

Luz Escamilla proposes the following substitute bill:

Cannabis Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- defines terms;
- allows for additional medical cannabis pharmacies;
- creates a new medical cannabis pharmacy license for independent medical cannabis pharmacies;
- creates ownership restrictions for independent medical cannabis pharmacies;
- adjusts fees for certain medical cannabis pharmacy licenses;
- amends provisions regarding cannabis production and sanitation;
- modifies provisions related to enforcement and appeals;
- 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;
- 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;
- authorizes the creation of patient product information inserts;
- moves the repeal of the Cannabis Research Review Board earlier one year;
- extends the repeal date for the Medical Cannabis Governance Structure Working Group;

29 and

30 ▸ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

38 **4-41a-110**, as enacted by Laws of Utah 2023, Chapter 273

39 **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12

40 **4-41a-403**, as last amended by Laws of Utah 2023, Chapter 327

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

42 **4-41a-701**, as last amended by Laws of Utah 2023, Chapters 313, 317

43 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
44 Chapter 1

45 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

46 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

47 **4-41a-1003**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and
48 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
49 Laws of Utah 2023, Chapter 307

50 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217

51 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217

52 **4-41a-1201**, as enacted by Laws of Utah 2023, Chapter 273

53 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240

54 **4-41a-1203**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
55 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

56 **4-41a-1206**, as enacted by Laws of Utah 2024, Chapter 238

57 **26B-1-310**, as last amended by Laws of Utah 2023, Chapters 273, 281 and renumbered
58 and amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause,
59 Laws of Utah 2023, Chapter 305

60 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

61 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

62 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240

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

70 ENACTS:

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

73 REPEALS:

74 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
 75 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 76 **26B-4-236**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
 77 and amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause,
 78 Laws of Utah 2023, Chapter 307

79

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

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

82 **4-41a-102 . Definitions.**

83 As used in this chapter:

- 84 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
 85 injurious to health, including:
 86 (a) pesticides;
 87 (b) heavy metals;
 88 (c) solvents;
 89 (d) microbial life;
 90 (e) artificially derived cannabinoid;
 91 (f) toxins; or
 92 (g) foreign matter.
- 93 (2) "Advertise" or "advertising" means information provided by a person in any medium:
 94 (a) to the public; and
 95 (b) that is not age restricted to an individual who is at least 21 years old.
- 96 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in

97 Section 26B-1-435.

98 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
99 of competition in the medical cannabis market that would be considered an attempt to
100 monopolize, as defined in Section 76-10-3103.

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

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

104 (A) no longer acting independently; or

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

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

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

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

109 (iii) other conduct outlined in rule.

110 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
111 chemical reaction that changes the molecular structure of any chemical substance
112 derived from the cannabis plant.

113 (b) "Artificially derived cannabinoid" does not include:

114 (i) a naturally occurring chemical substance that is separated from the cannabis plant
115 by a chemical or mechanical extraction process; or

116 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
117 cannabinoid acid without the use of a chemical catalyst.

118 (6) "Batch" means a quantity of:

119 (a) cannabis extract produced on a particular date and time and produced between
120 completion of equipment and facility sanitation protocols until the next required
121 sanitation cycle during which lots of cannabis are used;

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

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

128 [(6)] (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
129 created in Section 26B-1-420.

130 [(7)] (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.

