

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

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**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;
- amends provisions related to closed-door medical cannabis pharmacies;
- 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;

- 29       ▸ moves the repeal of the Cannabis Research Review Board earlier one year;  
30       ▸ extends the repeal date for the Medical Cannabis Governance Structure Working Group;  
31 and  
32       ▸ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34       None

35 **Other Special Clauses:**

36       None

37 **Utah Code Sections Affected:**

38 AMENDS:

39       **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

40       **4-41a-110**, as enacted by Laws of Utah 2023, Chapter 273

41       **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12

42       **4-41a-501**, as last amended by Laws of Utah 2023, Chapter 313

43       **4-41a-701**, as last amended by Laws of Utah 2023, Chapters 313, 317

44       **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,  
45 Chapter 1

46       **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

47       **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

48       **4-41a-1003**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and  
49 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,  
50 Laws of Utah 2023, Chapter 307

51       **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217

52       **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217

53       **4-41a-1201**, as enacted by Laws of Utah 2023, Chapter 273

54       **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240

55       **4-41a-1203**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and  
56 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

57       **4-41a-1206**, as enacted by Laws of Utah 2024, Chapter 238

58       **26B-1-310**, as last amended by Laws of Utah 2023, Chapters 273, 281 and renumbered  
59 and amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause,  
60 Laws of Utah 2023, Chapter 305

61       **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

62       **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

63        **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240  
 64        **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240  
 65        **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240  
 66        **26B-4-243**, as enacted by Laws of Utah 2023, Chapter 281  
 67        **26B-4-247**, as enacted by Laws of Utah 2023, Chapter 273  
 68        **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
 69        **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
 70        **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

71 ENACTS:

72        **4-41a-1006**, Utah Code Annotated 1953  
 73        **26B-4-248**, Utah Code Annotated 1953  
 74        **26B-4-249**, Utah Code Annotated 1953

75 REPEALS AND REENACTS:

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

79 REPEALS:

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

90

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

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

93        **4-41a-102 . Definitions.**

94        As used in this chapter:

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

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

131 completion of equipment and facility sanitation protocols until the next required  
132 sanitation cycle during which lots of cannabis are used;

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

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

139 [(6)] (7) "Cannabis Research Review Board" means the Cannabis Research Review Board  
140 created in Section 26B-1-420.

141 [(7)] (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.

142 [(8)] (9) "Cannabis concentrate" means:

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

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

147 [(9)] (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not  
148 intended to be sold as a cannabis plant product.

149 [(10)] (11) "Cannabis cultivation facility" means a person that:

150 (a) possesses cannabis;

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

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

154 [(11)] (12) "Cannabis cultivation facility agent" means an individual who  
155 holds a valid cannabis production establishment agent registration card with a cannabis  
156 cultivation facility designation.

157 [(12)] (13) "Cannabis derivative product" means a product made using cannabis concentrate.

158 [(13)] (14) "Cannabis plant product" means any portion of a cannabis plant intended to be  
159 sold in a form that is recognizable as a portion of a cannabis plant.

160 [(14)] (15) "Cannabis processing facility" means a person that:

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

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

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

- 165 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a  
166 medical cannabis research licensee.
- 167 ~~[(15)]~~ (16) "Cannabis processing facility agent" means an individual who  
168 holds a valid cannabis production establishment agent registration card with a cannabis  
169 processing facility designation.
- 170 ~~[(16)]~~ (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 171 ~~[(17)]~~ (18) "Cannabis production establishment" means a cannabis cultivation facility, a  
172 cannabis processing facility, or an independent cannabis testing laboratory.
- 173 ~~[(18)]~~ (19) "Cannabis production establishment agent" means a cannabis cultivation facility  
174 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory  
175 agent.
- 176 ~~[(19)]~~ (20) "Cannabis production establishment agent registration card" means a registration  
177 card that the department issues that:
- 178 (a) authorizes an individual to act as a cannabis production establishment agent; and  
179 (b) designates the type of cannabis production establishment for which an individual is  
180 authorized to act as an agent.
- 181 ~~[(20)]~~ (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home  
182 delivery medical cannabis pharmacy for delivering ~~[cannabis or a medical cannabis~~  
183 ~~product]~~ medical cannabis.
- 184 ~~[(21)]~~ (22) "Community location" means a public or private elementary or secondary school,  
185 a church, a public library, a public playground, or a public park.
- 186 ~~[(22)]~~ (23) "Cultivation space" means, quantified in square feet, the horizontal area in which  
187 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area  
188 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants  
189 above other plants in multiple levels.
- 190 ~~[(23)]~~ (24) "Delivery address" means:
- 191 (a) for a medical cannabis cardholder who is not a facility:  
192 (i) the medical cannabis cardholder's home address; or  
193 (ii) an address designated by the medical cannabis cardholder that:  
194 (A) is the medical cannabis cardholder's workplace; and  
195 (B) is not a community location; or  
196 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 197 ~~[(24)]~~ (25) "Department" means the Department of Agriculture and Food.
- 198 ~~[(25)]~~ (26) "Family member" means a parent, step-parent, spouse, child, sibling,

199 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,  
200 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.  
201 ~~[(26)]~~ (27) "Government issued photo identification" means the same as that term is defined  
202 in Section 26B-4-201, including expired identification in accordance with Section  
203 26B-4-244.

204 ~~[(27)]~~ (28) "Home delivery medical cannabis pharmacy" means a medical cannabis  
205 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver  
206 medical cannabis shipments to a delivery address to fulfill electronic orders~~[that the~~  
207 ~~state central patient portal facilitates]~~.

208 ~~[(28)]~~ (29)(a) "Independent cannabis testing laboratory" means a person that:  
209 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or  
210 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent  
211 to conduct a chemical or other analysis of the cannabis or cannabis product.  
212 (b) "Independent cannabis testing laboratory" includes a laboratory that the department  
213 or a research university operates in accordance with Subsection 4-41a-201(14).

214 ~~[(29)]~~ (30) "Independent cannabis testing laboratory agent" means an individual who  
215 holds a valid cannabis production establishment agent registration card with an  
216 independent cannabis testing laboratory designation.

217 ~~[(30)]~~ (31) "Inventory control system" means a system described in Section 4-41a-103.

218 ~~[(31)]~~ (32) "Licensing board" or "board" means the Cannabis Production Establishment and  
219 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.

220 ~~[(32)]~~ (33) "Medical cannabis" or "medical cannabis product" means the same as that term is  
221 defined in Section 26B-4-201.

222 ~~[(33)]~~ (34) "Medical cannabis card" means the same as that term is defined in Section  
223 26B-4-201.

224 ~~[(34)]~~ (35) "Medical cannabis courier" means a courier that:  
225 (a) the department licenses in accordance with Section 4-41a-1201; and  
226 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical  
227 cannabis shipments to fulfill electronic orders~~[that the state central patient portal~~  
228 ~~facilitates]~~.

229 ~~[(35)]~~ (36) "Medical cannabis courier agent" means an individual who:  
230 (a) is an employee of a medical cannabis courier; and  
231 (b) who holds a valid medical cannabis courier agent registration card.

232 (37) "Medical cannabis ombudsman" means the ombudsman created in Section 26B-4-249.

233 [(36)] (38) "Medical cannabis pharmacy" means the same as that term is defined in Section  
234 26B-4-201.

235 [(37)] (39) "Medical cannabis pharmacy agent" means the same as that term is defined in  
236 Section 26B-4-201.

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

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

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

247 [(41)] (43) "Medical cannabis treatment" means the same as that term is defined in Section  
248 26B-4-201.

249 [(42)] (44) "Medicinal dosage form" means the same as that term is defined in Section  
250 26B-4-201.

251 (45) "Patient product information insert" means the same as that term is defined in Section  
252 26B-4-201.

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

256 [(44)] (47) "Pharmacy medical provider" means the same as that term is defined in Section  
257 26B-4-201.

258 [(45)] (48) "Qualified medical provider" means the same as that term is defined in Section  
259 26B-4-201.

260 [(46)] (49) "Qualified Production Enterprise Fund" means the fund created in Section  
261 4-41a-104.

262 [(47)] (50) "Recommending medical provider" means the same as that term is defined in  
263 Section 26B-4-201.

264 [(48)] (51) "Research university" means the same as that term is defined in Section  
265 53B-7-702 and a private, nonprofit college or university in the state that:  
266 (a) is accredited by the Northwest Commission on Colleges and Universities;



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

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

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

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

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

437 to the medical cannabis program; and  
438 [(4)] (d) when appropriate, consult with the advisory board regarding issues that arise in  
439 the medical cannabis program.

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

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

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

446 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities -- Cannabis**  
447 **processing facilities.**

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

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

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

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

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

466 (i) complying with a regulatory environment;

467 (ii) tracking inventory; and

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

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

- 471 (c) positive connections to the local community; and  
472 (d) the extent to which the applicant can increase efficiency and reduce the cost to  
473 patients of medical cannabis.
- 474 (4) The department may conduct a face-to-face interview with an applicant for a license that  
475 the department evaluates under Subsection (3).
- 476 (5) The licensing board may not issue more than 18 cannabis processing facility licenses.

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

478 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

- 479 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis  
480 cultivation facility is not visible from the ground level of the cannabis cultivation facility  
481 perimeter.
- 482 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the  
483 facility's inventory control system to identify:
- 484 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each  
485 cannabis plant;
- 486 (b) each unique harvest of cannabis plants;
- 487 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a  
488 cannabis processing facility, or an independent cannabis testing laboratory; and
- 489 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation  
490 facility disposes.
- 491 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or  
492 cannabis plant product before transferring the cannabis biomass from the facility.
- 493 (4) A cannabis cultivation facility shall either:
- 494 (a) ensure that a cannabis processing facility chemically or physically processes  
495 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation  
496 into cannabis derivative products; or
- 497 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.
- 498 (5) A cannabis cultivation facility may utilize radiation-based methods and equipment for  
499 quality assurance or remediation purposes.

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

501 **4-41a-701 . Cannabis and cannabis product testing.**

- 502 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
503 department may make rules to:
- 504 (a) determine required adulterant tests for a cannabis plant product, cannabis

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



- 539 (b) test terpene profiles for the following products:
- 540 (i) raw cannabis; or
- 541 (ii) a cannabis product:
- 542 (A) contained in a vaporizer cartridge; or
- 543 (B) in concentrate form; and
- 544 (c) record the five highest terpene profiles tested under Subsection (4)(b).
- 545 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 546 Administrative Rulemaking Act, the standards, methods, practices, and procedures for
- 547 the testing of cannabis and cannabis products by independent cannabis testing
- 548 laboratories.
- 549 (6) The department may require an independent cannabis testing laboratory to participate in
- 550 a proficiency evaluation that the department conducts or that an organization that the
- 551 department approves conducts.
- 552 Section 7. Section **4-41a-801** is amended to read:
- 553 **4-41a-801 . Enforcement -- Fine -- Citation.**
- 554 (1)(a) If a person that is a cannabis production establishment~~[-or]~~ , a cannabis production
- 555 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
- 556 agent, or a medical cannabis courier violates this chapter, the department may:
- 557 ~~[(a)]~~ (i) revoke the person's license ~~[or cannabis production establishment]~~ agent
- 558 registration card;
- 559 ~~[(b)]~~ (ii) decline to renew the person's license ~~[or cannabis production establishment]~~
- 560 agent registration card;
- 561 (iii) issue a letter of concern in accordance with Subsection (10); or
- 562 ~~[(c)]~~ (iv) assess the person an administrative penalty that the department establishes
- 563 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 564 Act.
- 565 (b) Except for a violation that threatens public health, the department shall issue a letter
- 566 of concern before taking other administrative action under this section.
- 567 (2) The department shall deposit an administrative penalty imposed under this section into
- 568 the General Fund.
- 569 (3)(a) The department may take an action described in Subsection (3)(b) if the
- 570 department concludes, upon investigation, that~~[-, for a person that is]~~ a cannabis
- 571 production establishment~~[-or]~~ , a cannabis production establishment agent~~[:]~~ , a
- 572 medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical

