~~

1277 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
 1278 Subsection (2)(a), the pharmacy shall:

1279 (i) impose security and personnel requirements on the medical cannabis courier
 1280 sufficient to ensure the security and safety of medical cannabis shipments; and

1281 (ii) provide regular oversight of the medical cannabis courier.

1282 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
 1283 cannabis shipment if the individual is:

1284 (a) a registered pharmacy medical provider;

1285 (b) a registered medical cannabis pharmacy agent; or

1286 (c) a registered agent of the medical cannabis courier described in Subsection (2).

- 1287 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
 1288 comply with the requirements of Subsection 4-41a-404(3).
- 1289 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
 1290 by rule, in collaboration with the Division of Professional Licensing and the Board of
 1291 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
 1292 Rulemaking Act, requirements for transporting medical cannabis shipments that are
 1293 related to safety for human consumption of [~~cannabis or a cannabis product~~] medical
 1294 cannabis.
- 1295 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
 1296 manifest that does not meet the requirements of Subsection (4).
- 1297 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
 1298 is:
- 1299 (i) guilty of an infraction; and
 1300 (ii) subject to a \$100 fine.
- 1301 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
 1302 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
 1303 conduct underlying the violation described in Subsection (6)(b).
- 1304 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
 1305 cannabis product, or medical cannabis devices than the manifest identifies, except for
 1306 a de minimis administrative error:
- 1307 (i) this chapter does not apply; and
 1308 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
 1309 Substances Act.

1310 Section 17. Section **13-1-19** is enacted to read:

1311 **13-1-19 . Medical cannabis ombudsman -- Duties -- Appeals.**

- 1312 (1)(a) The definitions of Title 4, Chapter 41a, Cannabis Production Establishments and
 1313 Pharmacies, and Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 1314 Cannabis, apply to this section.
- 1315 (b) There is created a medical cannabis ombudsman within the Department of
 1316 Commerce.
- 1317 (c) The Department of Commerce shall consult with the Department of Agriculture and
 1318 Food and the Department of Health and Human Services regarding the selection of
 1319 the medical cannabis ombudsman.
- 1320 (d) The medical cannabis ombudsman or an immediate family member of the medical

- 1321 cannabis ombudsman may not have an ownership interest in a cannabis production
1322 establishment or medical cannabis pharmacy.
- 1323 (2) The ombudsman shall:
- 1324 (a) develop and maintain expertise in laws and policies governing the rights and
1325 privileges of patients who hold medical cannabis cards;
- 1326 (b) provide training and information to private citizens, civic groups, governmental
1327 entities, and other interested parties across the state regarding:
- 1328 (i) the role and duties of the ombudsman; and
1329 (ii) the rights and privileges of medical cannabis patients;
- 1330 (c) develop a website to provide the information described in Subsection (2)(b) in a form
1331 that is easily accessible;
- 1332 (d) receive, process, and investigate complaints from medical cannabis production
1333 establishments and medical cannabis pharmacies regarding Utah regulatory agencies;
- 1334 (e) review proposed rules that are created under Title 4, Chapter 41a, Cannabis
1335 Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2,
1336 Cannabinoid Research and Medical Cannabis;
- 1337 (f) cooperate and coordinate with governmental entities and other organizations in the
1338 community in exercising the duties under this section; and
- 1339 (g) as appropriate, make recommendations to the Department of Agriculture and Food
1340 and the Department of Health and Human Services regarding the creation or
1341 modification of rules that the ombudsman considers necessary to carry out the
1342 ombudsman's duties under this section.
- 1343 (3)(a) The ombudsman shall:
- 1344 (i) determine which entities receive licenses:
- 1345 (A) under Section 4-41a-1005 in consultation with the Department of Agriculture
1346 and Food and in accordance with Section 4-41a-1005; and
- 1347 (B) described under this Subsection (3); and
- 1348 (ii) inform the Department of Agriculture and Food of the selections.
- 1349 (b)(i) Subject to the requirements of this Subsection (3) and the criteria established
1350 for obtaining a medical cannabis pharmacy license under Title 4, Chapter 41a,
1351 Cannabis Production Establishments and Pharmacies, the ombudsman shall:
- 1352 (A) before January 1, 2026, select two entities to receive a medical cannabis
1353 pharmacy license; and
- 1354 (B) before January 1, 2027, but not before January 1, 2026, select one entity to

- 1355 receive a medical cannabis pharmacy license.
- 1356 (ii) When selecting entities under this Subsection (3), if there is a conflict between
1357 the criteria established for obtaining a medical cannabis pharmacy license under
1358 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
1359 this section, this section controls.
- 1360 (c) For one of the licenses described in Subsection (3)(b)(i)(A), the ombudsman may not
1361 select an entity:
- 1362 (i) that owns or operates a medical cannabis production establishment; or
1363 (ii) that is owned or operated by a medical cannabis production establishment.
- 1364 (d) The ombudsman:
- 1365 (i) may not select an entity to receive a license under this Subsection (3) if the entity
1366 already holds or is owned by an entity that holds a medical cannabis pharmacy
1367 license; and
- 1368 (ii) shall select an entity that will site a medical cannabis pharmacy license issued
1369 under this Subsection (3) in an area:
- 1370 (A) designated as a medically underserved area as determined by the federal
1371 Health Resources and Services Administration; and
- 1372 (B) located in a county of the third, fourth, fifth, or sixth class.
- 1373 (e) A license described in this Subsection (3) may not be transferred to another entity
1374 unless that entity meets the requirements of Subsections (3)(c) and (3)(d) that the
1375 transferring entity met when obtaining the license.
- 1376 (4)(a) The ombudsman shall create a program where a medical cannabis patient may
1377 obtain assistance for paying for medical cannabis and medical cannabis devices.
- 1378 (b) Subject to available funds, the medical cannabis ombudsman may provide monthly
1379 \$150 vouchers to a medical cannabis pharmacy as part of the program described in
1380 this Subsection (4).
- 1381 (c) A medical cannabis patient is eligible for the program if the individual is:
- 1382 (i) an active medical cannabis cardholder patient; and
1383 (ii) enrolled in Medicaid or Medicare.
- 1384 (d) The ombudsman may make rules to effectuate the program described in this
1385 Subsection (4) in accordance with Title 63G, Chapter 4, Administrative Procedures
1386 Act.
- 1387 (e) The ombudsman may contract with an entity to administer the program described in
1388 this Subsection (4).