- 131 ~~[(8)]~~ (9) "Cannabis concentrate" means:
- 132 (a) the product of any chemical or physical process applied to naturally occurring
- 133 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 134 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
- 135 artificially derived cannabinoid's purified state.
- 136 ~~[(9)]~~ (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 137 intended to be sold as a cannabis plant product.
- 138 ~~[(10)]~~ (11) "Cannabis cultivation facility" means a person that:
- 139 (a) possesses cannabis;
- 140 (b) grows or intends to grow cannabis; and
- 141 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 142 processing facility, or a medical cannabis research licensee.
- 143 ~~[(11)]~~ (12) "Cannabis cultivation facility agent" means an individual who
- 144 holds a valid cannabis production establishment agent registration card with a cannabis
- 145 cultivation facility designation.
- 146 ~~[(12)]~~ (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 147 ~~[(13)]~~ (14) "Cannabis plant product" means any portion of a cannabis plant intended to be
- 148 sold in a form that is recognizable as a portion of a cannabis plant.
- 149 ~~[(14)]~~ (15) "Cannabis processing facility" means a person that:
- 150 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 151 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 152 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 153 cannabis or a cannabis extract; and
- 154 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 155 medical cannabis research licensee.
- 156 ~~[(15)]~~ (16) "Cannabis processing facility agent" means an individual who
- 157 holds a valid cannabis production establishment agent registration card with a cannabis
- 158 processing facility designation.
- 159 ~~[(16)]~~ (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 160 ~~[(17)]~~ (18) "Cannabis production establishment" means a cannabis cultivation facility, a
- 161 cannabis processing facility, or an independent cannabis testing laboratory.
- 162 ~~[(18)]~~ (19) "Cannabis production establishment agent" means a cannabis cultivation facility
- 163 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory
- 164 agent.

165 [(19)] (20) "Cannabis production establishment agent registration card" means a registration
166 card that the department issues that:

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

170 [(20)] (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
171 delivery medical cannabis pharmacy for delivering [~~cannabis or a medical cannabis~~
172 ~~product~~] medical cannabis.

173 [(21)] (22) "Community location" means a public or private elementary or secondary school,
174 a church, a public library, a public playground, or a public park.

175 [(22)] (23) "Cultivation space" means, quantified in square feet, the horizontal area in which
176 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
177 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
178 above other plants in multiple levels.

179 [(23)] (24) "Delivery address" means:

- 180 (a) for a medical cannabis cardholder who is not a facility:
181 (i) the medical cannabis cardholder's home address; or
182 (ii) an address designated by the medical cannabis cardholder that:
183 (A) is the medical cannabis cardholder's workplace; and
184 (B) is not a community location; or
185 (b) for a medical cannabis cardholder that is a facility, the facility's address.

186 [(24)] (25) "Department" means the Department of Agriculture and Food.

187 [(25)] (26) "Family member" means a parent, step-parent, spouse, child, sibling,
188 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
189 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

190 [(26)] (27) "Government issued photo identification" means the same as that term is defined
191 in Section 26B-4-201, including expired identification in accordance with Section
192 26B-4-244.

193 [(27)] (28) "Home delivery medical cannabis pharmacy" means a medical cannabis
194 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
195 medical cannabis shipments to a delivery address to fulfill electronic orders[~~that the~~
196 ~~state central patient portal facilitates~~].

197 [(28)] (29)(a) "Independent cannabis testing laboratory" means a person that:

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

199 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
200 to conduct a chemical or other analysis of the cannabis or cannabis product.

201 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
202 or a research university operates in accordance with Subsection 4-41a-201(14).

203 [(29)] (30) "Independent cannabis testing laboratory agent" means an individual who
204 holds a valid cannabis production establishment agent registration card with an
205 independent cannabis testing laboratory designation.

206 [(30)] (31) "Inventory control system" means a system described in Section 4-41a-103.

207 [(31)] (32) "Licensing board" or "board" means the Cannabis Production Establishment and
208 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.

209 [(32)] (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
210 defined in Section 26B-4-201.

211 [(33)] (34) "Medical cannabis card" means the same as that term is defined in Section
212 26B-4-201.

213 [(34)] (35) "Medical cannabis courier" means a courier that:

214 (a) the department licenses in accordance with Section 4-41a-1201; and

215 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
216 cannabis shipments to fulfill electronic orders[~~that the state central patient portal~~
217 ~~facilitates~~].

218 [(35)] (36) "Medical cannabis courier agent" means an individual who:

219 (a) is an employee of a medical cannabis courier; and

220 (b) who holds a valid medical cannabis courier agent registration card.

221 (37) "Medical cannabis ombudsman" means the ombudsman created in Section 26B-4-248.

222 [(36)] (38) "Medical cannabis pharmacy" means the same as that term is defined in Section
223 26B-4-201.

224 [(37)] (39) "Medical cannabis pharmacy agent" means the same as that term is defined in
225 Section 26B-4-201.