- 573 cannabis courier
- 574 [(i) the person] has violated the provisions of this chapter, a rule made under this  
575 chapter, or an order issued under this chapter~~[-or]~~ .
- 576 [(ii) the person produced cannabis or a cannabis product batch that contains a  
577 substance, other than cannabis, that poses a significant threat to human health.]
- 578 (b) If the department makes the determination about a person described in Subsection  
579 (3)(a), the department shall:
- 580 (i) issue the person a written administrative citation;
- 581 (ii) attempt to negotiate a stipulated settlement;
- 582 [~~(iii) seize, embargo, or destroy the cannabis or cannabis product batch;~~]
- 583 [~~(iv)~~ (iii) order the person to cease and desist from the action that creates a violation; [  
584 and] or
- 585 [~~(v)~~ (iv) direct the person to appear before an adjudicative proceeding conducted  
586 under Title 63G, Chapter 4, Administrative Procedures Act.
- 587 (c) If the department concludes, upon investigation, that a cannabis production  
588 establishment or a cannabis production establishment agent has produced a cannabis  
589 batch or a cannabis product batch that contains a substance that poses a significant  
590 threat to human health, the department shall seize, embargo, or destroy the cannabis  
591 batch or cannabis product batch.
- 592 (4) The department may, for a person subject to an uncontested citation, a stipulated  
593 settlement, or a finding of a violation in an adjudicative proceeding under this section,  
594 for a fine amount not already specified in law, assess the person, who is not an  
595 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that  
596 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
597 Administrative Rulemaking Act.
- 598 (5) The department may not revoke a [~~cannabis production establishment's~~] license without  
599 first directing the [~~cannabis production establishment~~] licensee to appear before an  
600 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative  
601 Procedures Act.
- 602 (6) If within [~~20~~] 30 calendar days after the day on which a department serves a citation for  
603 a violation of this chapter, the person that is the subject of the citation fails to request a  
604 hearing to contest the citation, the citation becomes the department's final order.
- 605 (7) The department may, for a person who fails to comply with a citation under this section:  
606 (a) refuse to issue or renew the person's license or cannabis production establishment

- 607 agent registration card; or
- 608 (b) suspend, revoke, or place on probation the person's license or cannabis production  
609 establishment registration card.
- 610 (8)(a) Except where a criminal penalty is expressly provided for a specific violation of  
611 this chapter, if an individual:
- 612 (i) violates a provision of this chapter, the individual is:
- 613 (A) guilty of an infraction; and  
614 (B) subject to a \$100 fine; or
- 615 (ii) intentionally or knowingly violates a provision of this chapter or violates this  
616 chapter three or more times, the individual is:
- 617 (A) guilty of a class B misdemeanor; and  
618 (B) subject to a \$1,000 fine.
- 619 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty  
620 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the  
621 conduct underlying the violation described in Subsection (8)(a).
- 622 (9) Nothing in this section prohibits the department from referring potential criminal  
623 activity to law enforcement.
- 624 (10)(a) A letter of concern shall describe:
- 625 (i) the violation including the statute or rule being violated;  
626 (ii) possible options to remedy the issue; and  
627 (iii) possible consequences for not remedying the violation.
- 628 (b) Under a letter of concern, the department shall provide the person at least 30 days to  
629 remedy the violation.
- 630 (c) If the person fails to remedy the violation described in a letter of concern, the  
631 department may take other enforcement action as described in this section.
- 632 (d) If a letter of concern is resolved without an enforcement action being taken under  
633 Subsection (10)(c), the department may not report that a letter of concern was issued  
634 to the licensing board.
- 635 (11)(a) An appeal of administrative action taken under this chapter shall be heard by the  
636 medical cannabis ombudsman as an informal proceeding in accordance with Title  
637 63G, Chapter 4, Administrative Procedures Act.
- 638 (b) Subsection (11)(a) is only effective when the position of medical cannabis  
639 ombudsman is actively occupied by an employed individual.
- 640 Section 8. Section **4-41a-802** is amended to read:

641 **4-41a-802 . Report.**

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

- 644 (a) the number of applications and renewal applications that the department receives  
645 under this chapter;
- 646 (b) the number of each type of cannabis production facility that the department licenses  
647 in each county;
- 648 (c) the amount of cannabis that licensees grow;
- 649 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 650 (e) the number of licenses the department revokes under this chapter;
- 651 (f) the department's operation of an independent cannabis testing laboratory under  
652 Section 4-41a-201, including:
- 653 (i) the cannabis and cannabis products the department tested; and  
654 (ii) the results of the tests the department performed;
- 655 (g) the expenses incurred and revenues generated under this chapter; and  
656 (h) an analysis of product availability in medical cannabis pharmacies in consultation  
657 with the Department of Health and Human Services.

658 (2) The department may not include personally identifying information in the report  
659 described in this section.

660 (3) The department shall report to the working group described in Section 36-12-8.2 as  
661 requested by the working group.

662 (4)(a) Before August 1, of each year, the department shall provide a report to the  
663 working group described in Section 36-12-8.2 that provides the following for each  
664 fine issued by the department under this chapter:

- 665 (i) the date of the fine;
- 666 (ii) the reference to the statute or rule that was violated for each fine issued; and
- 667 (iii) a short description explaining why the fine was issued.
- 668 (b) The report described in Subsection (4)(a) may not include identifying information of  
669 the person that was subject to the fine.

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

671 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

672 (1) A person may not:

- 673 (a) operate as a medical cannabis pharmacy without a license that the department issues  
674 under this part;

- 675 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the  
676 person to exceed the pharmacy ownership limit;
- 677 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the  
678 partial ownership share would cause the person to exceed the pharmacy ownership  
679 limit; or
- 680 (d) enter into any contract or agreement that allows the person to directly or indirectly  
681 control the operations of a medical cannabis pharmacy if the person's control of the  
682 medical cannabis pharmacy would cause the person to effectively exceed the  
683 pharmacy ownership limit.
- 684 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department  
685 shall issue a license to operate a medical cannabis pharmacy through the licensing  
686 board created under Section 4-41a-201.1.
- 687 (ii) The department may not issue a license to operate a medical cannabis pharmacy  
688 to an applicant who is not eligible for a license under this section.
- 689 (b) An applicant is eligible for a license under this section if the applicant submits to the  
690 department:
- 691 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
692 operate the medical cannabis pharmacy;
- 693 (ii) the name and address of an individual who:
- 694 (A) for a publicly traded company, has a financial or voting interest of 10% or  
695 greater in the proposed medical cannabis pharmacy;
- 696 (B) for a privately held company, a financial or voting interest in the proposed  
697 medical cannabis pharmacy; or
- 698 (C) has the power to direct or cause the management or control of a proposed  
699 medical cannabis pharmacy;
- 700 (iii) for each application that the applicant submits to the department, a statement  
701 from the applicant that the applicant will obtain and maintain:
- 702 (A) a performance bond in the amount of \$100,000 issued by a surety authorized  
703 to transact surety business in the state; or
- 704 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 705 (iv) an operating plan that:
- 706 (A) complies with Section 4-41a-1004;
- 707 (B) includes operating procedures to comply with the operating requirements for a  
708 medical cannabis pharmacy described in this part and with a relevant municipal

- 709 or county law that is consistent with Section 4-41a-1106; and
- 710 (C) the department approves;
- 711 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 712 department sets in accordance with Section 63J-1-504; and
- 713 (vi) a description of any investigation or adverse action taken by any licensing
- 714 jurisdiction, government agency, law enforcement agency, or court in any state for
- 715 any violation or detrimental conduct in relation to any of the applicant's
- 716 cannabis-related operations or businesses.
- 717 (c)(i) A person may not locate a medical cannabis pharmacy:
- 718 (A) within 200 feet of a community location; or
- 719 (B) in or within 600 feet of a district that the relevant municipality or county has
- 720 zoned as primarily residential.
- 721 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 722 from the nearest entrance to the medical cannabis pharmacy establishment by
- 723 following the shortest route of ordinary pedestrian travel to the property boundary
- 724 of the community location or residential area.
- 725 (iii) The department may grant a waiver to reduce the proximity requirements in
- 726 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
- 727 reasonably feasible for the applicant to cite the proposed medical cannabis
- 728 pharmacy without the waiver.
- 729 (iv) An applicant for a license under this section shall provide evidence of
- 730 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 731 (d) The department may not issue a license to an eligible applicant that the department
- 732 has selected to receive a license until the selected eligible applicant complies with the
- 733 bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 734 (e) If the department receives more than one application for a medical cannabis
- 735 pharmacy within the same city or town, the department shall consult with the local
- 736 land use authority before approving any of the applications pertaining to that city or
- 737 town.
- 738 (f) In considering the issuance of a medical cannabis pharmacy license under this
- 739 section, the department may consider the extent to which the pharmacy can increase
- 740 efficiency and reduce cost to patients of medical cannabis.
- 741 [~~(3) If the department selects an applicant~~]
- 742 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under

- 743 this section, the department shall:
- 744 [~~(a)~~] (i) charge the applicant an initial license fee in an amount that, subject to  
745 Subsection 4-41a-104(5), the department sets in accordance with Section  
746 63J-1-504;
- 747 [~~(b)~~] (ii) notify the Department of Public Safety of the license approval and the names  
748 of each individual described in Subsection (2)(b)(ii); and
- 749 [~~(c)~~] (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104  
750 (5), the department sets in accordance with Section 63J-1-504, for any change in  
751 location, ownership, or company structure.
- 752 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis  
753 pharmacy located in a medically underserved area as determined by the federal  
754 Health Resources and Services Administration shall be 50% less than what is charged  
755 for other medical cannabis pharmacies.
- 756 (4) The department may not issue a license to operate a medical cannabis pharmacy to an  
757 applicant if an individual described in Subsection (2)(b)(ii):
- 758 (a) has been convicted under state or federal law of:
- 759 (i) a felony in the preceding 10 years; or  
760 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 761 (b) is younger than 21 years old; or  
762 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 763 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds  
764 another license under this chapter, the department may not give preference to the  
765 applicant based on the applicant's status as a holder of the license.
- 766 (b) If an applicant for a medical cannabis pharmacy license under this section holds a  
767 license to operate a cannabis cultivation facility under this section, the department  
768 may give consideration to the applicant's status as a holder of the license if:
- 769 (i) the applicant demonstrates that a decrease in costs to patients is more likely to  
770 result from the applicant's vertical integration than from a more competitive  
771 marketplace; and
- 772 (ii) the department finds multiple other factors, in addition to the existing license, that  
773 support granting the new license.
- 774 (6) The licensing board may revoke a license under this part:
- 775 (a) if the medical cannabis pharmacy does not begin operations within one year after the  
776 day on which the department issues an announcement of the department's intent to

- 777 award a license to the medical cannabis pharmacy;
- 778 (b) after the third the same violation of this chapter in any of the licensee's licensed  
779 cannabis production establishments or medical cannabis pharmacies;
- 780 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is  
781 active, under state or federal law of:
- 782 (i) a felony; or
- 783 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 784 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
785 the time of application, or fails to supplement the information described in  
786 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the  
787 submission of the application within 14 calendar days after the licensee receives  
788 notice of the investigation or adverse action;
- 789 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the  
790 requirements of this chapter or the rules the department makes in accordance with  
791 this chapter;
- 792 (f) if, after a change of ownership described in Subsection (11)(c), the department  
793 determines that the medical cannabis pharmacy no longer meets the minimum  
794 standards for licensure and operation of the medical cannabis pharmacy described in  
795 this chapter; or
- 796 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
797 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board  
798 finds that the licensee has participated in anticompetitive business practices.
- 799 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if  
800 the municipality or county where the licensed medical cannabis pharmacy will be  
801 located requires a local land use permit, shall submit to the department a copy of the  
802 licensee's approved application for the land use permit within 120 days after the day  
803 on which the department issues the license.
- 804 (b) If a licensee fails to submit to the department a copy the licensee's approved land use  
805 permit application in accordance with Subsection (7)(a), the department may revoke  
806 the licensee's license.
- 807 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
808 Qualified Production Enterprise Fund.
- 809 (9) The department shall begin accepting applications under this part on or before March 1,  
810 2020.



- 811 (10)(a) The department's authority to issue a license under this section is plenary and is  
 812 not subject to review.
- 813 (b) Notwithstanding Subsection (2), the decision of the department to award a license to  
 814 an applicant is not subject to:
- 815 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
 816 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 817 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 818 (b) A medical cannabis pharmacy shall report in writing to the department no later than  
 819 10 business days before the date of any change of ownership of the medical cannabis  
 820 pharmacy.
- 821 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 822 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis  
 823 pharmacy shall submit a new application described in Subsection (2)(b), subject to  
 824 Subsection (2)(c);
- 825 (ii) within 30 days of the submission of the application, the department shall:
- 826 (A) conduct an application review; and  
 827 (B) award a license to the medical cannabis pharmacy for the remainder of the  
 828 term of the medical cannabis pharmacy's license before the ownership change  
 829 if the medical cannabis pharmacy meets the minimum standards for licensure  
 830 and operation of the medical cannabis pharmacy described in this chapter; and
- 831 (iii) if the department approves the license application, notwithstanding Subsection  
 832 (3), the medical cannabis pharmacy shall pay a license fee that the department sets  
 833 in accordance with Section 63J-1-504 in an amount that covers the department's  
 834 cost of conducting the application review.