- 1389 (5)(a) For a dispute that is not under the jurisdiction of an administrative law judge
 1390 under Section 4-41a-801, the ombudsman may enter into dispute resolution between
 1391 a medical cannabis pharmacy, medical cannabis courier, or cannabis production
 1392 establishment, and the Department of Agriculture and Food.
- 1393 (b) When a complaint is provided to the ombudsman by a licensee described in
 1394 Subsection (5)(a) and in accordance with Section 4-41a-801, the Department of
 1395 Agriculture and Food shall provide a detailed explanation to the medical cannabis
 1396 ombudsman regarding the issue under consideration.
- 1397 (c) The ombudsman may request additional information from the licensee that provided
 1398 the complaint.
- 1399 (d) The ombudsman shall issue a summary opinion as to whether the licensee is acting
 1400 in accordance with the law.
- 1401 (e) The ombudsman may create rules in accordance with Title 63G, Chapter 3, Utah
 1402 Administrative Rulemaking Act, to implement this Subsection (5).
- 1403 (6) Before August 1, 2026, and each year thereafter, the ombudsman shall provide a report
 1404 to the Medical Cannabis Governance Structure Working Group created in Section
 1405 36-12-8.2 regarding:
- 1406 (a) the number of disputes heard under Subsection (5);
 1407 (b) the number of patients served under Subsection (4); and
 1408 (c) policy recommendations related to the medical cannabis program.
- 1409 Section 18. Section **26B-1-310** is amended to read:
- 1410 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
 1411 **-- Uniform fee.**
- 1412 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
 1413 (2) The fund created in this section is funded from:
- 1414 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid
 1415 Research and Medical Cannabis;
- 1416 (b) appropriations the Legislature makes to the fund; and
 1417 (c) the interest described in Subsection (3).
- 1418 (3) Interest earned on the fund shall be deposited into the fund.
- 1419 (4) Money deposited into the fund may ~~[only be used by]~~ be used as follows:
- 1420 (a) ~~by~~ the department to accomplish the department's responsibilities described in
 1421 Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;~~[-and]~~
- 1422 (b) ~~by~~ the Center for Medical Cannabis Research created in Section 53B-17-1402 to

1423 accomplish the Center for Medical Cannabis Research's responsibilities[-] ;
 1424 (c) by the medical cannabis ombudsman created in Section 13-1-19 to accomplish the
 1425 medical cannabis ombudsman's responsibilities except for the responsibilities
 1426 described in Subsection 13-1-19(4); and
 1427 (d) if there is remaining money in the fund balance on June 30 of each fiscal year after
 1428 financial obligations under Subsections (4)(a) through (c) are met, \$300,000 shall be
 1429 transferred to the medical cannabis ombudsman and available for expenditure the
 1430 next fiscal year for the program described in Subsection 13-1-19(4) and, subject to
 1431 Subsection (7), the program's associated administrative costs.

1432 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
 1433 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
 1434 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
 1435 and Medical Cannabis.

1436 (6)(a) The department may impose a uniform fee on each medical cannabis transaction
 1437 in a medical cannabis pharmacy in an amount that, subject to Subsection (5), the
 1438 department sets in accordance with Section 63J-1-504.

1439 (b) The department shall allocate at least 10% of each fee charged under Subsection
 1440 (6)(a) to the medical cannabis ombudsman created in Section 13-1-19.

1441 (7) Only 20% of the amount transferred under Subsection (4)(d) may be used for
 1442 administrative costs.

1443 Section 19. Section **26B-1-435** is amended to read:

1444 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**

1445 **Duties.**

1446 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1447 (2)(a) The advisory board shall consist of the following members:

1448 (i) appointed by the executive director:

1449 (A) a qualified medical provider who has recommended medical cannabis to at
 1450 least 100 patients before being appointed;

1451 [~~(B)~~] a medical research professional;

1452 [~~(C)~~] (B) a mental health specialist;

1453 [~~(D)~~] (C) an individual who represents an organization that advocates for medical
 1454 cannabis patients;

1455 [~~(E)~~] (D) [~~an individual~~] a member of the general public who holds a medical
 1456 cannabis patient card; and

- 1457 ~~[(F)]~~ (E) a member of the general public who does not hold a medical cannabis
1458 card;~~[-and]~~
- 1459 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 1460 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
1461 defined in Section 4-41a-102;
- 1462 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
1463 and
- 1464 (C) a law enforcement officer~~[-]~~ ; and
- 1465 (iii) a representative from the Center for Medical Cannabis Research created in
1466 Section 53B-14-1402, appointed by the Center for Medical Cannabis Research.
- 1467 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
1468 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
1469 operates a licensed cannabis processing facility.
- 1470 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
1471 year term.
- 1472 (b) When appointing the initial membership of the advisory board, the executive director
1473 and the commissioner of the Department of Agriculture and Food shall coordinate to
1474 appoint four advisory board members to serve a term of two years to ensure that
1475 approximately half of the board is appointed every two years.
- 1476 (4)(a) If an advisory board member is no longer able to serve as a member, a new
1477 member shall be appointed in the same manner as the original appointment.
- 1478 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
1479 remainder of the unexpired term of the original appointment.
- 1480 (5)(a) A majority of the advisory board members constitutes a quorum.
- 1481 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1482 (c) For a term lasting one year, the advisory board shall annually designate members of
1483 the advisory board to serve as chair and vice-chair.
- 1484 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
1485 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1486 (6) An advisory board member may not receive compensation or benefits for the member's
1487 service on the advisory board but may receive per diem and reimbursement for travel
1488 expenses incurred as an advisory board member in accordance with:
- 1489 (a) Sections 63A-3-106 and 63A-3-107; and
- 1490 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