226 [(38)] (40) "Medical cannabis research license" means a license that the department issues to
227 a research university for the purpose of obtaining and possessing medical cannabis for
228 academic research.

229 [(39)] (41) "Medical cannabis research licensee" means a research university that the
230 department licenses to obtain and possess medical cannabis for academic research, in
231 accordance with Section 4-41a-901.

232 [(40)] (42) "Medical cannabis shipment" means a shipment of medical cannabis that a home

233 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
234 address to fulfill an electronic medical cannabis order[~~that the state central patient portal~~
235 ~~facilitates~~].

236 [(41)] (43) "Medical cannabis treatment" means the same as that term is defined in Section
237 26B-4-201.

238 [(42)] (44) "Medicinal dosage form" means the same as that term is defined in Section
239 26B-4-201.

240 (45) "Patient product information insert" means the same as that term is defined in Section
241 26B-4-201.

242 [(43)] (46) "Pharmacy ownership limit" means an amount equal to 30% of the total number
243 of medical cannabis pharmacy licenses issued by the department rounded down to the
244 nearest whole number.

245 [(44)] (47) "Pharmacy medical provider" means the same as that term is defined in Section
246 26B-4-201.

247 [(45)] (48) "Qualified medical provider" means the same as that term is defined in Section
248 26B-4-201.

249 [(46)] (49) "Qualified Production Enterprise Fund" means the fund created in Section
250 4-41a-104.

251 [(47)] (50) "Recommending medical provider" means the same as that term is defined in
252 Section 26B-4-201.

253 [(48)] (51) "Research university" means the same as that term is defined in Section
254 53B-7-702 and a private, nonprofit college or university in the state that:

255 (a) is accredited by the Northwest Commission on Colleges and Universities;

256 (b) grants doctoral degrees; and

257 (c) has a laboratory containing or a program researching a schedule I controlled
258 substance described in Section 58-37-4.

259 [(49)] (52) "State electronic verification system" means the system described in Section
260 26B-4-202.

261 [(50)] (53) "Targeted marketing" means the promotion of [~~a cannabis product,~~] medical
262 cannabis, a medical cannabis brand, or a medical cannabis device using any of the
263 following methods:

264 (a) electronic communication to an individual who is at least 21 years old and has
265 requested to receive promotional information;

266 (b) an in-person marketing event that is:

- 267 (i) held inside a medical cannabis pharmacy; and
 268 (ii) in an area where only a medical cannabis cardholder may access the event;
 269 (c) other marketing material that is physically available or digitally displayed in a
 270 medical cannabis pharmacy; or
 271 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
 272 provided to an individual when obtaining medical cannabis:
 273 (i) in the medical cannabis pharmacy;
 274 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
 275 (iii) in a medical cannabis shipment.

276 [~~(51)~~] (54) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
 277 Section 4-41-102.

278 [~~(52)~~] (55) "THC analog" means the same as that term is defined in Section 4-41-102.

279 [~~(53)~~] (56) "Total composite tetrahydrocannabinol" means all detectable forms of
 280 tetrahydrocannabinol.

281 [~~(54)~~] (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
 282 defined in Section 4-41-102.

283 Section 2. Section **4-41a-110** is amended to read:

284 **4-41a-110 . Department coordination.**

285 The department shall:

- 286 (1) provide draft rules made under this chapter to:
 287 (a) the advisory board for the advisory board's review; and
 288 (b) the medical cannabis ombudsman;
 289 (2) consult with the advisory board before issuing an additional:
 290 (a) cultivation facility license under Section 4-41a-205; or
 291 (b) pharmacy license under Section 4-41a-1005;
 292 (3) consult with the advisory board regarding fees set by the department that pertain to the
 293 medical cannabis program; and
 294 (4) when appropriate, consult with the advisory board regarding issues that arise in the
 295 medical cannabis program.