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

836 **4-41a-1003 . Renewal - Notice of available license.**

- 837 (1)(a) The department shall renew a license [~~under Sections 4-41a-1001 through~~  
 838 ~~4-41a-1005~~] issued under this part every year if, at the time of renewal:
- 839 [(a)] (i) the licensee meets the requirements of Section 4-41a-1001;
- 840 [(b)] (ii) the licensee pays the department a license renewal fee in an amount that,  
 841 subject to Subsection 4-41a-1004(5), the department sets in accordance with  
 842 Section 63J-1-504; and
- 843 [(c)] (iii) if the medical cannabis pharmacy changes the operating plan described in  
 844 Section 4-41a-1004 that the department approved under Subsection

- 845 4-41a-1001(2)(b)(iv), the department approves the new operating plan.
- 846 (b) A license fee for a medical cannabis pharmacy located in a county of the third,  
 847 fourth, fifth, or sixth class shall be 50% less than what is charged for other medical  
 848 cannabis pharmacies.
- 849 (2)(a) If a licensed medical cannabis pharmacy abandons the medical cannabis  
 850 pharmacy's license, the department shall publish notice of an available license[-], for  
 851 the geographic area in which the medical cannabis pharmacy license is available, as a  
 852 class A notice under Section 63G-30-102, for at least seven days.
- 853 (b) The department may establish criteria, in collaboration with the Division of  
 854 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,  
 855 Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis  
 856 pharmacy actions that constitute abandonment of a medical cannabis pharmacy  
 857 license.
- 858 (3) If the department has not completed the necessary processes to make a determination on  
 859 a license renewal under Subsections (1)(a) and (c) before the expiration of a license, the  
 860 department may issue a conditional medical cannabis pharmacy license to a licensed  
 861 medical cannabis pharmacy that has applied for license renewal under this section and  
 862 paid the fee described in Subsection (1)(b).
- 863 Section 11. Section **4-41a-1005** is amended to read:  
 864 **4-41a-1005 . Maximum number of licenses.**
- 865 (1)(a) [~~Except as provided in Subsection (1)(b) or (d), if a sufficient number of~~  
 866 ~~applicants apply, the department]~~ The licensing board shall issue up to [15] 20 medical  
 867 cannabis pharmacy licenses in accordance with this section including the two medical  
 868 cannabis pharmacy licenses in accordance with Section 4-41a-1006.
- 869 (b) The medical cannabis ombudsman shall select the entities to receive a license in  
 870 accordance with this chapter.
- 871 (c) The medical cannabis ombudsman may choose to select entities as an entity is  
 872 qualified for a license and in accordance with Subsection (2)(c).
- 873 [~~(b) If an insufficient number of qualified applicants apply for the available number of~~  
 874 ~~medical cannabis pharmacy licenses, the department shall issue a medical cannabis~~  
 875 ~~pharmacy license to each qualified applicant.]~~
- 876 [~~(e) The department may issue the licenses described in Subsection (1)(a) in accordance~~  
 877 ~~with this Subsection (1)(e).]~~
- 878 [(i) Using one procurement process, the department may issue eight licenses to an

879 initial group of medical cannabis pharmacies and six licenses to a second group of  
 880 medical cannabis pharmacies.]

881 [(ii) The department shall:]

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

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

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

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

891 [(d)(i) The department may issue licenses to operate a medical cannabis pharmacy in  
 892 addition to the licenses described in Subsection (1)(a) if the department  
 893 determines, in consultation with the Department of Health and Human Services  
 894 and after an annual or more frequent analysis of the current and anticipated market  
 895 for medical cannabis, that each additional license is necessary to provide an  
 896 adequate supply, quality, or variety of medical cannabis to medical cannabis  
 897 cardholders.]

898 [(ii) The department shall:]

899 [(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 900 Act, make rules to establish criteria and processes for the consultation,  
 901 analysis, and application for a license described in Subsection (1)(d)(i); and]

902 [(B) report to the Executive Appropriations Committee of the Legislature before  
 903 each time the department issues an additional license under Subsection  
 904 (1)(d)(i) regarding the results of the consultation and analysis described in  
 905 Subsection (1)(d)(i) and the application of the criteria described in Subsection  
 906 (1)(d)(ii)(A).]

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

909 (i) evaluate each applicant and award the license to the applicant that best  
 910 demonstrates:

911 (A) experience with establishing and successfully operating a business that  
 912 involves complying with a regulatory environment, tracking inventory, and

- 913 training, evaluating, and monitoring employees;
- 914 (B) an operating plan that will best ensure the safety and security of patrons and  
915 the community;
- 916 (C) positive connections to the local community;
- 917 (D) the suitability of the proposed location and the location's accessibility for  
918 qualifying patients;
- 919 (E) the extent to which the applicant can increase efficiency and reduce the cost of  
920 medical cannabis for patients; and
- 921 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a  
922 comparatively high likelihood of success; and
- 923 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably  
924 maximize access to the largest number of medical cannabis cardholders.
- 925 (b) In making the evaluation described in Subsection (2)(a), the [department] the medical  
926 cannabis ombudsman may give increased consideration to applicants who indicate a  
927 willingness to:
- 928 (i) site a medical cannabis pharmacy in an area or population center designated as a  
929 medically underserved area or population as determined by the federal Health  
930 Resources and Services Administration;
- 931 (ii) operate as a home delivery medical cannabis pharmacy that accepts electronic  
932 medical cannabis orders[~~that the state central patient portal facilitates~~]; and
- 933 [(~~ii~~)] (iii) accept payments through:
- 934 (A) a payment provider that the Division of Finance approves, in consultation  
935 with the state treasurer, in accordance with Section 4-41a-108; or
- 936 (B) a financial institution in accordance with Subsection 4-41a-108(4).
- 937 (c) Except for the licenses described in Section 26B-4-249, before each new license may  
938 be issued under this section, the medical cannabis ombudsman shall:
- 939 (i) consider the number of active patients in the program;
- 940 (ii) geographic locations of current medical cannabis pharmacies; and
- 941 (iii) consult with other government agencies, licensees, and other stakeholders to  
942 determine the economic impact of an additional license.
- 943 (3) The [department] medical cannabis ombudsman may conduct a face-to-face interview  
944 with an applicant for a license that the [department] the medical cannabis ombudsman  
945 evaluates under Subsection (2).

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

- 947           **4-41a-1006 . Licensees selected by medical cannabis ombudsman.**
- 948   (1) Upon receiving a recommendation from the medical cannabis ombudsman under  
949       Section 26B-4-249, the licensing board shall issue a license to the entity.
- 950   (2) An entity selected for a license under Section 26B-4-249 is subject to all of the  
951       applicable requirements of this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid  
952       Research and Medical Cannabis.
- 953   (3) The department shall ensure compliance with Subsection 26B-4-249(3)(e).
- 954       Section 13. Section **4-41a-1101** is amended to read:
- 955       **4-41a-1101 . Operating requirements -- General.**
- 956   (1)(a) A medical cannabis pharmacy shall operate:
- 957       (i) at the physical address provided to the department under Section 4-41a-1001; and
- 958       (ii) in accordance with the operating plan provided to the department under Section
- 959           4-41a-1001 and, if applicable, Section 4-41a-1004.
- 960   (b) A medical cannabis pharmacy shall notify the department before a change in the
- 961       medical cannabis pharmacy's physical address or operating plan.
- 962   (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 963       (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
- 964       (b) except as provided in Subsection (4):
- 965           (i) possesses a valid:
- 966               (A) medical cannabis pharmacy agent registration card;
- 967               (B) pharmacy medical provider registration card; or
- 968               (C) medical cannabis card;
- 969           (ii) is an employee of the department performing an inspection under Section
- 970               4-41a-1103; or
- 971           (iii) is another individual as the department provides.
- 972   (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 973       years old.
- 974   (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
- 975       individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
- 976       to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
- 977       monitors the individual at all times while the individual is at the medical cannabis
- 978       pharmacy and maintains a record of the individual's access.
- 979   (5) A medical cannabis pharmacy shall operate in a facility that has:
- 980       (a) a single, secure public entrance;

- 981 (b) a security system with a backup power source that:
- 982 (i) detects and records entry into the medical cannabis pharmacy; and
- 983 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 984 cannabis pharmacy is closed; and
- 985 (c) a lock on each area where the medical cannabis pharmacy stores [~~eannabis or a~~
- 986 ~~eannabis product~~] medical cannabis.
- 987 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 988 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 989 4-41a-1102(2).
- 990 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
- 991 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 992 or premises of the medical cannabis pharmacy.
- 993 (8) A medical cannabis pharmacy may not sell [~~eannabis or a cannabis product~~] medical
- 994 cannabis without first indicating on the [~~eannabis or cannabis product~~] medical cannabis
- 995 label the name of the medical cannabis pharmacy.
- 996 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 997 following information regarding each recommendation underlying a transaction:
- 998 (i) the recommending medical provider's name, address, and telephone number;
- 999 (ii) the patient's name and address;
- 1000 (iii) the date of issuance;
- 1001 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1002 medical provider did not recommend specific directions of use or dosing
- 1003 guidelines; and
- 1004 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 1005 cardholder who completed the transaction.
- 1006 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 1007 not sell medical cannabis unless the medical cannabis has a label securely affixed
- 1008 to the container indicating the following minimum information:
- 1009 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1010 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1011 (C) the date of the sale;
- 1012 (D) the name of the patient;
- 1013 (E) the name of the recommending medical provider who recommended the
- 1014 medical cannabis treatment;

- 1015 (F) directions for use and cautionary statements, if any;  
1016 (G) the amount dispensed and the cannabinoid content;  
1017 (H) the suggested use date;  
1018 (I) for unprocessed cannabis flower, the legal use termination date; and  
1019 (J) any other requirements that the department determines, in consultation with the  
1020 Division of Professional Licensing and the Board of Pharmacy.
- 1021 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the  
1022 following information under Subsection (9)(b)(i) if the information is already  
1023 provided on the product label that a cannabis production establishment affixes:  
1024 (A) a unique identification number;  
1025 (B) directions for use and cautionary statements;  
1026 (C) amount and cannabinoid content; and  
1027 (D) a suggested use date.
- 1028 (iii) If the size of a medical cannabis container does not allow sufficient space to  
1029 include the labeling requirements described in Subsection (9)(b)(i), the medical  
1030 cannabis pharmacy may provide the following information described in  
1031 Subsection (9)(b)(i) on a supplemental label attached to the container or an  
1032 informational enclosure that accompanies the container:  
1033 (A) the cannabinoid content;  
1034 (B) the suggested use date; and  
1035 (C) any other requirements that the department determines.
- 1036 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical  
1037 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1038 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:  
1039 (a) upon receipt of an order from a limited medical provider in accordance with  
1040 Subsections 26B-4-204(1)(b) through (d):  
1041 (i) for a written order or an electronic order under circumstances that the department  
1042 determines, contact the limited medical provider or the limited medical provider's  
1043 office to verify the validity of the recommendation; and  
1044 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy  
1045 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject  
1046 to verification under Subsection (10)(a)(i), enter the limited medical provider's  
1047 recommendation or renewal, including any associated directions of use, dosing  
1048 guidelines, or caregiver indication, in the state electronic verification system;

- 1049 (b) in processing an order for a holder of a conditional medical cannabis card described  
1050 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of  
1051 the pharmacy medical provider or medical cannabis pharmacy agent, contact the  
1052 recommending medical provider or the recommending medical provider's office to  
1053 verify the validity of the recommendation before processing the cardholder's order;
- 1054 (c) unless the medical cannabis cardholder has had a consultation under Subsection  
1055 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a  
1056 purchase of [~~cannabis, a cannabis product,~~] medical cannabis or a medical cannabis  
1057 device, personal counseling with the pharmacy medical provider; and
- 1058 (d) provide a telephone number or website by which the cardholder may contact a  
1059 pharmacy medical provider for counseling.
- 1060 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program  
1061 that allows an individual to deposit unused or excess medical cannabis or cannabis  
1062 residue from a medical cannabis device in a locked box or other secure receptacle  
1063 within the medical cannabis pharmacy.
- 1064 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
1065 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy  
1066 medical provider can access deposited medical cannabis.
- 1067 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 1068 (i) rendering the deposited medical cannabis unusable and unrecognizable before  
1069 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 1070 (ii) disposing of the deposited medical cannabis in accordance with:
- 1071 (A) federal and state law, rules, and regulations related to hazardous waste;  
1072 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1073 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and  
1074 (D) other regulations that the department makes in accordance with Title 63G,  
1075 Chapter 3, Utah Administrative Rulemaking Act.
- 1076 (12) A medical cannabis pharmacy:
- 1077 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
1078 Practice Act, as a pharmacy medical provider;
- 1079 (b) may employ a physician who has the authority to write a prescription and is licensed  
1080 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
1081 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1082 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works



- 1083 onsite during all business hours;
- 1084 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the  
1085 pharmacist-in-charge to oversee the operation of and generally supervise the medical  
1086 cannabis pharmacy;[~~and~~]
- 1087 (e) shall allow the pharmacist-in-charge to determine which [~~eannabis and eannabis~~  
1088 ~~products~~] medical cannabis products the medical cannabis pharmacy maintains in the  
1089 medical cannabis pharmacy's inventory[~~:-~~] ;
- 1090 (f) if a patient product information insert is available, shall provide a patient who  
1091 purchases a medical cannabis product the medical cannabis product's patient product  
1092 information insert using any of the following methods:
- 1093 (i) a physical document;
- 1094 (ii) an email message;
- 1095 (iii) a text message; or
- 1096 (iv) a quick response code; and
- 1097 (g) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 1098 (i) allow a medical cannabis cardholder located in the pharmacy to view the back  
1099 panel of the product when requested; and
- 1100 (ii) beginning July 1, 2025, include a picture of the back panel of the product on the  
1101 medical cannabis pharmacy's website.
- 1102 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
1103 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
1104 by a medical cannabis pharmacy.
- 1105 Section 14. Section **4-41a-1201** is amended to read:
- 1106 **4-41a-1201 . Medical cannabis home delivery designation.**
- 1107 (1) The department may designate a medical cannabis pharmacy as a home delivery  
1108 medical cannabis pharmacy if the department determines that the medical cannabis  
1109 pharmacy's operating plan demonstrates the functional and technical ability to:
- 1110 (a) safely conduct transactions for medical cannabis shipments;
- 1111 (b) accept electronic medical cannabis orders[~~that the state central patient portal~~  
1112 ~~facilitates~~]; and
- 1113 (c) accept payments through:
- 1114 (i) a payment provider that the Division of Finance approves, in consultation with the  
1115 state treasurer, in accordance with Section 26-61a-603; or
- 1116 (ii) a financial institution in accordance with Subsection 26-61a-603(4).