- 1491 63A-3-107.
- 1492 (7) The department shall:
- 1493 (a) provide staff support for the advisory board; and
- 1494 (b) assist the advisory board in conducting meetings.
- 1495 (8) The advisory board may recommend:
- 1496 (a) to the department or the Department of Agriculture and Food changes to current or
- 1497 proposed medical cannabis rules or statutes; and
- 1498 (b) to the appropriate legislative committee whether the advisory board supports a
- 1499 change to medical cannabis statutes.
- 1500 (9) The advisory board shall:
- 1501 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,
- 1502 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis
- 1503 Production Establishments and Pharmacies;
- 1504 (b) consult with the Department of Agriculture and Food regarding the issuance of an
- 1505 additional:
- 1506 (i) cultivation facility license under Section 4-41a-205; or
- 1507 (ii) pharmacy license under Section 4-41a-1005;
- 1508 (c) consult with the department regarding cannabis patient education;
- 1509 (d) consult regarding the reasonableness of any fees set by the department or the
- 1510 Department of Agriculture and Food that pertain to the medical cannabis program;
- 1511 and
- 1512 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 1513 department or the Utah Department of Agriculture and Food.
- 1514 Section 20. Section **26B-4-201** is amended to read:
- 1515 **26B-4-201 . Definitions.**
- 1516 As used in this part:
- 1517 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1518 tetrahydrocannabinolic acid.
- 1519 (2) "Administration of criminal justice" means the performance of detection, apprehension,
- 1520 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1521 (3) "Advertise" means information provided by a person in any medium:
- 1522 (a) to the public; and
- 1523 (b) that is not age restricted to an individual who is at least 21 years old.
- 1524 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in

- 1525 Section 26B-1-435.
- 1526 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
1527 created in Section 26B-1-420.
- 1528 (6) "Cannabis" means marijuana.
- 1529 (7) "Cannabis processing facility" means the same as that term is defined in Section
1530 4-41a-102.
- 1531 (8) "Cannabis product" means a product that:
- 1532 (a) is intended for human use; and
- 1533 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1534 concentration of 0.3% or greater on a dry weight basis.
- 1535 (9) "Cannabis production establishment" means the same as that term is defined in Section
1536 4-41a-102.
- 1537 (10) "Cannabis production establishment agent" means the same as that term is defined in
1538 Section 4-41a-102.
- 1539 (11) "Cannabis production establishment agent registration card" means the same as that
1540 term is defined in Section 4-41a-102.
- 1541 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
1542 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1543 applicant for a medical cannabis card to access medical cannabis during the department's
1544 review of the application.
- 1545 (13) "Controlled substance database" means the controlled substance database created in
1546 Section 58-37f-201.
- 1547 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1548 (15) "Department" means the Department of Health and Human Services.
- 1549 (16) "Designated caregiver" means:
- 1550 (a) an individual:
- 1551 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1552 guardian card designates as the patient's caregiver; and
- 1553 (ii) who registers with the department under Section 26B-4-214; or
- 1554 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1555 with Subsection 26B-4-214(1)(b); or
- 1556 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1557 (17) "Directions of use" means recommended routes of administration for a medical
1558 cannabis treatment and suggested usage guidelines.

- 1559 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
1560 recommended treatment of medical cannabis.
- 1561 (19) "Government issued photo identification" means any of the following forms of
1562 identification:
- 1563 (a) a valid state-issued driver license or identification card;
 - 1564 (b) a valid United States federal-issued photo identification, including:
 - 1565 (i) a United States passport;
 - 1566 (ii) a United States passport card;
 - 1567 (iii) a United States military identification card; or
 - 1568 (iv) a permanent resident card or alien registration receipt card; or
 - 1569 (c) a foreign passport.
- 1570 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
1571 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1572 shipments to a delivery address to fulfill electronic orders~~[that the state central patient~~
1573 ~~portal facilitates]~~.
- 1574 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1575 (22) "Legal dosage limit" means an amount that:
- 1576 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
1577 relevant recommending medical provider or ~~[the state central patient portal or]~~
1578 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
1579 recommends; and
 - 1580 (b) may not exceed:
 - 1581 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
 - 1582 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
1583 total, greater than 20 grams of active tetrahydrocannabinol.
- 1584 (23) "Legal use termination date" means a date on the label of a container of unprocessed
1585 cannabis flower:
- 1586 (a) that is 60 days after the date of purchase of the cannabis; and
 - 1587 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1588 primary residence of the relevant medical cannabis patient cardholder.
- 1589 (24) "Limited medical provider" means an individual who:
- 1590 (a) meets the recommending qualifications; and
 - 1591 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of
1592 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).

- 1593 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1594 (26) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
1595 dosage form or a cannabis product in a medicinal dosage form.
- 1596 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
1597 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1598 (28) "Medical cannabis cardholder" means:
- 1599 (a) a holder of a medical cannabis card; or
- 1600 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1601 (i) within the scope of the facility's or assigned employee's performance of the role of
1602 a medical cannabis patient cardholder's caregiver designation under Subsection
1603 26B-4-214(1)(b); and
- 1604 (ii) while in possession of documentation that establishes:
- 1605 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1606 (B) the identity of the individual presenting the documentation; and
- 1607 (C) the relation of the individual presenting the documentation to the caregiver
1608 designation.
- 1609 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
1610 may print or store on an electronic device or a physical card or document that:
- 1611 (a) the department issues to an individual whom a medical cannabis patient cardholder
1612 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 1613 (b) is connected to the electronic verification system.
- 1614 (30) "Medical cannabis courier" means the same as that term is defined in Section
1615 4-41a-102.
- 1616 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or
1617 inhale [~~cannabis in a medicinal dosage form or a cannabis product in a medicinal~~
1618 ~~dosage form~~] medical cannabis.
- 1619 (b) "Medical cannabis device" does not include a device that:
- 1620 (i) facilitates cannabis combustion; or
- 1621 (ii) an individual uses to ingest substances other than cannabis.
- 1622 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may
1623 print or store on an electronic device or a physical card or document that:
- 1624 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1625 condition; and
- 1626 (b) is connected to the electronic verification system.