296 Section 3. Section **4-41a-205** is amended to read:

297 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities -- Cannabis**
 298 **processing facilities.**

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

- 301 (2)(a) The department may issue a number of licenses to operate a cannabis cultivation
302 facility that, in addition to the licenses described in Subsection (1), does not cause the
303 total number of licenses to exceed 15 if the department determines, in consultation
304 with the Department of Health and Human Services and after an annual or more
305 frequent analysis of the current and anticipated market for medical cannabis, that
306 each additional license is necessary to provide an adequate supply, quality, or variety
307 of medical cannabis to medical cannabis cardholders.
- 308 (b) If the recipient of one of the initial licenses described in Subsection (1) ceases
309 operations for any reason or otherwise abandons the license, the department may but
310 is not required to grant the vacant license to another applicant based on an analysis as
311 described in Subsection (2)(a).
- 312 (3) If there are more qualified applicants than the number of available licenses for cannabis
313 cultivation facilities under Subsections (1) and (2), the department shall evaluate the
314 applicants and award the limited number of licenses described in Subsections (1) and (2)
315 to the applicants that best demonstrate:
- 316 (a) experience with establishing and successfully operating a business that involves:
317 (i) complying with a regulatory environment;
318 (ii) tracking inventory; and
319 (iii) training, evaluating, and monitoring employees;
- 320 (b) an operating plan that will best ensure the safety and security of patrons and the
321 community;
- 322 (c) positive connections to the local community; and
323 (d) the extent to which the applicant can increase efficiency and reduce the cost to
324 patients of medical cannabis.
- 325 (4) The department may conduct a face-to-face interview with an applicant for a license that
326 the department evaluates under Subsection (3).
- 327 (5) The licensing board may not issue more than 18 cannabis processing facility licenses.
- 328 Section 4. Section **4-41a-403** is amended to read:
329 **4-41a-403 . Advertising.**
- 330 (1) Except as provided in this section and Section 4-41a-604, a cannabis production
331 establishment may not advertise to the general public in any medium.
- 332 (2) A cannabis production establishment may advertise an employment opportunity at the
333 cannabis production establishment.
- 334 (3)(a) A cannabis production establishment may maintain a website that:

- 335 ~~[(a)]~~ (i) contains information about the establishment and employees; and
336 ~~[(b)]~~ (ii) except as provided in Subsection (3)(b), does not advertise any medical
337 cannabis, cannabis products, or medical cannabis devices.
- 338 (b) A cannabis processing facility may:
- 339 (i) if the website has age verification mechanisms that effectively prevent access by
340 individuals under 21 years of age, maintain a website that contains:
- 341 (A) educational information regarding medical cannabis produced by the cannabis
342 processing facility, including the certificate of analysis that is created by an
343 independent cannabis testing facility; and
- 344 (B) where medical cannabis produced by the cannabis processing facility may be
345 purchased in the state; and
- 346 (ii) engage in targeted marketing in accordance with Section 4-41a-604 for
347 advertising a particular medical cannabis product, medical cannabis device, or
348 medical cannabis brand.
- 349 (4)(a) Notwithstanding any municipal or county ordinance prohibiting signage, a
350 cannabis production establishment may use signage on the outside of the cannabis
351 production establishment that:
- 352 (i) includes only:
- 353 (A) in accordance with Subsection (4)(b), the cannabis production establishment's
354 name, logo, and hours of operation; and
- 355 (B) a green cross; and
- 356 (ii) complies with local ordinances regulating signage.
- 357 (b) The department shall define standards for a cannabis production establishment's
358 name and logo to ensure a medical rather than recreational disposition.
- 359 (5)(a) A cannabis production establishment may hold an educational event for the public
360 or medical providers in accordance with this Subsection (5) and the rules described in
361 Subsection (5)(c).
- 362 (b) A cannabis production establishment may not include in an educational event
363 described in Subsection (5)(a):
- 364 (i) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2,
365 Cannabinoid Research and Medical Cannabis;
- 366 (ii) any gift items or merchandise other than educational materials, as those terms are
367 defined by the department;
- 368 (iii) any marketing for a specific product from the cannabis production establishment

- 369 or any other statement, claim, or information that would violate the federal Food,
370 Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
371 (iv) a presenter other than the following:
372 (A) a cannabis production establishment agent;
373 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
374 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
375 Nurse Practice Act;
376 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
377 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
378 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
379 Assistant Act; or
380 (F) a state employee.
381 (c) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
382 Administrative Rulemaking Act, to define the elements of and restrictions on the
383 educational event described in Subsection (5)(a), including a minimum age of 21
384 years old for attendees.