- 1117 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall  
 1118 identify in the applicant's operating plan any information relevant to the department's  
 1119 evaluation described in Subsection (1), including:
- 1120 (a) the name and contact information of the payment provider;
  - 1121 (b) the nature of the relationship between the prospective licensee and the payment  
 1122 provider;
  - 1123 (c) the processes of the following to safely and reliably conduct transactions for medical  
 1124 cannabis shipments:
    - 1125 (i) the prospective licensee; and
    - 1126 (ii) the electronic payment provider or the financial institution described in  
 1127 Subsection (1)(c); and  - 1128 (d) the ability of the licensee to comply with the department's rules regarding the secure  
 1129 transportation and delivery of medical cannabis [~~or medical cannabis product~~] to a  
 1130 medical cannabis cardholder.

- 1131 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that  
 1132 the department designates as a home delivery medical cannabis pharmacy may deliver  
 1133 medical cannabis shipments in accordance with this part.

1134 Section 15. Section **4-41a-1202** is amended to read:

1135 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**  
 1136 **couriers -- License.**

- 1137 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 1138 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home  
 1139 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders[  
 1140 ~~that the state central patient portal facilitates~~], including rules regarding the safe and  
 1141 controlled delivery of medical cannabis shipments.

- 1142 (2) A person may not operate as a medical cannabis courier without a license that the  
 1143 department issues under this section.

- 1144 (3)(a) Subject to Subsections (5) and (6), the department shall issue a license to operate  
 1145 as a medical cannabis courier to an applicant who is eligible for a license under this  
 1146 section.

- 1147 (b) An applicant is eligible for a license under this section if the applicant submits to the  
 1148 department:

- 1149 (i) the name and address of an individual who:

- 1150 (A) has a financial or voting interest of 10% or greater in the proposed medical

- 1151                   cannabis courier; or
- 1152                   (B) has the power to direct or cause the management or control of a proposed
- 1153                   cannabis production establishment;
- 1154                   (ii) an operating plan that includes operating procedures to comply with the operating
- 1155                   requirements for a medical cannabis courier described in this chapter; and
- 1156                   (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 1157                   department sets in accordance with Section 63J-1-504.
- 1158 (4) If the department determines that an applicant is eligible for a license under this section,
- 1159                   the department shall:
- 1160                   (a) charge the applicant an initial license fee in an amount that, subject to Subsection
- 1161                   4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1162                   (b) notify the Department of Public Safety of the license approval and the names of each
- 1163                   individual described in Subsection (3)(b)(i).
- 1164 (5) The department may not issue a license to operate as a medical cannabis courier to an
- 1165                   applicant if an individual described in Subsection (3)(b)(i):
- 1166                   (a) has been convicted under state or federal law of:
- 1167                   (i) a felony in the preceding 10 years; or
- 1168                   (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1169                   (b) is younger than 21 years old.
- 1170 (6) The department may revoke a license under this part if:
- 1171                   (a) the medical cannabis courier does not begin operations within one year after the day
- 1172                   on which the department issues the initial license;
- 1173                   (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1174                   (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
- 1175                   active, under state or federal law of:
- 1176                   (i) a felony; or
- 1177                   (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1178                   (d) after a change of ownership described in Subsection (14)(c), the department
- 1179                   determines that the medical cannabis courier no longer meets the minimum standards
- 1180                   for licensure and operation of the medical cannabis courier described in this chapter.
- 1181 (7) The department shall deposit the proceeds of a fee imposed by this section in the
- 1182                   Qualified Production Enterprise Fund.
- 1183 (8) The department's authority to issue a license under this section is plenary and is not
- 1184                   subject to review.

- 1185 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of  
1186 application, from each individual who has a financial or voting interest of 10% or  
1187 greater in the applicant or who has the power to direct or cause the management or  
1188 control of the applicant:
- 1189 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
  - 1190 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
1191 registration of the individual's fingerprints in the Federal Bureau of Investigation  
1192 Next Generation Identification System's Rap Back Service; and
  - 1193 (c) consent to a fingerprint background check by:
    - 1194 (i) the Bureau of Criminal Identification; and
    - 1195 (ii) the Federal Bureau of Investigation.
- 1196 (10) The Bureau of Criminal Identification shall:
- 1197 (a) check the fingerprints the applicant submits under Subsection (9) against the  
1198 applicable state, regional, and national criminal records databases, including the  
1199 Federal Bureau of Investigation Next Generation Identification System;
  - 1200 (b) report the results of the background check to the department;
  - 1201 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)  
1202 for search by future submissions to the local and regional criminal records databases,  
1203 including latent prints;
  - 1204 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1205 Generation Identification System's Rap Back Service for search by future  
1206 submissions to national criminal records databases, including the Next Generation  
1207 Identification System and latent prints; and
  - 1208 (e) establish a privacy risk mitigation strategy to ensure that the department only  
1209 receives notifications for an individual with whom the department maintains an  
1210 authorizing relationship.
- 1211 (11) The department shall:
- 1212 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an  
1213 amount that the department sets in accordance with Section 63J-1-504 for the  
1214 services that the Bureau of Criminal Identification or another authorized agency  
1215 provides under this section; and
  - 1216 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1217 (12) The department shall renew a license under this section every year if, at the time of  
1218 renewal:

- 1219 (a) the licensee meets the requirements of this section; and
- 1220 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 1221 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1222 (13) A person applying for a medical cannabis courier license shall submit to the
- 1223 department a proposed operating plan that complies with this section and that includes:
- 1224 (a) a description of the physical characteristics of any proposed facilities, including a
- 1225 floor plan and an architectural elevation, and delivery vehicles;
- 1226 (b) a description of the credentials and experience of each officer, director, or owner of
- 1227 the proposed medical cannabis courier;
- 1228 (c) the medical cannabis courier's employee training standards;
- 1229 (d) a security plan; and
- 1230 (e) storage and delivery protocols, both short and long term, to ensure that medical
- 1231 cannabis shipments are stored and delivered in a manner that is sanitary and
- 1232 preserves the integrity of the cannabis.
- 1233 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1234 (b) A medical cannabis courier shall report in writing to the department no later than 10
- 1235 business days before the date of any change of ownership of the medical cannabis
- 1236 courier.
- 1237 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1238 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis
- 1239 courier shall submit a new application described in Subsection (3)(b);
- 1240 (ii) within 30 days of the submission of the application, the department shall:
- 1241 (A) conduct an application review; and
- 1242 (B) award a license to the medical cannabis courier for the remainder of the term
- 1243 of the medical cannabis courier's license before the ownership change if the
- 1244 medical cannabis courier meets the minimum standards for licensure and
- 1245 operation of the medical cannabis courier described in this chapter; and
- 1246 (iii) if the department approves the license application, notwithstanding Subsection
- 1247 (4), the medical cannabis courier shall pay a license fee that the department sets in
- 1248 accordance with Section 63J-1-504 in an amount that covers the board's cost of
- 1249 conducting the application review.
- 1250 [~~(15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding~~
- 1251 ~~the transportation of medical cannabis.]~~
- 1252 [(b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed

1253 ~~home delivery medical cannabis pharmacy or a licensed medical cannabis courier~~  
1254 ~~may advertise:]~~  
1255 ~~[(i) a green cross;]~~  
1256 ~~[(ii) the pharmacy's or courier's name and logo; and]~~  
1257 ~~[(iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.]~~

1258 Section 16. Section **4-41a-1203** is amended to read:

1259 **4-41a-1203 . Medical cannabis shipment transportation.**

- 1260 (1) The department shall ensure that each home delivery medical cannabis pharmacy is  
1261 capable of delivering, directly or through a medical cannabis courier, medical cannabis  
1262 shipments in a secure manner.
- 1263 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed  
1264 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic  
1265 medical cannabis orders~~[that the state central patient portal facilitates]~~.
- 1266 (b) If a home delivery medical cannabis pharmacy enters into a contract described in  
1267 Subsection (2)(a), the pharmacy shall:
- 1268 (i) impose security and personnel requirements on the medical cannabis courier  
1269 sufficient to ensure the security and safety of medical cannabis shipments; and  
1270 (ii) provide regular oversight of the medical cannabis courier.
- 1271 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical  
1272 cannabis shipment if the individual is:
- 1273 (a) a registered pharmacy medical provider;  
1274 (b) a registered medical cannabis pharmacy agent; or  
1275 (c) a registered agent of the medical cannabis courier described in Subsection (2).
- 1276 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall  
1277 comply with the requirements of Subsection 4-41a-404(3).
- 1278 (5) In addition to the requirements in Subsections (3) and (4), the department may establish  
1279 by rule, in collaboration with the Division of Professional Licensing and the Board of  
1280 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
1281 Rulemaking Act, requirements for transporting medical cannabis shipments that are  
1282 related to safety for human consumption of [~~cannabis or a cannabis product~~] medical  
1283 cannabis.
- 1284 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a  
1285 manifest that does not meet the requirements of Subsection (4).  
1286 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)

- 1287 is:
- 1288 (i) guilty of an infraction; and
- 1289 (ii) subject to a \$100 fine.
- 1290 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
- 1291 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
- 1292 conduct underlying the violation described in Subsection (6)(b).
- 1293 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
- 1294 cannabis product, or medical cannabis devices than the manifest identifies, except for
- 1295 a de minimis administrative error:
- 1296 (i) this chapter does not apply; and
- 1297 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
- 1298 Substances Act.

1299 Section 17. Section **4-41a-1206** is amended to read:

1300 **4-41a-1206 . Closed-door medical cannabis pharmacy.**

- 1301 (1)(a) Subject to Subsections (1)(b) and (c), a home delivery medical cannabis pharmacy
- 1302 may open a single closed-door medical cannabis pharmacy.
- 1303 (b) A home delivery medical cannabis pharmacy may not open a closed-door medical
- 1304 cannabis pharmacy unless the home delivery medical cannabis pharmacy:
- 1305 (i) has an operating plan that includes a closed-door medical cannabis pharmacy; and
- 1306 (ii) obtains a license issued by the department for a closed-door medical cannabis
- 1307 pharmacy.
- 1308 (c) An entity that owns multiple home delivery medical cannabis pharmacies may open
- 1309 only one closed-door medical cannabis pharmacy.
- 1310 (d) The department may institute a fee in accordance with Section 63J-1-504 to
- 1311 administer this section.
- 1312 (2) A home delivery medical cannabis pharmacy that opens a closed-door medical cannabis
- 1313 pharmacy under Subsection (1) shall ensure:
- 1314 (a) that a pharmacy medical provider who is a licensed pharmacist:
- 1315 (i) is directly supervising the packaging of an order; and
- 1316 (ii) is present in the closed-door medical cannabis pharmacy when an order is
- 1317 packaged for delivery; and
- 1318 (b) all record keeping requirements, labeling requirements, and patient counseling
- 1319 requirements described in this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid
- 1320 Research and Medical Cannabis, are satisfied before sending out an order.