- 1627 (33) "Medical cannabis ombudsman" means the same as that term is defined in Section
 1628 4-41a-102.
- 1629 [(33)] (34) "Medical cannabis patient card" means an electronic document that a cardholder
 1630 may print or store on an electronic device or a physical card or document that:
 1631 (a) the department issues to an individual with a qualifying condition; and
 1632 (b) is connected to the electronic verification system.
- 1633 [(34)] (35) "Medical cannabis pharmacy" means a person that:
 1634 (a)(i) acquires or intends to acquire medical cannabis [~~or a cannabis product in a~~
 1635 ~~medicinal dosage form~~] from a cannabis processing facility or another medical
 1636 cannabis pharmacy or a medical cannabis device; or
 1637 (ii) possesses medical cannabis or a medical cannabis device; and
 1638 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
 1639 cannabis cardholder.
- 1640 [(35)] (36) "Medical cannabis pharmacy agent" means an individual who holds a valid
 1641 medical cannabis pharmacy agent registration card issued by the department.
- 1642 [(36)] (37) "Medical cannabis pharmacy agent registration card" means a registration card
 1643 issued by the department that authorizes an individual to act as a medical cannabis
 1644 pharmacy agent.
- 1645 [(37)] (38) "Medical cannabis shipment" means the same as that term is defined in Section
 1646 4-41a-102.
- 1647 [(38)] (39) "Medical cannabis treatment" means [~~cannabis in a medicinal dosage form, a~~
 1648 ~~cannabis product in a medicinal dosage form, or~~] medical cannabis or a medical cannabis
 1649 device.
- 1650 [(39)] (40)(a) "Medicinal dosage form" means:
 1651 (i) for processed medical cannabis, the following with a specific and consistent
 1652 cannabinoid content:
 1653 (A) a tablet;
 1654 (B) a capsule;
 1655 (C) a concentrated liquid or viscous oil;
 1656 (D) a liquid suspension that does not exceed 30 milliliters;
 1657 (E) a topical preparation;
 1658 (F) a transdermal preparation;
 1659 (G) a sublingual preparation;
 1660 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or

- 1661 rectangular cuboid shape;
- 1662 (I) a resin or wax;
- 1663 (J) an aerosol;
- 1664 (K) a suppository preparation; or
- 1665 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
- 1666 spherical shape, is homogeneous in color and texture, and each piece is a single
- 1667 serving; or
- 1668 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1669 (A) contains cannabis flower in a quantity that varies by no more than 10% from
- 1670 the stated weight at the time of packaging;
- 1671 (B) at any time the medical cannabis cardholder transports or possesses the
- 1672 container in public, is contained within an opaque bag or box that the medical
- 1673 cannabis pharmacy provides; and
- 1674 (C) is labeled with the container's content and weight, the date of purchase, the
- 1675 legal use termination date, and a barcode that provides information connected
- 1676 to an inventory control system.
- 1677 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1678 (i) the medical cannabis cardholder has recently removed from the container
- 1679 described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii) for use; and
- 1680 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii).
- 1681 (c) "Medicinal dosage form" does not include:
- 1682 (i) any unprocessed cannabis flower outside of the container described in Subsection [
- 1683 ~~(39)(a)(ii)~~] (40)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (40)(b);
- 1684 (ii) any unprocessed cannabis flower in a container described in Subsection [
- 1685 ~~(39)(a)(ii)~~] (40)(a)(ii) after the legal use termination date;
- 1686 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1687 cannabis on a nail or other metal object that is heated by a flame, including a
- 1688 blowtorch;
- 1689 (iv) a liquid suspension that is branded as a beverage;
- 1690 (v) a substance described in Subsection [~~(39)(a)(i)~~] (40)(a)(i) or (ii) if the substance is
- 1691 not measured in grams, milligrams, or milliliters; or
- 1692 (vi) a substance that contains or is covered to any degree with chocolate.
- 1693 [~~(40)~~] (41) "Nonresident patient" means an individual who:
- 1694 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

- 1695 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
 1696 card under the laws of another state, district, territory, commonwealth, or insular
 1697 possession of the United States; and
- 1698 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1699 ~~[(41)]~~ (42) "Patient product information insert" means a single page document or webpage
 1700 that contains information about a medical cannabis product regarding:
- 1701 (a) how to use the product;
 1702 (b) common side effects;
 1703 (c) serious side effects;
 1704 (d) dosage;
 1705 (e) contraindications;
 1706 (f) safe storage;
 1707 (g) information on when a product should not be used; and
 1708 (h) other information the department deems appropriate in consultation with the
 1709 cannabis processing facility that created the product.
- 1710 ~~(43)~~ "Pharmacy medical provider" means the medical provider required to be on site at a
 1711 medical cannabis pharmacy under Section 26B-4-219.
- 1712 ~~[(42)]~~ (44) "Provisional patient card" means a card that:
- 1713 (a) the department issues to a minor with a qualifying condition for whom:
 1714 (i) a recommending medical provider has recommended a medical cannabis
 1715 treatment; and
 1716 (ii) the department issues a medical cannabis guardian card to the minor's parent or
 1717 legal guardian; and
- 1718 (b) is connected to the electronic verification system.
- 1719 ~~[(43)]~~ (45) "Qualified medical provider" means an individual:
- 1720 (a) who meets the recommending qualifications; and
 1721 (b) whom the department registers to recommend treatment with cannabis in a medicinal
 1722 dosage form under Section 26B-4-204.
- 1723 ~~[(44)]~~ (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
 1724 26B-1-310.
- 1725 ~~[(45)]~~ (47) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1726 ~~[(46)]~~ (48) "Recommend" or "recommendation" means, for a recommending medical
 1727 provider, the act of suggesting the use of medical cannabis treatment, which:
 1728 (a) certifies the patient's eligibility for a medical cannabis card; and

- 1729 (b) may include, at the recommending medical provider's discretion, directions of use,
1730 with or without dosing guidelines.
- 1731 [(47)] (49) "Recommending medical provider" means a qualified medical provider or a
1732 limited medical provider.
- 1733 [(48)] (50) "Recommending qualifications" means that an individual:
- 1734 (a)(i) has the authority to write a prescription;
- 1735 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1736 Controlled Substances Act; and
- 1737 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1738 prescribe a Schedule II controlled substance; and
- 1739 (b) is licensed as:
- 1740 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1741 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1742 Act;
- 1743 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1744 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1745 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1746 [~~(49) "State central patient portal" means the website the department creates, in accordance
1747 with Section 26B-4-236, to facilitate patient safety, education, and an electronic medical
1748 cannabis order.~~]
- 1749 [(50)] (51) "State electronic verification system" means the system described in Section
1750 26B-4-202.
- 1751 [(51)] (52) "Targeted marketing" means the promotion by a qualified medical provider,
1752 medical clinic, or medical office that employs a qualified medical provider of a medical
1753 cannabis recommendation service using any of the following methods:
- 1754 (a) electronic communication to an individual who is at least 21 years old and has
1755 requested to receive promotional information;
- 1756 (b) an in-person marketing event that is held in an area where only an individual who is
1757 at least 21 years old may access the event;
- 1758 (c) other marketing material that is physically or digitally displayed in the office of the
1759 medical clinic or office that employs a qualified medical provider; or
- 1760 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that
1761 employs a qualified medical provider shares with an individual who is at least 21
1762 years old.