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

386 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

- 387 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
388 cultivation facility is not visible from the ground level of the cannabis cultivation facility
389 perimeter.
390 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
391 facility's inventory control system to identify:
392 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
393 cannabis plant;
394 (b) each unique harvest of cannabis plants;
395 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
396 cannabis processing facility, or an independent cannabis testing laboratory; and
397 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
398 facility disposes.
399 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
400 cannabis plant product before transferring the cannabis biomass from the facility.
401 (4) A cannabis cultivation facility shall either:
402 (a) ensure that a cannabis processing facility chemically or physically processes

403 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation
404 into cannabis derivative products; or

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

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

408 (6) The department shall make rules establishing:

409 (a) the records a cannabis cultivation facility must keep regarding each batch, amount of
410 product treated, and the methods used; and

411 (b) disclosure requirements to a cannabis processor receiving the material subject to the
412 radiation including the methods and equipment used.

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

414 **4-41a-701 . Cannabis and cannabis product testing.**

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

417 (a) determine required adulterant tests for a cannabis plant product, cannabis
418 concentrate, or cannabis product;

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

420 (c) immediately ban or limit the presence of any ingredient in a medical cannabis
421 product after receiving a recommendation to do so from a public health authority
422 under Section 26B-1-102;

423 (d) establish protocols for a recall of [~~cannabis or a cannabis product~~] medical cannabis
424 by a cannabis production establishment; or

425 (e) allow the propagation of testing results forward to derived product if the processing
426 steps the cannabis production establishment uses to produce the product are unlikely
427 to change the results of the test.

428 (2)(a) The department may require testing for a toxin if:

429 [(a)] (i) the department receives information indicating the potential presence of a
430 toxin; or

431 [(b)] (ii) the department's inspector has reason to believe a toxin may be present based
432 on the inspection of a facility.

433 (b) The department may not require a cannabis processor to test a cannabis batch or a
434 cannabis product batch a third time if the cannabis batch or cannabis product has
435 previously met all testing requirements after being tested by:

436 (i) an independent cannabis testing laboratory that is not the department; and

- 437 (ii) the department.
- 438 (3)(a) A cannabis production establishment may not:
- 439 (i) incorporate cannabis concentrate into a cannabis derivative product until an
- 440 independent cannabis testing laboratory tests the cannabis concentrate in
- 441 accordance with department rule; or
- 442 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
- 443 independent cannabis testing laboratory tests a representative sample of the
- 444 cannabis or cannabis product in accordance with department rule.
- 445 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
- 446 sale unless an independent cannabis testing laboratory has tested a representative
- 447 sample of the cannabis or cannabis product in accordance with department rule.
- 448 (4) Before the sale of a medical cannabis product, an independent cannabis testing
- 449 laboratory shall:
- 450 (a) identify and quantify any cannabinoid known to be present in [a] the medical
- 451 cannabis product; and
- 452 (b) test terpene profiles for the following products:
- 453 (i) raw cannabis; or
- 454 (ii) a cannabis product:
- 455 (A) contained in a vaporizer cartridge; or
- 456 (B) in concentrate form; and
- 457 (c) record the five highest terpene profiles tested under Subsection (4)(b).
- 458 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 459 Administrative Rulemaking Act, the standards, methods, practices, and procedures for
- 460 the testing of cannabis and cannabis products by independent cannabis testing
- 461 laboratories.
- 462 (6) The department may require an independent cannabis testing laboratory to participate in
- 463 a proficiency evaluation that the department conducts or that an organization that the
- 464 department approves conducts.