- 1321 (3) An individual who prepares an order at a closed-door medical cannabis pharmacy under  
1322 this section shall be registered as:
- 1323 (a) a pharmacy medical provider; or  
1324 (b) a medical cannabis pharmacy agent.
- 1325 (4)(a) A closed-door medical cannabis pharmacy shall operate:
- 1326 (i) except as provided in Subsection (4)(b), in a facility that is accessible only by an  
1327 individual who is a pharmacy medical provider or a medical cannabis pharmacy  
1328 agent; and  
1329 (ii) at a physical address in accordance with Subsection (6).
- 1330 (b) A closed-door medical cannabis pharmacy may authorize an individual who is at  
1331 least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy  
1332 agent to access the closed-door medical cannabis pharmacy if the closed-door  
1333 medical cannabis pharmacy:
- 1334 (i) tracks and monitors the individual at all times while the individual is at the  
1335 closed-door medical cannabis pharmacy; and  
1336 (ii) maintains a record of the individual's access, including arrival and departure.
- 1337 (c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
- 1338 (i) a single, secure public entrance; and  
1339 (ii) a security system with a backup power source that:
- 1340 (A) detects and records entry into the closed-door medical cannabis pharmacy;  
1341 (B) provides notice of an unauthorized entry to law enforcement when the  
1342 closed-door medical cannabis pharmacy is closed; and  
1343 (C) a lock or equivalent restrictive security feature on any area where the  
1344 closed-door medical cannabis pharmacy stores a cannabis product.
- 1345 (d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis  
1346 products in the closed-door medical cannabis pharmacy that are intended for home  
1347 delivery are separated in a manner that is readily distinguishable from any other  
1348 cannabis or cannabis product in the facility.
- 1349 (5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis  
1350 product to an individual through a delivery that complies with this part.
- 1351 (6)(a) A person may not locate a closed-door medical cannabis pharmacy:
- 1352 (i) within 1,000 feet of a community location; or  
1353 (ii) in or within 600 feet of a district that the relevant municipality or county has  
1354 zoned as primarily residential.



- 1355 (b) The proximity requirements described in Subsection (6)(a) shall be measured from  
1356 the nearest entrance to the closed-door medical cannabis pharmacy by following the  
1357 shortest route of ordinary pedestrian travel to the property boundary of the  
1358 community location or residential area.
- 1359 (c) The licensing board may grant a waiver to reduce the proximity requirements in  
1360 Subsection (6)(a) by up to 20% if the licensing board determines that it is not  
1361 reasonably feasible for the applicant to site the proposed closed-door medical  
1362 cannabis pharmacy without the waiver.
- 1363 (d) An applicant for a license under this section shall provide evidence of compliance  
1364 with the proximity requirements described in Subsection (6)(a).
- 1365 (7) When determining where a closed-door medical cannabis pharmacy may open, the  
1366 licensing board:
- 1367 (a) shall utilize geographic regions created by the department through rule;
- 1368 (b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a  
1369 region to open a closed-door medical cannabis pharmacy in the region;
- 1370 (c) of the total amount of closed-door medical cannabis pharmacies, may allow only  
1371 three closed-door medical cannabis pharmacies to operate in counties of the first and  
1372 second class as described in Section 17-50-501; and
- 1373 (d) for determining the three closed-door medical cannabis pharmacies described in  
1374 Subsection (7)(c), consider the following:
- 1375 (i) the history of compliance with state law and rules for all licenses issued under this  
1376 chapter;
- 1377 (ii) the medical cannabis pharmacy's willingness to offer a variety of brands and  
1378 products;
- 1379 (iii) the ability of the operating plan to ensure the safety and security of the  
1380 community;
- 1381 (iv) the suitability of the proposed location and the location's ability to serve the local  
1382 community; and
- 1383 (v) any other relevant information determined through rule.
- 1384 (8) A closed-door medical cannabis pharmacy may not account for more than:
- 1385 (a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
- 1386 (i) 35% of the medical cannabis pharmacy's total revenue; or  
1387 (ii) \$2,000,000 in total revenue; or
- 1388 (b) for an entity that holds more than one medical cannabis pharmacy license, the greater

- 1389 of:
- 1390 (i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates
- 1391 the most revenue; or
- 1392 (ii) \$2,000,000 in total revenue.
- 1393 (9) Notwithstanding any other provision of this section, the [department] licensing board
- 1394 may issue only [~~three~~] one closed-door medical cannabis pharmacy [~~licenses~~] license
- 1395 before July 1, 2027.
- 1396 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1397 department shall make rules to implement this section.
- 1398 Section 18. Section **26B-1-310** is amended to read:
- 1399 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
- 1400 **-- Uniform fee.**
- 1401 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
- 1402 (2) The fund created in this section is funded from:
- 1403 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid
- 1404 Research and Medical Cannabis;
- 1405 (b) appropriations the Legislature makes to the fund; and
- 1406 (c) the interest described in Subsection (3).
- 1407 (3) Interest earned on the fund shall be deposited into the fund.
- 1408 (4) Money deposited into the fund may only be used by:
- 1409 (a) the department to accomplish the department's responsibilities described in Chapter
- 1410 4, Part 2, Cannabinoid Research and Medical Cannabis; and
- 1411 (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to
- 1412 accomplish the Center for Medical Cannabis Research's responsibilities[-] ; and
- 1413 (c) if there is remaining money in the fund balance on June 30 of each fiscal year after
- 1414 financial obligations under Subsections (4)(a) through (b) are met, an amount up to
- 1415 \$300,000, the medical cannabis ombudsman and available for expenditure the next
- 1416 fiscal year for the program described in Subsection 26B-4-249(4) and, subject to
- 1417 Subsection (7), the program's associated administrative costs.
- 1418 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
- 1419 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
- 1420 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
- 1421 and Medical Cannabis.
- 1422 (6) The department may impose a uniform fee on each medical cannabis transaction in a

1423 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department  
1424 sets in accordance with Section 63J-1-504.

1425 (7) No more than 20% of the amount transferred under Subsection (4)(c) may be used for  
1426 administrative costs.

1427 Section 19. Section **26B-1-435** is amended to read:

1428 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**  
1429 **Duties.**

1430 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1431 (2)(a) The advisory board shall consist of the following members:

1432 (i) appointed by the executive director:

1433 (A) a qualified medical provider who has recommended medical cannabis to at  
1434 least 100 patients before being appointed;

1435 [~~(B)~~] ~~a medical research professional;~~

1436 [~~(C)~~] (B) a mental health specialist;

1437 [~~(D)~~] (C) an individual who represents an organization that advocates for medical  
1438 cannabis patients;

1439 [~~(E)~~] (D) [an individual] a member of the general public who holds a medical  
1440 cannabis patient card; and

1441 [~~(F)~~] (E) a member of the general public who does not hold a medical cannabis  
1442 card;~~and]~~

1443 (ii) appointed by the commissioner of the Department of Agriculture and Food:

1444 (A) an individual who owns or operates a licensed cannabis cultivation facility, as  
1445 defined in Section 4-41a-102;

1446 (B) an individual who owns or operates a licensed medical cannabis pharmacy;  
1447 and

1448 (C) a law enforcement officer~~[-]~~ ; and

1449 (iii) a representative from the Center for Medical Cannabis Research created in  
1450 Section 53B-14-1402, appointed by the Center for Medical Cannabis Research.

1451 (b) The commissioner of the Department of Agriculture and Food shall ensure that at  
1452 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or  
1453 operates a licensed cannabis processing facility.

1454 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four  
1455 year term.

1456 (b) When appointing the initial membership of the advisory board, the executive director

- 1457 and the commissioner of the Department of Agriculture and Food shall coordinate to  
1458 appoint four advisory board members to serve a term of two years to ensure that  
1459 approximately half of the board is appointed every two years.
- 1460 (4)(a) If an advisory board member is no longer able to serve as a member, a new  
1461 member shall be appointed in the same manner as the original appointment.
- 1462 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the  
1463 remainder of the unexpired term of the original appointment.
- 1464 (5)(a) A majority of the advisory board members constitutes a quorum.
- 1465 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1466 (c) For a term lasting one year, the advisory board shall annually designate members of  
1467 the advisory board to serve as chair and vice-chair.
- 1468 (d) When designating the chair and vice-chair, the advisory board shall ensure that at  
1469 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1470 (6) An advisory board member may not receive compensation or benefits for the member's  
1471 service on the advisory board but may receive per diem and reimbursement for travel  
1472 expenses incurred as an advisory board member in accordance with:
- 1473 (a) Sections 63A-3-106 and 63A-3-107; and
- 1474 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1475 63A-3-107.
- 1476 (7) The department shall:
- 1477 (a) provide staff support for the advisory board; and
- 1478 (b) assist the advisory board in conducting meetings.
- 1479 (8) The advisory board may recommend:
- 1480 (a) to the department or the Department of Agriculture and Food changes to current or  
1481 proposed medical cannabis rules or statutes; and
- 1482 (b) to the appropriate legislative committee whether the advisory board supports a  
1483 change to medical cannabis statutes.
- 1484 (9) The advisory board shall:
- 1485 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,  
1486 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis  
1487 Production Establishments and Pharmacies;
- 1488 (b) consult with the Department of Agriculture and Food regarding the issuance of an  
1489 additional:
- 1490 (i) cultivation facility license under Section 4-41a-205; or

- 1491 (ii) pharmacy license under Section 4-41a-1005;
- 1492 (c) consult with the department regarding cannabis patient education;
- 1493 (d) consult regarding the reasonableness of any fees set by the department or the
- 1494 Department of Agriculture and Food that pertain to the medical cannabis program;
- 1495 and
- 1496 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 1497 department or the Utah Department of Agriculture and Food.

1498 Section 20. Section **26B-4-201** is amended to read:

1499 **26B-4-201 . Definitions.**

1500 As used in this part:

- 1501 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1502 tetrahydrocannabinolic acid.
- 1503 (2) "Administration of criminal justice" means the performance of detection, apprehension,
- 1504 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1505 (3) "Advertise" means information provided by a person in any medium:
- 1506 (a) to the public; and
- 1507 (b) that is not age restricted to an individual who is at least 21 years old.
- 1508 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1509 Section 26B-1-435.
- 1510 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
- 1511 created in Section 26B-1-420.
- 1512 (6) "Cannabis" means marijuana.
- 1513 (7) "Cannabis processing facility" means the same as that term is defined in Section
- 1514 4-41a-102.
- 1515 (8) "Cannabis product" means a product that:
- 1516 (a) is intended for human use; and
- 1517 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
- 1518 concentration of 0.3% or greater on a dry weight basis.
- 1519 (9) "Cannabis production establishment" means the same as that term is defined in Section
- 1520 4-41a-102.
- 1521 (10) "Cannabis production establishment agent" means the same as that term is defined in
- 1522 Section 4-41a-102.
- 1523 (11) "Cannabis production establishment agent registration card" means the same as that
- 1524 term is defined in Section 4-41a-102.

- 1525 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that  
1526 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
1527 applicant for a medical cannabis card to access medical cannabis during the department's  
1528 review of the application.
- 1529 (13) "Controlled substance database" means the controlled substance database created in  
1530 Section 58-37f-201.
- 1531 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1532 (15) "Department" means the Department of Health and Human Services.
- 1533 (16) "Designated caregiver" means:
- 1534 (a) an individual:
- 1535 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
1536 guardian card designates as the patient's caregiver; and
- 1537 (ii) who registers with the department under Section 26B-4-214; or
- 1538 (b)(i) a facility that an individual designates as a designated caregiver in accordance  
1539 with Subsection 26B-4-214(1)(b); or
- 1540 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1541 (17) "Directions of use" means recommended routes of administration for a medical  
1542 cannabis treatment and suggested usage guidelines.
- 1543 (18) "Dosing guidelines" means a quantity range and frequency of administration for a  
1544 recommended treatment of medical cannabis.
- 1545 (19) "Government issued photo identification" means any of the following forms of  
1546 identification:
- 1547 (a) a valid state-issued driver license or identification card;
- 1548 (b) a valid United States federal-issued photo identification, including:
- 1549 (i) a United States passport;
- 1550 (ii) a United States passport card;
- 1551 (iii) a United States military identification card; or
- 1552 (iv) a permanent resident card or alien registration receipt card; or
- 1553 (c) a foreign passport.
- 1554 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that  
1555 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
1556 shipments to a delivery address to fulfill electronic orders[~~that the state central patient~~  
1557 ~~portal facilitates~~].
- 1558 (21) "Inventory control system" means the system described in Section 4-41a-103.