1763 [~~(52)~~] (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
 1764 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1765 [~~(53)~~] (54) "THC analog" means the same as that term is defined in Section 4-41-102.

1766 Section 21. Section **26B-4-202** is amended to read:

1767 **26B-4-202 . Electronic verification system.**

1768 (1) The Department of Agriculture and Food, the department, the Department of Public
 1769 Safety, and the Division of Technology Services shall:

1770 (a) enter into a memorandum of understanding in order to determine the function and
 1771 operation of the state electronic verification system in accordance with Subsection
 1772 (2);

1773 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1774 Procurement Code, to develop a request for proposals for a third-party provider to
 1775 develop and maintain the state electronic verification system in coordination with the
 1776 Division of Technology Services; and

1777 (c) select a third-party provider who:

1778 (i) meets the requirements contained in the request for proposals issued under
 1779 Subsection (1)(b); and

1780 (ii) may not have any commercial or ownership interest in a cannabis production
 1781 establishment or a medical cannabis pharmacy.

1782 (2) The Department of Agriculture and Food, the department, the Department of Public
 1783 Safety, and the Division of Technology Services shall ensure that the state electronic
 1784 verification system described in Subsection (1):

1785 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
 1786 medical cannabis guardian card, provided that the card may not become active until:

1787 (i) the relevant qualified medical provider completes the associated medical cannabis
 1788 recommendation; or

1789 (ii) for a medical cannabis card related to a limited medical provider's
 1790 recommendation, the medical cannabis pharmacy completes the recording
 1791 described in Subsection (2)(d);

1792 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
 1793 cannabis guardian card in accordance with Section 26B-4-213;

1794 (c) allows a qualified medical provider, or an employee described in Subsection (3)
 1795 acting on behalf of the qualified medical provider, to:

1796 (i) access dispensing and card status information regarding a patient:

- 1797 (A) with whom the qualified medical provider has a provider-patient relationship;
1798 and
- 1799 (B) for whom the qualified medical provider has recommended or is considering
1800 recommending a medical cannabis card;
- 1801 (ii) electronically recommend treatment with [~~cannabis in a medicinal dosage form or~~
1802 ~~a cannabis product in a medicinal dosage form~~] medical cannabis and optionally
1803 recommend dosing guidelines;
- 1804 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1805 or medical cannabis guardian cardholder:
- 1806 (A) using telehealth services, for the qualified medical provider who originally
1807 recommended a medical cannabis treatment during a face-to-face visit with the
1808 patient; or
- 1809 (B) during a face-to-face visit with the patient, for a qualified medical provider
1810 who did not originally recommend the medical cannabis treatment during a
1811 face-to-face visit; and
- 1812 (iv) submit an initial application, renewal application, or application payment on
1813 behalf of an individual applying for any of the following:
- 1814 (A) a medical cannabis patient card;
1815 (B) a medical cannabis guardian card; or
1816 (C) a medical cannabis caregiver card;
- 1817 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1818 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1819 (i) access the electronic verification system to review the history within the system of
1820 a patient with whom the provider or agent is interacting, limited to read-only
1821 access for medical cannabis pharmacy agents unless the medical cannabis
1822 pharmacy's pharmacist in charge authorizes add and edit access;
- 1823 (ii) record a patient's recommendation from a limited medical provider, including any
1824 directions of use, dosing guidelines, or caregiver indications from the limited
1825 medical provider;
- 1826 (iii) record a limited medical provider's renewal of the provider's previous
1827 recommendation; and
- 1828 (iv) submit an initial application, renewal application, or application payment on
1829 behalf of an individual applying for any of the following:
- 1830 (A) a medical cannabis patient card;

- 1831 (B) a medical cannabis guardian card; or
 1832 (C) a medical cannabis caregiver card;
 1833 (e) connects with:
 1834 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
 1835 time and archive purchases of any [~~cannabis in a medicinal dosage form, cannabis~~
 1836 ~~product in a medicinal dosage form,~~] medical cannabis or a medical cannabis
 1837 device, including:
 1838 (A) the time and date of each purchase;
 1839 (B) the quantity and type of [~~cannabis, cannabis product,~~] medical cannabis or
 1840 medical cannabis device purchased;
 1841 (C) any cannabis production establishment, any medical cannabis pharmacy, or
 1842 any medical cannabis courier associated with the [~~cannabis, cannabis product,~~]
 1843 medical cannabis or medical cannabis device; and
 1844 (D) the personally identifiable information of the medical cannabis cardholder
 1845 who made the purchase; and
 1846 (ii) any commercially available inventory control system that a cannabis production
 1847 establishment utilizes in accordance with Section 4-41a-103 to use data that the
 1848 Department of Agriculture and Food requires by rule, in accordance with Title
 1849 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
 1850 tracking system that a licensee uses to track and confirm compliance;
 1851 (f) provides access to:
 1852 (i) the department to the extent necessary to carry out the department's functions and
 1853 responsibilities under this part;
 1854 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
 1855 functions and responsibilities of the Department of Agriculture and Food under
 1856 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 1857 (iii) the Division of Professional Licensing to the extent necessary to carry out the
 1858 functions and responsibilities related to the participation of the following in the
 1859 recommendation and dispensing of medical cannabis:
 1860 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
 1861 Act;
 1862 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 1863 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
 1864 Nurse Practice Act;