- 1559 (22) "Legal dosage limit" means an amount that:
- 1560 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1561 relevant recommending medical provider or ~~[the state central patient portal or]~~
- 1562 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
- 1563 recommends; and
- 1564 (b) may not exceed:
- 1565 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1566 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
- 1567 total, greater than 20 grams of active tetrahydrocannabinol.
- 1568 (23) "Legal use termination date" means a date on the label of a container of unprocessed
- 1569 cannabis flower:
- 1570 (a) that is 60 days after the date of purchase of the cannabis; and
- 1571 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1572 primary residence of the relevant medical cannabis patient cardholder.
- 1573 (24) "Limited medical provider" means an individual who:
- 1574 (a) meets the recommending qualifications; and
- 1575 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of
- 1576 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1577 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1578 (26) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
- 1579 dosage form or a cannabis product in a medicinal dosage form.
- 1580 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
- 1581 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1582 (28) "Medical cannabis cardholder" means:
- 1583 (a) a holder of a medical cannabis card; or
- 1584 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1585 (i) within the scope of the facility's or assigned employee's performance of the role of
- 1586 a medical cannabis patient cardholder's caregiver designation under Subsection
- 1587 26B-4-214(1)(b); and
- 1588 (ii) while in possession of documentation that establishes:
- 1589 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1590 (B) the identity of the individual presenting the documentation; and
- 1591 (C) the relation of the individual presenting the documentation to the caregiver
- 1592 designation.

- 1593 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder  
1594 may print or store on an electronic device or a physical card or document that:
- 1595 (a) the department issues to an individual whom a medical cannabis patient cardholder  
1596 or a medical cannabis guardian cardholder designates as a designated caregiver; and  
1597 (b) is connected to the electronic verification system.
- 1598 (30) "Medical cannabis courier" means the same as that term is defined in Section  
1599 4-41a-102.
- 1600 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or  
1601 inhale [~~cannabis in a medicinal dosage form or a cannabis product in a medicinal~~  
1602 ~~dosage form~~] medical cannabis.
- 1603 (b) "Medical cannabis device" does not include a device that:
- 1604 (i) facilitates cannabis combustion; or  
1605 (ii) an individual uses to ingest substances other than cannabis.
- 1606 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may  
1607 print or store on an electronic device or a physical card or document that:
- 1608 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1609 condition; and  
1610 (b) is connected to the electronic verification system.
- 1611 (33) "Medical cannabis ombudsman" means the same as that term is defined in Section  
1612 4-41a-102.
- 1613 ~~[(33)]~~ (34) "Medical cannabis patient card" means an electronic document that a cardholder  
1614 may print or store on an electronic device or a physical card or document that:
- 1615 (a) the department issues to an individual with a qualifying condition; and  
1616 (b) is connected to the electronic verification system.
- 1617 ~~[(34)]~~ (35) "Medical cannabis pharmacy" means a person that:
- 1618 (a)(i) acquires or intends to acquire medical cannabis [~~or a cannabis product in a~~  
1619 ~~medicinal dosage form~~] from a cannabis processing facility or another medical  
1620 cannabis pharmacy or a medical cannabis device; or  
1621 (ii) possesses medical cannabis or a medical cannabis device; and  
1622 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical  
1623 cannabis cardholder.
- 1624 ~~[(35)]~~ (36) "Medical cannabis pharmacy agent" means an individual who holds a valid  
1625 medical cannabis pharmacy agent registration card issued by the department.
- 1626 ~~[(36)]~~ (37) "Medical cannabis pharmacy agent registration card" means a registration card



- 1627 issued by the department that authorizes an individual to act as a medical cannabis  
1628 pharmacy agent.
- 1629 [(37)] (38) "Medical cannabis shipment" means the same as that term is defined in Section  
1630 4-41a-102.
- 1631 [(38)] (39) "Medical cannabis treatment" means [~~cannabis in a medicinal dosage form, a~~  
1632 ~~cannabis product in a medicinal dosage form, or~~ medical cannabis or a medical cannabis  
1633 device.
- 1634 [(39)] (40)(a) "Medicinal dosage form" means:
- 1635 (i) for processed medical cannabis, the following with a specific and consistent  
1636 cannabinoid content:
- 1637 (A) a tablet;
- 1638 (B) a capsule;
- 1639 (C) a concentrated liquid or viscous oil;
- 1640 (D) a liquid suspension that does not exceed 30 milliliters;
- 1641 (E) a topical preparation;
- 1642 (F) a transdermal preparation;
- 1643 (G) a sublingual preparation;
- 1644 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
1645 rectangular cuboid shape;
- 1646 (I) a resin or wax;
- 1647 (J) an aerosol;
- 1648 (K) a suppository preparation; or
- 1649 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform  
1650 spherical shape, is homogeneous in color and texture, and each piece is a single  
1651 serving; or
- 1652 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1653 (A) contains cannabis flower in a quantity that varies by no more than 10% from  
1654 the stated weight at the time of packaging;
- 1655 (B) at any time the medical cannabis cardholder transports or possesses the  
1656 container in public, is contained within an opaque bag or box that the medical  
1657 cannabis pharmacy provides; and
- 1658 (C) is labeled with the container's content and weight, the date of purchase, the  
1659 legal use termination date, and a barcode that provides information connected  
1660 to an inventory control system.

- 1661 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:  
 1662 (i) the medical cannabis cardholder has recently removed from the container  
 1663 described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii) for use; and  
 1664 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii).  
 1665 (c) "Medicinal dosage form" does not include:  
 1666 (i) any unprocessed cannabis flower outside of the container described in Subsection [  
 1667 ~~(39)(a)(ii)~~] (40)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (40)(b);  
 1668 (ii) any unprocessed cannabis flower in a container described in Subsection [  
 1669 ~~(39)(a)(ii)~~] (40)(a)(ii) after the legal use termination date;  
 1670 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the  
 1671 cannabis on a nail or other metal object that is heated by a flame, including a  
 1672 blowtorch;  
 1673 (iv) a liquid suspension that is branded as a beverage;  
 1674 (v) a substance described in Subsection [~~(39)(a)(i)~~] (40)(a)(i) or (ii) if the substance is  
 1675 not measured in grams, milligrams, or milliliters; or  
 1676 (vi) a substance that contains or is covered to any degree with chocolate.  
 1677 [~~(40)~~] (41) "Nonresident patient" means an individual who:  
 1678 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;  
 1679 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
 1680 card under the laws of another state, district, territory, commonwealth, or insular  
 1681 possession of the United States; and  
 1682 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.  
 1683 [~~(41)~~] (42) "Patient product information insert" means a single page document or webpage  
 1684 that contains information about a medical cannabis product regarding:  
 1685 (a) how to use the product;  
 1686 (b) common side effects;  
 1687 (c) serious side effects;  
 1688 (d) dosage;  
 1689 (e) contraindications;  
 1690 (f) safe storage;  
 1691 (g) information on when a product should not be used; and  
 1692 (h) other information the department deems appropriate in consultation with the  
 1693 cannabis processing facility that created the product.  
 1694 (43) "Pharmacy medical provider" means the medical provider required to be on site at a

- 1695 medical cannabis pharmacy under Section 26B-4-219.
- 1696 [~~(42)~~] (44) "Provisional patient card" means a card that:
- 1697 (a) the department issues to a minor with a qualifying condition for whom:
- 1698 (i) a recommending medical provider has recommended a medical cannabis
- 1699 treatment; and
- 1700 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1701 legal guardian; and
- 1702 (b) is connected to the electronic verification system.
- 1703 [~~(43)~~] (45) "Qualified medical provider" means an individual:
- 1704 (a) who meets the recommending qualifications; and
- 1705 (b) whom the department registers to recommend treatment with cannabis in a medicinal
- 1706 dosage form under Section 26B-4-204.
- 1707 [~~(44)~~] (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 1708 26B-1-310.
- 1709 [~~(45)~~] (47) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1710 [~~(46)~~] (48) "Recommend" or "recommendation" means, for a recommending medical
- 1711 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1712 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1713 (b) may include, at the recommending medical provider's discretion, directions of use,
- 1714 with or without dosing guidelines.
- 1715 [~~(47)~~] (49) "Recommending medical provider" means a qualified medical provider or a
- 1716 limited medical provider.
- 1717 [~~(48)~~] (50) "Recommending qualifications" means that an individual:
- 1718 (a)(i) has the authority to write a prescription;
- 1719 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
- 1720 Controlled Substances Act; and
- 1721 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1722 prescribe a Schedule II controlled substance; and
- 1723 (b) is licensed as:
- 1724 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1725 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1726 Act;
- 1727 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1728 Chapter 68, Utah Osteopathic Medical Practice Act; or

1729 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1730 [~~(49)~~] "State central patient portal" means the website the department creates, in accordance  
 1731 with Section ~~26B-4-236~~, to facilitate patient safety, education, and an electronic medical  
 1732 cannabis order.]

1733 [~~(50)~~] (51) "State electronic verification system" means the system described in Section  
 1734 26B-4-202.

1735 [~~(51)~~] (52) "Targeted marketing" means the promotion by a qualified medical provider,  
 1736 medical clinic, or medical office that employs a qualified medical provider of a medical  
 1737 cannabis recommendation service using any of the following methods:

- 1738 (a) electronic communication to an individual who is at least 21 years old and has  
 1739 requested to receive promotional information;
- 1740 (b) an in-person marketing event that is held in an area where only an individual who is  
 1741 at least 21 years old may access the event;
- 1742 (c) other marketing material that is physically or digitally displayed in the office of the  
 1743 medical clinic or office that employs a qualified medical provider; or
- 1744 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that  
 1745 employs a qualified medical provider shares with an individual who is at least 21  
 1746 years old.

1747 [~~(52)~~] (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a  
 1748 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1749 [~~(53)~~] (54) "THC analog" means the same as that term is defined in Section 4-41-102.

1750 Section 21. Section **26B-4-202** is amended to read:

1751 **26B-4-202 . Electronic verification system.**

1752 (1) The Department of Agriculture and Food, the department, the Department of Public  
 1753 Safety, and the Division of Technology Services shall:

- 1754 (a) enter into a memorandum of understanding in order to determine the function and  
 1755 operation of the state electronic verification system in accordance with Subsection  
 1756 (2);
- 1757 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
 1758 Procurement Code, to develop a request for proposals for a third-party provider to  
 1759 develop and maintain the state electronic verification system in coordination with the  
 1760 Division of Technology Services; and
- 1761 (c) select a third-party provider who:
- 1762 (i) meets the requirements contained in the request for proposals issued under

- 1763 Subsection (1)(b); and
- 1764 (ii) may not have any commercial or ownership interest in a cannabis production
- 1765 establishment or a medical cannabis pharmacy.
- 1766 (2) The Department of Agriculture and Food, the department, the Department of Public
- 1767 Safety, and the Division of Technology Services shall ensure that the state electronic
- 1768 verification system described in Subsection (1):
- 1769 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
- 1770 medical cannabis guardian card, provided that the card may not become active until:
- 1771 (i) the relevant qualified medical provider completes the associated medical cannabis
- 1772 recommendation; or
- 1773 (ii) for a medical cannabis card related to a limited medical provider's
- 1774 recommendation, the medical cannabis pharmacy completes the recording
- 1775 described in Subsection (2)(d);
- 1776 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
- 1777 cannabis guardian card in accordance with Section 26B-4-213;
- 1778 (c) allows a qualified medical provider, or an employee described in Subsection (3)
- 1779 acting on behalf of the qualified medical provider, to:
- 1780 (i) access dispensing and card status information regarding a patient:
- 1781 (A) with whom the qualified medical provider has a provider-patient relationship;
- 1782 and
- 1783 (B) for whom the qualified medical provider has recommended or is considering
- 1784 recommending a medical cannabis card;
- 1785 (ii) electronically recommend treatment with [~~eannabis in a medicinal dosage form or~~
- 1786 ~~a cannabis product in a medicinal dosage form]~~ medical cannabis and optionally
- 1787 recommend dosing guidelines;
- 1788 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
- 1789 or medical cannabis guardian cardholder:
- 1790 (A) using telehealth services, for the qualified medical provider who originally
- 1791 recommended a medical cannabis treatment during a face-to-face visit with the
- 1792 patient; or
- 1793 (B) during a face-to-face visit with the patient, for a qualified medical provider
- 1794 who did not originally recommend the medical cannabis treatment during a
- 1795 face-to-face visit; and
- 1796 (iv) submit an initial application, renewal application, or application payment on

- 1797           behalf of an individual applying for any of the following:
- 1798           (A) a medical cannabis patient card;
- 1799           (B) a medical cannabis guardian card; or
- 1800           (C) a medical cannabis caregiver card;
- 1801       (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
- 1802           agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1803           (i) access the electronic verification system to review the history within the system of
- 1804               a patient with whom the provider or agent is interacting, limited to read-only
- 1805               access for medical cannabis pharmacy agents unless the medical cannabis
- 1806               pharmacy's pharmacist in charge authorizes add and edit access;
- 1807           (ii) record a patient's recommendation from a limited medical provider, including any
- 1808               directions of use, dosing guidelines, or caregiver indications from the limited
- 1809               medical provider;
- 1810           (iii) record a limited medical provider's renewal of the provider's previous
- 1811               recommendation; 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       (e) connects with:
- 1818           (i) an inventory control system that a medical cannabis pharmacy uses to track in real
- 1819               time and archive purchases of any [~~cannabis in a medicinal dosage form, cannabis~~
- 1820               ~~product in a medicinal dosage form,~~ medical cannabis or a medical cannabis
- 1821               device, including:
- 1822               (A) the time and date of each purchase;
- 1823               (B) the quantity and type of [~~cannabis, cannabis product,~~ medical cannabis or
- 1824               medical cannabis device purchased;
- 1825               (C) any cannabis production establishment, any medical cannabis pharmacy, or
- 1826               any medical cannabis courier associated with the [~~cannabis, cannabis product,~~
- 1827               medical cannabis or medical cannabis device; and
- 1828               (D) the personally identifiable information of the medical cannabis cardholder
- 1829               who made the purchase; and
- 1830           (ii) any commercially available inventory control system that a cannabis production

1831 establishment utilizes in accordance with Section 4-41a-103 to use data that the  
 1832 Department of Agriculture and Food requires by rule, in accordance with Title  
 1833 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory  
 1834 tracking system that a licensee uses to track and confirm compliance;

1835 (f) provides access to:

1836 (i) the department to the extent necessary to carry out the department's functions and  
 1837 responsibilities under this part;

1838 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
 1839 functions and responsibilities of the Department of Agriculture and Food under  
 1840 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and

1841 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
 1842 functions and responsibilities related to the participation of the following in the  
 1843 recommendation and dispensing of medical cannabis:

1844 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing  
 1845 Act;

1846 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1847 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
 1848 Nurse Practice Act;

1849 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
 1850 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1851 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
 1852 Assistant Act;

1853 ~~[(g) provides access to and interaction with the state central patient portal;]~~

1854 ~~[(h)]~~ (g) communicates dispensing information from a record that a medical cannabis  
 1855 pharmacy submits to the state electronic verification system under Subsection  
 1856 4-41a-1102(3)(a)(ii) to the controlled substance database;

1857 ~~[(i)]~~ (h) provides access to state or local law enforcement only to verify the validity of an  
 1858 individual's medical cannabis card for the administration of criminal justice and  
 1859 through a database used by law enforcement; and

1860 ~~[(j)]~~ (i) creates a record each time a person accesses the system that identifies the person  
 1861 who accesses the system and the individual whose records the person accesses.

1862 (3)(a) An employee of a qualified medical provider may access the electronic  
 1863 verification system for a purpose described in Subsection (2)(c) on behalf of the  
 1864 qualified medical provider if:

- 1865 (i) the qualified medical provider has designated the employee as an individual  
1866 authorized to access the electronic verification system on behalf of the qualified  
1867 medical provider;
- 1868 (ii) the qualified medical provider provides written notice to the department of the  
1869 employee's identity and the designation described in Subsection (3)(a)(i); and
- 1870 (iii) the department grants to the employee access to the electronic verification  
1871 system.
- 1872 (b) An employee of a business that employs a qualified medical provider may access the  
1873 electronic verification system for a purpose described in Subsection (2)(c) on behalf  
1874 of the qualified medical provider if:
- 1875 (i) the qualified medical provider has designated the employee as an individual  
1876 authorized to access the electronic verification system on behalf of the qualified  
1877 medical provider;
- 1878 (ii) the qualified medical provider and the employing business jointly provide written  
1879 notice to the department of the employee's identity and the designation described  
1880 in Subsection (3)(b)(i); and
- 1881 (iii) the department grants to the employee access to the electronic verification  
1882 system.
- 1883 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1884 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
1885 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1886 Practice Act;
- 1887 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1888 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1889 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1890 Assistant Act.
- 1891 (b) A prescribing provider may access information in the electronic verification system  
1892 regarding a patient the prescribing provider treats.
- 1893 (5) The department may release limited data that the system collects for the purpose of:
- 1894 (a) conducting medical and other department approved research;
- 1895 (b) providing the report required by Section 26B-4-222; and
- 1896 (c) other official department purposes.
- 1897 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1898 Administrative Rulemaking Act, to establish:



- 1899 (a) the limitations on access to the data in the state electronic verification system as  
 1900 described in this section; and
- 1901 (b) standards and procedures to ensure accurate identification of an individual requesting  
 1902 information or receiving information in this section.
- 1903 (7) Any person who negligently or recklessly releases any information in the state  
 1904 electronic verification system in violation of this section is guilty of a class C  
 1905 misdemeanor.
- 1906 (8) Any person who obtains or attempts to obtain information from the state electronic  
 1907 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1908 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly  
 1909 and intentionally use, release, publish, or otherwise make available to any other  
 1910 person information obtained from the state electronic verification system for any  
 1911 purpose other than a purpose specified in this section.
- 1912 (b) Each separate violation of this Subsection (9) is:
- 1913 (i) a third degree felony; and
- 1914 (ii) subject to a civil penalty not to exceed \$5,000.
- 1915 (c) A law enforcement officer who uses the database used by law enforcement to access  
 1916 information in the electronic verification system for a reason that is not the  
 1917 administration of criminal justice is guilty of a class B misdemeanor.
- 1918 (d) The department shall determine a civil violation of this Subsection (9) in accordance  
 1919 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1920 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General  
 1921 Fund.
- 1922 (f) This Subsection (9) does not prohibit a person who obtains information from the state  
 1923 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1924 (i) including the information in the person's medical chart or file for access by a  
 1925 person authorized to review the medical chart or file;
- 1926 (ii) providing the information to a person in accordance with the requirements of the  
 1927 Health Insurance Portability and Accountability Act of 1996; or
- 1928 (iii) discussing or sharing that information about the patient with the patient.
- 1929 Section 22. Section **26B-4-214** is amended to read:
- 1930 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**  
 1931 **Revocation.**
- 1932 (1)(a) A cardholder described in Section 26B-4-213 may designate[, through the state

1933 ~~central patient portal,]~~ up to two individuals, or an individual and a facility in  
1934 accordance with Subsection (1)(b), to serve as a designated caregiver for the  
1935 cardholder.

1936 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the  
1937 following types of facilities as one of the caregivers described in Subsection (1)(a):  
1938 (A) for a patient or resident, an assisted living facility, as that term is defined in  
1939 Section 26B-2-201;  
1940 (B) for a patient or resident, a nursing care facility, as that term is defined in  
1941 Section 26B-2-201; or  
1942 (C) for a patient, a general acute hospital, as that term is defined in Section  
1943 26B-2-201.

1944 (ii) A facility may:  
1945 (A) assign one or more employees to assist patients with medical cannabis  
1946 treatment under the caregiver designation described in this Subsection (1)(b);  
1947 and  
1948 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a  
1949 medical cannabis courier on behalf of the medical cannabis cardholder within  
1950 the facility who designated the facility as a caregiver.

1951 (iii) The department shall make rules to regulate the practice of facilities and facility  
1952 employees serving as designated caregivers under this Subsection (1)(b).

1953 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation  
1954 with the minor and the minor's qualified medical provider, may designate~~[-through~~  
1955 ~~the state central patient portal,]~~ up to two individuals to serve as a designated  
1956 caregiver for the minor, if the department determines that the parent or legal guardian  
1957 is not eligible for a medical cannabis guardian card under Section 26B-4-213.

1958 (d)(i) Upon the entry of a caregiver designation under this Subsection (1) by a patient  
1959 with a terminal illness described in Section 26B-4-203, the department shall issue  
1960 to the designated caregiver an electronic conditional medical cannabis caregiver  
1961 card, in accordance with this Subsection (1)(d).

1962 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:  
1963 (A) 60 days; or  
1964 (B) the day on which the department completes the department's review and issues  
1965 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's  
1966 medical cannabis caregiver card application, or revokes the conditional

- 1967 medical cannabis caregiver card under Section 26B-4-246.
- 1968 (iii) The department may issue a conditional medical cannabis card to an individual  
1969 applying for a medical cannabis patient card for which approval of the  
1970 Compassionate Use Board is not required.
- 1971 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
1972 obligations under law applicable to a holder of the medical cannabis card for  
1973 which the individual applies and for which the department issues the conditional  
1974 medical cannabis card.
- 1975 (2) An individual that the department registers as a designated caregiver under this section  
1976 and a facility described in Subsection (1)(b):
- 1977 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver  
1978 card;
- 1979 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in  
1980 the use of [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal~~  
1981 ~~dosage form,]~~ medical cannabis or a medical cannabis device on behalf of the  
1982 designating medical cannabis cardholder;
- 1983 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
1984 or for a service that the designated caregiver provides in relation to the role as a  
1985 designated caregiver; and
- 1986 (d) may accept reimbursement from the designating medical cannabis cardholder for  
1987 direct costs the designated caregiver incurs for assisting with the designating  
1988 cardholder's medicinal use of cannabis.
- 1989 (3)(a) The department shall:
- 1990 (i) within 15 days after the day on which an individual submits an application in  
1991 compliance with this section, issue a medical cannabis card to the applicant if the  
1992 applicant:
- 1993 (A) is designated as a caregiver under Subsection (1);  
1994 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and  
1995 (C) complies with this section; and
- 1996 (ii) notify the Department of Public Safety of each individual that the department  
1997 registers as a designated caregiver.
- 1998 (b) The department shall ensure that a medical cannabis caregiver card contains the  
1999 information described in Subsections (5)(b) and (3)(c)(i).
- 2000 (c) If a cardholder described in Section 26B-4-213 designates an individual as a

- 2001 caregiver who already holds a medical cannabis caregiver card, the individual with  
2002 the medical cannabis caregiver card:
- 2003 (i) shall report to the department the information required of applicants under  
2004 Subsection (5)(b) regarding the new designation;
- 2005 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required  
2006 to file an application for another medical cannabis caregiver card;
- 2007 (iii) may receive an additional medical cannabis caregiver card in relation to each  
2008 additional medical cannabis patient who designates the caregiver; and
- 2009 (iv) is not subject to an additional background check.
- 2010 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 2011 (a) is at least 21 years old;
- 2012 (b) is a Utah resident;
- 2013 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),  
2014 the department sets in accordance with Section 63J-1-504, plus the cost of the  
2015 criminal background check described in Section 26B-4-215; and
- 2016 (d) signs an acknowledgment stating that the applicant received the information  
2017 described in Subsection 26B-4-213(9)[-].
- 2018 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 2019 (a) submit an application for a medical cannabis caregiver card to the department  
2020 through an electronic application connected to the state electronic verification  
2021 system; and
- 2022 (b) submit the following information in the application described in Subsection (5)(a):
- 2023 (i) the applicant's name, gender, age, and address;
- 2024 (ii) the name, gender, age, and address of the cardholder described in Section  
2025 26B-4-213 who designated the applicant;
- 2026 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,  
2027 gender, and age of the minor receiving a medical cannabis treatment in relation to  
2028 the medical cannabis guardian cardholder; and
- 2029 (iv) any additional information that the department requests to assist in matching the  
2030 application with the designating medical cannabis patient.
- 2031 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the  
2032 department issues under this section is valid for the lesser of:
- 2033 (a) an amount of time that the cardholder described in Section 26B-4-213 who  
2034 designated the caregiver determines; or

2035 (b) the amount of time remaining before the card of the cardholder described in Section  
 2036 26B-4-213 expires.

2037 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated  
 2038 caregiver's medical cannabis caregiver card renews automatically at the time the  
 2039 cardholder described in Section 26B-4-213 who designated the caregiver:

2040 (i) renews the cardholder's card; and

2041 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

2042 (b) The department shall provide a method in the card renewal process to allow a  
 2043 cardholder described in Section 26B-4-213 who has designated a caregiver to:

2044 (i) signify that the cardholder renews the caregiver's designation;

2045 (ii) remove a caregiver's designation; or

2046 (iii) designate a new caregiver.

2047 (8) The department shall record the issuance or revocation of a medical cannabis card under  
 2048 this section in the controlled substance database.

2049 Section 23. Section **26B-4-222** is amended to read:

2050 **26B-4-222 . Report.**

2051 (1) By the November interim meeting each year, the department shall report to the Health  
 2052 and Human Services Interim Committee on:

2053 (a) the number of applications and renewal applications filed for medical cannabis cards;

2054 (b) the number of qualifying patients and designated caregivers;

2055 (c) the nature of the debilitating medical conditions of the qualifying patients;

2056 (d) the age and county of residence of cardholders;

2057 (e) the number of medical cannabis cards revoked;

2058 (f) the number of practitioners providing recommendations for qualifying patients;

2059 (g) the number of license applications and renewal license applications received;

2060 (h) the number of licenses the department has issued in each county;

2061 (i) the number of licenses the department has revoked;

2062 (j) the quantity of medical cannabis shipments[~~that the state central patient portal~~  
 2063 ~~facilitates~~];

2064 (k) the number of overall purchases of medical cannabis [~~and medical cannabis products~~]  
 2065 from each medical cannabis pharmacy;

2066 (l) the expenses incurred and revenues generated from the medical cannabis program;

2067 and

2068 (m) an analysis of product availability in medical cannabis pharmacies in consultation

2069 with the Department of Agriculture and Food.