- 1865 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1866 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
1867 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1868 Assistant Act;
- 1869 [~~(g)~~ provides access to and interaction with the state central patient portal;]
1870 [~~(h)~~ (g) communicates dispensing information from a record that a medical cannabis
1871 pharmacy submits to the state electronic verification system under Subsection
1872 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1873 [~~(i)~~ (h) provides access to state or local law enforcement only to verify the validity of an
1874 individual's medical cannabis card for the administration of criminal justice and
1875 through a database used by law enforcement; and
- 1876 [~~(j)~~ (i) creates a record each time a person accesses the system that identifies the person
1877 who accesses the system and the individual whose records the person accesses.
- 1878 (3)(a) An employee of a qualified medical provider may access the electronic
1879 verification system for a purpose described in Subsection (2)(c) on behalf of the
1880 qualified medical provider if:
- 1881 (i) the qualified medical provider has designated the employee as an individual
1882 authorized to access the electronic verification system on behalf of the qualified
1883 medical provider;
- 1884 (ii) the qualified medical provider provides written notice to the department of the
1885 employee's identity and the designation described in Subsection (3)(a)(i); and
1886 (iii) the department grants to the employee access to the electronic verification
1887 system.
- 1888 (b) An employee of a business that employs a qualified medical provider may access the
1889 electronic verification system for a purpose described in Subsection (2)(c) on behalf
1890 of the qualified medical provider if:
- 1891 (i) the qualified medical provider has designated the employee as an individual
1892 authorized to access the electronic verification system on behalf of the qualified
1893 medical provider;
- 1894 (ii) the qualified medical provider and the employing business jointly provide written
1895 notice to the department of the employee's identity and the designation described
1896 in Subsection (3)(b)(i); and
1897 (iii) the department grants to the employee access to the electronic verification
1898 system.

- 1899 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1900 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1901 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
- 1902 Practice Act;
- 1903 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 1904 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1905 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 1906 Assistant Act.
- 1907 (b) A prescribing provider may access information in the electronic verification system
- 1908 regarding a patient the prescribing provider treats.
- 1909 (5) The department may release limited data that the system collects for the purpose of:
- 1910 (a) conducting medical and other department approved research;
- 1911 (b) providing the report required by Section 26B-4-222; and
- 1912 (c) other official department purposes.
- 1913 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1914 Administrative Rulemaking Act, to establish:
- 1915 (a) the limitations on access to the data in the state electronic verification system as
- 1916 described in this section; and
- 1917 (b) standards and procedures to ensure accurate identification of an individual requesting
- 1918 information or receiving information in this section.
- 1919 (7) Any person who negligently or recklessly releases any information in the state
- 1920 electronic verification system in violation of this section is guilty of a class C
- 1921 misdemeanor.
- 1922 (8) Any person who obtains or attempts to obtain information from the state electronic
- 1923 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1924 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
- 1925 and intentionally use, release, publish, or otherwise make available to any other
- 1926 person information obtained from the state electronic verification system for any
- 1927 purpose other than a purpose specified in this section.
- 1928 (b) Each separate violation of this Subsection (9) is:
- 1929 (i) a third degree felony; and
- 1930 (ii) subject to a civil penalty not to exceed \$5,000.
- 1931 (c) A law enforcement officer who uses the database used by law enforcement to access
- 1932 information in the electronic verification system for a reason that is not the

- 1933 administration of criminal justice is guilty of a class B misdemeanor.
- 1934 (d) The department shall determine a civil violation of this Subsection (9) in accordance
1935 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1936 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
1937 Fund.
- 1938 (f) This Subsection (9) does not prohibit a person who obtains information from the state
1939 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1940 (i) including the information in the person's medical chart or file for access by a
1941 person authorized to review the medical chart or file;
- 1942 (ii) providing the information to a person in accordance with the requirements of the
1943 Health Insurance Portability and Accountability Act of 1996; or
- 1944 (iii) discussing or sharing that information about the patient with the patient.
- 1945 Section 22. Section **26B-4-214** is amended to read:
- 1946 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**
1947 **Revocation.**
- 1948 (1)(a) A cardholder described in Section 26B-4-213 may designate~~[- through the state~~
1949 ~~central patient portal,]~~ up to two individuals, or an individual and a facility in
1950 accordance with Subsection (1)(b), to serve as a designated caregiver for the
1951 cardholder.
- 1952 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
1953 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1954 (A) for a patient or resident, an assisted living facility, as that term is defined in
1955 Section 26B-2-201;
- 1956 (B) for a patient or resident, a nursing care facility, as that term is defined in
1957 Section 26B-2-201; or
- 1958 (C) for a patient, a general acute hospital, as that term is defined in Section
1959 26B-2-201.
- 1960 (ii) A facility may:
- 1961 (A) assign one or more employees to assist patients with medical cannabis
1962 treatment under the caregiver designation described in this Subsection (1)(b);
1963 and
- 1964 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1965 medical cannabis courier on behalf of the medical cannabis cardholder within
1966 the facility who designated the facility as a caregiver.

- 1967 (iii) The department shall make rules to regulate the practice of facilities and facility
 1968 employees serving as designated caregivers under this Subsection (1)(b).
- 1969 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
 1970 with the minor and the minor's qualified medical provider, may designate~~[, through~~
 1971 ~~the state central patient portal,]~~ up to two individuals to serve as a designated
 1972 caregiver for the minor, if the department determines that the parent or legal guardian
 1973 is not eligible for a medical cannabis guardian card under Section 26B-4-213.
- 1974 (d)(i) Upon the entry of a caregiver designation under this Subsection (1) by a patient
 1975 with a terminal illness described in Section 26B-4-203, the department shall issue
 1976 to the designated caregiver an electronic conditional medical cannabis caregiver
 1977 card, in accordance with this Subsection (1)(d).
- 1978 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
 1979 (A) 60 days; or
 1980 (B) the day on which the department completes the department's review and issues
 1981 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
 1982 medical cannabis caregiver card application, or revokes the conditional
 1983 medical cannabis caregiver card under Section 26B-4-246.
- 1984 (iii) The department may issue a conditional medical cannabis card to an individual
 1985 applying for a medical cannabis patient card for which approval of the
 1986 Compassionate Use Board is not required.
- 1987 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
 1988 obligations under law applicable to a holder of the medical cannabis card for
 1989 which the individual applies and for which the department issues the conditional
 1990 medical cannabis card.
- 1991 (2) An individual that the department registers as a designated caregiver under this section
 1992 and a facility described in Subsection (1)(b):
- 1993 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
 1994 card;
- 1995 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
 1996 the use of ~~[cannabis in a medicinal dosage form, a cannabis product in a medicinal~~
 1997 ~~dosage form,]~~ medical cannabis or a medical cannabis device on behalf of the
 1998 designating medical cannabis cardholder;
- 1999 (c) may not charge a fee to an individual to act as the individual's designated caregiver
 2000 or for a service that the designated caregiver provides in relation to the role as a