2070 (2) The report shall include information provided by the Center for Medical Cannabis  
2071 Research described in Section 53B-17-1402.

2072 (3) The department may not include personally identifying information in the report  
2073 described in this section.

2074 (4) The department shall report to the working group described in Section 36-12-8.2 as  
2075 requested by the working group.

2076 Section 24. Section **26B-4-243** is amended to read:

2077 **26B-4-243 . Guidance for treatment with medical cannabis.**

2078 The department, in consultation with the Center for Medical Cannabis Research created  
2079 in Section 53B-17-1402, shall:

2080 (1) develop evidence-based guidance for treatment with medical cannabis based on the  
2081 latest medical research that shall include:

2082 (a) for each qualifying condition, a summary of the latest medical research regarding the  
2083 treatment of the qualifying condition with medical cannabis;

2084 (b) risks, contraindications, side effects, and adverse reactions that are associated with  
2085 medical cannabis use; and

2086 (c) potential drug interactions between medical cannabis and medications that have been  
2087 approved by the United States Food and Drug Administration;~~[-and]~~

2088 (2) educate recommending medical providers, pharmacy medical providers, medical  
2089 cannabis cardholders, and the public regarding:

2090 (a) the evidence-based guidance for treatment with medical cannabis described in  
2091 Subsection (1)(a);

2092 (b) relevant warnings and safety information related to medical cannabis use; and

2093 (c) other topics related to medical cannabis use as determined by the department~~[-]~~ ; and

2094 (3) develop patient product information inserts for medical cannabis products in  
2095 consultation with the cannabis processing facility that created the product and does not  
2096 contain proprietary information about the product.

2097 Section 25. Section **26B-4-247** is amended to read:

2098 **26B-4-247 . Department coordination.**

2099 (1) The department shall:

2100 [(+)] (a) provide draft rules made under this chapter to the:

2101 (i) ~~[-]~~advisory board for the advisory board's review; and

2102 (ii) medical cannabis ombudsman;

2103 [(2)] (b) consult with the advisory board regarding:  
 2104 [(a)] (i) patient education; and  
 2105 [(b)] (ii) fees set by the department that pertain to the medical cannabis program; and  
 2106 [(3)] (c) when appropriate, consult with the advisory board regarding issues that arise in  
 2107 the medical cannabis program.

2108 (2)(a) The department may not file a rule under Title 63G, Chapter 3, Utah  
 2109 Administrative Rulemaking Act, unless the medical cannabis ombudsman agrees the  
 2110 rule should be filed.

2111 (b) The 180 day rulemaking deadline described in Subsection 63G-3-301(14) is tolled  
 2112 while a rule is reviewed by the medical cannabis ombudsman.

2113 Section 26. Section **26B-4-248** is enacted to read:

2114 **26B-4-248 . Medical cannabis sales website.**

2115 (1) The department shall issue a request for proposals to establish and maintain a medical  
 2116 cannabis sales website that:

2117 (a) is accessible to medical cannabis cardholders;

2118 (b) allows a cannabis processing facility to list a medical cannabis product on the  
 2119 website, including:

2120 (i) the product's name;

2121 (ii) the amount of inventory the cannabis processing facility has of the product;

2122 (iii) a short description of the product provided by the cannabis processing facility;

2123 (iv) the product's intended use, dosage, and relevant warnings; and

2124 (v) laboratory test results;

2125 (c) allows a medical cannabis cardholder to request a medical cannabis pharmacy to  
 2126 fulfill an order; and

2127 (d) notifies a medical cannabis pharmacy when an order has been requested.

2128 (2)(a) A medical cannabis pharmacy notified under Subsection (1)(d) shall contact the  
 2129 medical cannabis cardholder to inform the cardholder regarding whether the  
 2130 pharmacy will fulfill the order.

2131 (b) If the medical cannabis pharmacy agrees to fulfill the order, the medical cannabis  
 2132 pharmacy may:

2133 (i) set a price for the product;

2134 (ii) determine whether the pharmacy will provide home delivery if authorized to  
 2135 provide home delivery under Title 4, Chapter 41a, Cannabis Production

2136 Establishments and Pharmacies; and

- 2137 (iii) set a delivery fee if the product will be delivered to the cardholder.
- 2138 (c) If a medical cannabis pharmacy needs to order a medical cannabis product from a
- 2139 cannabis processing facility to fulfill an order under this section:
- 2140 (i) the medical cannabis pharmacy shall notify the cannabis processing facility that
- 2141 produces the product; and
- 2142 (ii) the cannabis processing facility shall provide the medical cannabis product to the
- 2143 medical cannabis pharmacy within 15 business days from the day on which the
- 2144 medical cannabis pharmacy notifies the cannabis processing facility under
- 2145 Subsection (2)(c)(i).
- 2146 (3) The department shall provide a link to the medical cannabis sales website on the
- 2147 department's website.
- 2148 (4) The department may not respond to the request for proposals described in Subsection (1).
- 2149 (5) The website shall begin operation on or before January 1, 2026.
- 2150 Section 27. Section **26B-4-249** is enacted to read:
- 2151 **26B-4-249 . Medical cannabis ombudsman -- Duties -- Appeals.**
- 2152 (1)(a) There is created a medical cannabis ombudsman within the Office of Ombuds
- 2153 within the department.
- 2154 (b) The department shall consult with the Department of Agriculture and Food regarding
- 2155 the selection of the medical cannabis ombudsman.
- 2156 (c) The medical cannabis ombudsman or an immediate family member of the medical
- 2157 cannabis ombudsman may not have an ownership interest in a cannabis production
- 2158 establishment or medical cannabis pharmacy.
- 2159 (2) The ombudsman shall:
- 2160 (a) develop and maintain expertise in laws and policies governing the rights and
- 2161 privileges of patients who hold medical cannabis cards;
- 2162 (b) provide training and information to private citizens, civic groups, governmental
- 2163 entities, and other interested parties across the state regarding:
- 2164 (i) the role and duties of the ombudsman; and
- 2165 (ii) the rights and privileges of medical cannabis patients;
- 2166 (c) develop a website to provide the information described in Subsection (2)(b) in a form
- 2167 that is easily accessible;
- 2168 (d) review proposed rules that are created under Title 4, Chapter 41a, Cannabis
- 2169 Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2,
- 2170 Cannabinoid Research and Medical Cannabis;



- 2171 (e) cooperate and coordinate with governmental entities and other organizations in the  
2172 community in exercising the duties under this section; and
- 2173 (f) as appropriate, make recommendations to the Department of Agriculture and Food  
2174 and the department regarding the creation or modification of rules that the  
2175 ombudsman considers necessary to carry out the ombudsman's duties under this  
2176 section.
- 2177 (3)(a) The ombudsman shall:
- 2178 (i) determine which entities receive licenses:
- 2179 (A) under Section 4-41a-1005 in consultation with the Department of Agriculture  
2180 and Food and in accordance with Section 4-41a-1005; and
- 2181 (B) described in this Subsection (3); and
- 2182 (ii) inform the Department of Agriculture and Food of the selections.
- 2183 (b)(i) Subject to the requirements of this Subsection (3) and the criteria established  
2184 for obtaining a medical cannabis pharmacy license under Title 4, Chapter 41a,  
2185 Cannabis Production Establishments and Pharmacies, the ombudsman shall:
- 2186 (A) before January 1, 2026, select one entity to receive a medical cannabis  
2187 pharmacy license; and
- 2188 (B) before January 1, 2027, but not before January 1, 2026, select one entity to  
2189 receive a medical cannabis pharmacy license.
- 2190 (ii) When selecting entities under this Subsection (3), if there is a conflict between  
2191 the criteria established for obtaining a medical cannabis pharmacy license under  
2192 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and  
2193 this section, this section controls.
- 2194 (c) For the license described in Subsection (3)(b)(i)(A), the ombudsman may not select  
2195 an entity:
- 2196 (i) that owns any interest in or operates a medical cannabis production establishment;  
2197 or
- 2198 (ii) that is owned, partially or entirely, or operated by a medical cannabis production  
2199 establishment.
- 2200 (d) The ombudsman:
- 2201 (i) may not select an entity to receive a license under this Subsection (3) if the entity  
2202 owns a financial interest in a medical cannabis pharmacy or is owned by an entity  
2203 that owns a financial interest in a medical cannabis pharmacy; and
- 2204 (ii) shall select an entity that will site a medical cannabis pharmacy license issued

- 2205           under this Subsection (3) in an area:
- 2206           (A) designated as a medically underserved area as determined by the federal
- 2207           Health Resources and Services Administration; and
- 2208           (B) located in a county of the third, fourth, fifth, or sixth class.
- 2209       (e) A license described in this Subsection (3) may not be transferred to another entity
- 2210           unless that entity meets the requirements of Subsections (3)(c) and (3)(d) that the
- 2211           transferring entity met when obtaining the license.
- 2212 (4)(a) The ombudsman shall contract with a nonprofit entity that provides assistance to
- 2213           medical cannabis cardholders for purchasing medical cannabis or a medical cannabis
- 2214           device.
- 2215       (b) Subject to available funds, the contracted nonprofit entity may provide monthly \$150
- 2216           vouchers to a medical cannabis pharmacy as part of the program described in this
- 2217           Subsection (4).
- 2218       (c) A medical cannabis patient is eligible for the program if the individual is:
- 2219           (i) an active medical cannabis cardholder patient; and
- 2220           (ii) enrolled in Medicaid or Medicare.
- 2221       (d) The ombudsman may make rules to effectuate the program described in this
- 2222           Subsection (4) in accordance with Title 63G, Chapter 4, Administrative Procedures
- 2223           Act.
- 2224       (e) A contracted nonprofit entity shall provide the ombudsman an accounting each
- 2225           quarter of:
- 2226           (i) how money was used; and
- 2227           (ii) other metrics determined relevant by the ombudsman.
- 2228 (5)(a) The ombudsman shall hear all appeals for administrative action taken under Title
- 2229           4, Chapter 41a, Cannabis Production Establishments and Pharmacies as an informal
- 2230           proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
- 2231       (b) The ombudsman shall create rules for hearing appeals in accordance with Title 63G,
- 2232           Chapter 3, Utah Administrative Rulemaking Act.
- 2233 (6) Before August 1, 2026, and each year thereafter, the ombudsman shall provide a report
- 2234           to the Medical Cannabis Governance Structure Working Group created in Section
- 2235           36-12-8.2 regarding:
- 2236           (a) the number of appeals heard under Subsection (5);
- 2237           (b) the number of patients served under Subsection (4); and
- 2238           (c) policy recommendations related to the medical cannabis program.

- 2239 Section 28. Section **63I-2-204** is amended to read:  
 2240 **63I-2-204 . Repeal dates: Title 4.**
- 2241 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed  
 2242 May 1, 2025.
- 2243 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed  
 2244 July 1, [~~2026~~] 2025.
- 2245 (3) Section 4-46-104, Transition, is repealed July 1, 2024.
- 2246 Section 29. Section **63I-2-226** is amended to read:  
 2247 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 2248 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.
- 2249 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women  
 2250 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2251 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2252 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2253 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2254 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review  
 2255 Board, is repealed July 1, [~~2026~~] 2025.
- 2256 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --  
 2257 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2258 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of  
 2259 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2260 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2261 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and  
 2262 genetic testing, is repealed July 1, 2030.
- 2263 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed  
 2264 July 1, [~~2026~~] 2025.
- 2265 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is  
 2266 repealed July 1, [~~2026~~] 2025.
- 2267 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance  
 2268 Program, is repealed July 1, 2027.
- 2269 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician  
 2270 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2271 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan  
 2272 Repayment Program, is repealed July 1, 2026.

- 2273 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician  
2274 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2275 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed  
2276 January 2, 2025.
- 2277 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,  
2278 is repealed July 1, 2025.
- 2279 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 2280 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is  
2281 repealed July 1, 2025.
- 2282 Section 30. Section **63I-2-236** is amended to read:  
2283 **63I-2-236 . Repeal dates: Title 36.**
- 2284 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed  
2285 July 1, [~~2025~~] 2026.
- 2286 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --  
2287 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --  
2288 Interim report, is repealed November 30, 2024.
- 2289 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed  
2290 November 30, 2027.
- 2291 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed  
2292 November 30, 2024.
- 2293 Section 31. **Repealer.**
- 2294 This bill repeals:
- 2295 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**  
2296 **-- Citation.**
- 2297 Section **26B-4-236, State central patient portal -- Department duties.**
- 2298 Section **4-41a-1104, Advertising.**
- 2299 Section **4-41a-403, Advertising.**
- 2300 Section **4-41a-604, Advertising.**
- 2301 Section 32. **Effective Date.**
- 2302 This bill takes effect on May 7, 2025.