- 2001 designated caregiver; and
- 2002 (d) may accept reimbursement from the designating medical cannabis cardholder for
- 2003 direct costs the designated caregiver incurs for assisting with the designating
- 2004 cardholder's medicinal use of cannabis.
- 2005 (3)(a) The department shall:
- 2006 (i) within 15 days after the day on which an individual submits an application in
- 2007 compliance with this section, issue a medical cannabis card to the applicant if the
- 2008 applicant:
- 2009 (A) is designated as a caregiver under Subsection (1);
- 2010 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 2011 (C) complies with this section; and
- 2012 (ii) notify the Department of Public Safety of each individual that the department
- 2013 registers as a designated caregiver.
- 2014 (b) The department shall ensure that a medical cannabis caregiver card contains the
- 2015 information described in Subsections (5)(b) and (3)(c)(i).
- 2016 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
- 2017 caregiver who already holds a medical cannabis caregiver card, the individual with
- 2018 the medical cannabis caregiver card:
- 2019 (i) shall report to the department the information required of applicants under
- 2020 Subsection (5)(b) regarding the new designation;
- 2021 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
- 2022 to file an application for another medical cannabis caregiver card;
- 2023 (iii) may receive an additional medical cannabis caregiver card in relation to each
- 2024 additional medical cannabis patient who designates the caregiver; and
- 2025 (iv) is not subject to an additional background check.
- 2026 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 2027 (a) is at least 21 years old;
- 2028 (b) is a Utah resident;
- 2029 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
- 2030 the department sets in accordance with Section 63J-1-504, plus the cost of the
- 2031 criminal background check described in Section 26B-4-215; and
- 2032 (d) signs an acknowledgment stating that the applicant received the information
- 2033 described in Subsection 26B-4-213(9)[-].
- 2034 (5) An eligible applicant for a medical cannabis caregiver card shall:

- 2035 (a) submit an application for a medical cannabis caregiver card to the department
 2036 through an electronic application connected to the state electronic verification
 2037 system; and
- 2038 (b) submit the following information in the application described in Subsection (5)(a):
 2039 (i) the applicant's name, gender, age, and address;
 2040 (ii) the name, gender, age, and address of the cardholder described in Section
 2041 26B-4-213 who designated the applicant;
 2042 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
 2043 gender, and age of the minor receiving a medical cannabis treatment in relation to
 2044 the medical cannabis guardian cardholder; and
 2045 (iv) any additional information that the department requests to assist in matching the
 2046 application with the designating medical cannabis patient.
- 2047 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
 2048 department issues under this section is valid for the lesser of:
 2049 (a) an amount of time that the cardholder described in Section 26B-4-213 who
 2050 designated the caregiver determines; or
 2051 (b) the amount of time remaining before the card of the cardholder described in Section
 2052 26B-4-213 expires.
- 2053 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
 2054 caregiver's medical cannabis caregiver card renews automatically at the time the
 2055 cardholder described in Section 26B-4-213 who designated the caregiver:
 2056 (i) renews the cardholder's card; and
 2057 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 2058 (b) The department shall provide a method in the card renewal process to allow a
 2059 cardholder described in Section 26B-4-213 who has designated a caregiver to:
 2060 (i) signify that the cardholder renews the caregiver's designation;
 2061 (ii) remove a caregiver's designation; or
 2062 (iii) designate a new caregiver.
- 2063 (8) The department shall record the issuance or revocation of a medical cannabis card under
 2064 this section in the controlled substance database.
- 2065 Section 23. Section **26B-4-222** is amended to read:
 2066 **26B-4-222 . Report.**
- 2067 (1) By the November interim meeting each year, the department shall report to the Health
 2068 and Human Services Interim Committee on:

- 2069 (a) the number of applications and renewal applications filed for medical cannabis cards;
 2070 (b) the number of qualifying patients and designated caregivers;
 2071 (c) the nature of the debilitating medical conditions of the qualifying patients;
 2072 (d) the age and county of residence of cardholders;
 2073 (e) the number of medical cannabis cards revoked;
 2074 (f) the number of practitioners providing recommendations for qualifying patients;
 2075 (g) the number of license applications and renewal license applications received;
 2076 (h) the number of licenses the department has issued in each county;
 2077 (i) the number of licenses the department has revoked;
 2078 (j) the quantity of medical cannabis shipments[~~that the state central patient portal~~
 2079 facilitates];
 2080 (k) the number of overall purchases of medical cannabis [~~and medical cannabis products~~]
 2081 from each medical cannabis pharmacy;
 2082 (l) the expenses incurred and revenues generated from the medical cannabis program;
 2083 and
 2084 (m) an analysis of product availability in medical cannabis pharmacies in consultation
 2085 with the Department of Agriculture and Food.
- 2086 (2) The report shall include information provided by the Center for Medical Cannabis
 2087 Research described in Section 53B-17-1402.
- 2088 (3) The department may not include personally identifying information in the report
 2089 described in this section.
- 2090 (4) The department shall report to the working group described in Section 36-12-8.2 as
 2091 requested by the working group.

2092 Section 24. Section **26B-4-243** is amended to read:

2093 **26B-4-243 . Guidance for treatment with medical cannabis.**

2094 The department, in consultation with the Center for Medical Cannabis Research created
 2095 in Section 53B-17-1402, shall:

- 2096 (1) develop evidence-based guidance for treatment with medical cannabis based on the
 2097 latest medical research that shall include:
- 2098 (a) for each qualifying condition, a summary of the latest medical research regarding the
 2099 treatment of the qualifying condition with medical cannabis;
 2100 (b) risks, contraindications, side effects, and adverse reactions that are associated with
 2101 medical cannabis use; and
 2102 (c) potential drug interactions between medical cannabis and medications that have been

- 2103 approved by the United States Food and Drug Administration;[~~and~~]
- 2104 (2) educate recommending medical providers, pharmacy medical providers, medical
2105 cannabis cardholders, and the public regarding:
- 2106 (a) the evidence-based guidance for treatment with medical cannabis described in
2107 Subsection (1)(a);
- 2108 (b) relevant warnings and safety information related to medical cannabis use; and
- 2109 (c) other topics related to medical cannabis use as determined by the department[~~;~~] and
- 2110 (3) develop patient product information inserts for medical cannabis products in
2111 consultation with the cannabis processing facility that created the product and does not
2112 contain proprietary information about the product.
- 2113 Section 25. Section **26B-4-247** is amended to read:
- 2114 **26B-4-247 . Department coordination.**
- 2115 (1) The department shall:
- 2116 [(1)] (a) provide draft rules made under this chapter to the:
- 2117 (i) [~~]~~ advisory board for the advisory board's review; and
- 2118 (ii) medical cannabis ombudsman;
- 2119 [(2)] (b) consult with the advisory board regarding:
- 2120 [(a)] (i) patient education; and
- 2121 [(b)] (ii) fees set by the department that pertain to the medical cannabis program; and
- 2122 [(3)] (c) when appropriate, consult with the advisory board regarding issues that arise in
2123 the medical cannabis program.
- 2124 (2)(a) The department may not file a rule under Title 63G, Chapter 3, Utah
2125 Administrative Rulemaking Act, unless the medical cannabis ombudsman agrees the
2126 rule should be filed.
- 2127 (b) The 180 day rulemaking deadline described in Subsection 63G-3-301(14) is tolled
2128 while a rule is reviewed by the medical cannabis ombudsman.
- 2129 Section 26. Section **26B-4-248** is enacted to read:
- 2130 **26B-4-248 . Medical cannabis sales website.**
- 2131 (1) The department shall issue a request for proposals to establish and maintain a medical
2132 cannabis sales website that:
- 2133 (a) is accessible to medical cannabis cardholders;
- 2134 (b) allows a cannabis processing facility to list a medical cannabis product on the
2135 website, including:
- 2136 (i) the product's name;

- 2137 (ii) the amount of inventory the cannabis processing facility has of the product;
 2138 (iii) a short description of the product provided by the cannabis processing facility;
 2139 (iv) the product's intended use, dosage, and relevant warnings; and
 2140 (v) laboratory test results;
 2141 (c) allows a medical cannabis cardholder to request a medical cannabis pharmacy to
 2142 fulfill an order; and
 2143 (d) notifies a medical cannabis pharmacy when an order has been requested.
 2144 (2)(a) A medical cannabis pharmacy notified under Subsection (1)(d) shall contact the
 2145 medical cannabis cardholder to inform the cardholder regarding whether the
 2146 pharmacy will fulfill the order.
 2147 (b) If the medical cannabis pharmacy agrees to fulfill the order, the medical cannabis
 2148 pharmacy may:
 2149 (i) set a price for the product;
 2150 (ii) determine whether the pharmacy will provide home delivery if authorized to
 2151 provide home delivery under Title 4, Chapter 41a, Cannabis Production
 2152 Establishments and Pharmacies; and
 2153 (iii) set a delivery fee if the product will be delivered to the cardholder.
 2154 (c) If a medical cannabis pharmacy needs to order a medical cannabis product from a
 2155 cannabis processing facility to fulfill an order under this section:
 2156 (i) the medical cannabis pharmacy shall notify the cannabis processing facility that
 2157 produces the product; and
 2158 (ii) the cannabis processing facility shall provide the medical cannabis product to the
 2159 medical cannabis pharmacy within 15 business days from the day on which the
 2160 medical cannabis pharmacy notifies the cannabis processing facility under
 2161 Subsection (2)(c)(i).
 2162 (3) The department shall provide a link to the medical cannabis sales website on the
 2163 department's website.
 2164 (4) The department may not respond to the request for proposals described in Subsection (1).
 2165 (5) The website shall begin operation on or before January 1, 2026.
 2166 Section 27. Section **63I-2-204** is amended to read:
 2167 **63I-2-204 . Repeal dates: Title 4.**
 2168 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed
 2169 May 1, 2025.
 2170 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed

- 2171 July 1, [~~2026~~] 2025.
- 2172 (3) Section 4-46-104, Transition, is repealed July 1, 2024.
- 2173 Section 28. Section **63I-2-226** is amended to read:
- 2174 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 2175 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.
- 2176 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
2177 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2178 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2179 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2180 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2181 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
2182 Board, is repealed July 1, [~~2026~~] 2025.
- 2183 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --
2184 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2185 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of
2186 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2187 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2188 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and
2189 genetic testing, is repealed July 1, 2030.
- 2190 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed
2191 July 1, [~~2026~~] 2025.
- 2192 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
2193 repealed July 1, [~~2026~~] 2025.
- 2194 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
2195 Program, is repealed July 1, 2027.
- 2196 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician
2197 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2198 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan
2199 Repayment Program, is repealed July 1, 2026.
- 2200 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician
2201 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2202 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed
2203 January 2, 2025.
- 2204 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,

2205 is repealed July 1, 2025.

2206 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.

2207 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is
2208 repealed July 1, 2025.

2209 Section 29. Section **63I-2-236** is amended to read:

2210 **63I-2-236 . Repeal dates: Title 36.**

2211 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
2212 July 1, [~~2025~~] 2026.

2213 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --
2214 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
2215 Interim report, is repealed November 30, 2024.

2216 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
2217 November 30, 2027.

2218 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
2219 November 30, 2024.

2220 Section 30. **Repealer.**

2221 This bill repeals:

2222 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**

2223 **-- Citation.**

2224 Section **26B-4-236, State central patient portal -- Department duties.**

2225 Section **4-41a-1104, Advertising.**

2226 Section **4-41a-403, Advertising.**

2227 Section **4-41a-604, Advertising.**

2228 Section 31. **Effective Date.**

2229 This bill takes effect on May 7, 2025.