465 Section 7. Section **4-41a-801** is amended to read:

466 **4-41a-801 . Enforcement -- Fine -- Citation.**

- 467 (1)(a) If a person that is a cannabis production establishment~~[-or]~~ , a cannabis production
- 468 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
- 469 agent, or a medical cannabis courier violates this chapter, the department may:
- 470 [(a)] (i) revoke the person's license or [~~cannabis production establishment~~] agent

- 471 registration card;
- 472 ~~[(b)]~~ (ii) decline to renew the person's license or ~~[cannabis production establishment]~~
 473 agent registration card;
- 474 (iii) provide a letter of concern in accordance with Subsection (10); or
- 475 ~~[(e)]~~ (iv) assess the person an administrative penalty that the department establishes
 476 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 477 Act.
- 478 (b) Except for a violation that threatens public health or for the third violation of the
 479 same rule or statute in a 24-month period, the department shall issue a letter of
 480 concern before taking other administrative action under this section.
- 481 (2) The department shall deposit an administrative penalty imposed under this section into
 482 the General Fund.
- 483 (3)(a) The department may take an action described in Subsection (3)(b) if the
 484 department concludes, upon investigation, that~~[- for a person that is]~~ a cannabis
 485 production establishment~~[-or]~~ , a cannabis production establishment agent~~[-]~~ , a
 486 medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical
 487 cannabis courier
- 488 ~~[(i) the person]~~ has violated the provisions of this chapter, a rule made under this
 489 chapter, or an order issued under this chapter~~[-or]~~ .
- 490 ~~[(ii) the person produced cannabis or a cannabis product batch that contains a~~
 491 ~~substance, other than cannabis, that poses a significant threat to human health.]~~
- 492 (b) If the department makes the determination about a person described in Subsection
 493 (3)(a), the department shall:
- 494 (i) issue the person a written administrative citation;
- 495 (ii) attempt to negotiate a stipulated settlement;
- 496 ~~[(iii) seize, embargo, or destroy the cannabis or cannabis product batch;]~~
- 497 ~~[(iv)]~~ (iii) order the person to cease and desist from the action that creates a violation; [
 498 and] or
- 499 ~~[(v)]~~ (iv) direct the person to appear before an adjudicative proceeding conducted
 500 under Title 63G, Chapter 4, Administrative Procedures Act.
- 501 (c) If the department concludes, upon investigation, that a cannabis production
 502 establishment or a cannabis production establishment agent has produced a cannabis
 503 batch or a cannabis product batch that contains a substance that poses a significant
 504 threat to human health, the department shall seize, embargo, or destroy the cannabis

- 505 batch or cannabis product batch.
- 506 (4) The department may, for a person subject to an uncontested citation, a stipulated
507 settlement, or a finding of a violation in an adjudicative proceeding under this section,
508 for a fine amount not already specified in law, assess the person, who is not an
509 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
510 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
511 Administrative Rulemaking Act.
- 512 (5) The department may not revoke a [~~cannabis production establishment's~~]license without
513 first directing the [~~cannabis production establishment~~] licensee to appear before an
514 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
515 Procedures Act.
- 516 (6) If within [~~20~~] 30 calendar days after the day on which a department serves a citation for
517 a violation of this chapter, the person that is the subject of the citation fails to request a
518 hearing to contest the citation, the citation becomes the department's final order.
- 519 (7) The department may, for a person who fails to comply with a citation under this section:
520 (a) refuse to issue or renew the person's license or cannabis production establishment
521 agent registration card; or
522 (b) suspend, revoke, or place on probation the person's license or cannabis production
523 establishment registration card.
- 524 (8)(a) Except where a criminal penalty is expressly provided for a specific violation of
525 this chapter, if an individual:
526 (i) violates a provision of this chapter, the individual is:
527 (A) guilty of an infraction; and
528 (B) subject to a \$100 fine; or
529 (ii) intentionally or knowingly violates a provision of this chapter or violates this
530 chapter three or more times, the individual is:
531 (A) guilty of a class B misdemeanor; and
532 (B) subject to a \$1,000 fine.
- 533 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
534 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
535 conduct underlying the violation described in Subsection (8)(a).
- 536 (9) Nothing in this section prohibits the department from referring potential criminal
537 activity to law enforcement.
- 538 (10)(a) A letter of concern shall describe:

- 539 (i) the violation including the statute or rule being violated;
 540 (ii) possible options to remedy the issue; and
 541 (iii) possible consequences for not remedying the violation.
 542 (b) Under a letter of concern, the department shall provide the person at least 30 days to
 543 remedy the violation.
 544 (c) If the person fails to remedy the violation described in a letter of concern, the
 545 department may take other enforcement action as described in this section.
 546 (d) If a letter of concern is resolved without an enforcement action being taken under
 547 Subsection (10)(c), the department may not report that a letter of concern was issued
 548 to the licensing board.
 549 (11)(a) An appeal of administrative action taken under this chapter shall be heard by the
 550 medical cannabis ombudsman as an informal proceeding in accordance with Title
 551 63G, Chapter 4, Administrative Procedures Act.
 552 (b) Subsection (11)(a) is only effective when the position of medical cannabis
 553 ombudsman is actively occupied by an employed individual.
 554 Section 8. Section **4-41a-802** is amended to read:
 555 **4-41a-802 . Report.**
 556 (1) At or before the November interim meeting each year, the department shall report to the
 557 Health and Human Services Interim Committee on:
 558 (a) the number of applications and renewal applications that the department receives
 559 under this chapter;
 560 (b) the number of each type of cannabis production facility that the department licenses
 561 in each county;
 562 (c) the amount of cannabis that licensees grow;
 563 (d) the amount of cannabis that licensees manufacture into cannabis products;
 564 (e) the number of licenses the department revokes under this chapter;
 565 (f) the department's operation of an independent cannabis testing laboratory under
 566 Section 4-41a-201, including:
 567 (i) the cannabis and cannabis products the department tested; and
 568 (ii) the results of the tests the department performed;
 569 (g) the expenses incurred and revenues generated under this chapter; and
 570 (h) an analysis of product availability in medical cannabis pharmacies in consultation
 571 with the Department of Health and Human Services.
 572 (2) The department may not include personally identifying information in the report

573 described in this section.

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

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

579 (i) the date of the fine;

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

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

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

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

585 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

586 (1) A person may not:

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

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

591 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
592 partial ownership share would cause the person to exceed the pharmacy ownership
593 limit; or

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

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

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

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

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

- 607 (ii) the name and address of an individual who:
- 608 (A) for a publicly traded company, has a financial or voting interest of 10% or
- 609 greater in the proposed medical cannabis pharmacy;
- 610 (B) for a privately held company, a financial or voting interest in the proposed
- 611 medical cannabis pharmacy; or
- 612 (C) has the power to direct or cause the management or control of a proposed
- 613 medical cannabis pharmacy;
- 614 (iii) for each application that the applicant submits to the department, a statement
- 615 from the applicant that the applicant will obtain and maintain:
- 616 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
- 617 to transact surety business in the state; or
- 618 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 619 (iv) an operating plan that:
- 620 (A) complies with Section 4-41a-1004;
- 621 (B) includes operating procedures to comply with the operating requirements for a
- 622 medical cannabis pharmacy described in this part and with a relevant municipal
- 623 or county law that is consistent with Section 4-41a-1106; and
- 624 (C) the department approves;
- 625 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
- 626 department sets in accordance with Section 63J-1-504; and
- 627 (vi) a description of any investigation or adverse action taken by any licensing
- 628 jurisdiction, government agency, law enforcement agency, or court in any state for
- 629 any violation or detrimental conduct in relation to any of the applicant's
- 630 cannabis-related operations or businesses.
- 631 (c)(i) A person may not locate a medical cannabis pharmacy:
- 632 (A) within 200 feet of a community location; or
- 633 (B) in or within 600 feet of a district that the relevant municipality or county has
- 634 zoned as primarily residential.
- 635 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
- 636 from the nearest entrance to the medical cannabis pharmacy establishment by
- 637 following the shortest route of ordinary pedestrian travel to the property boundary
- 638 of the community location or residential area.
- 639 (iii) The department may grant a waiver to reduce the proximity requirements in
- 640 Subsection (2)(c)(i) by up to 20% if the department determines that it is not

641 reasonably feasible for the applicant to cite the proposed medical cannabis
642 pharmacy without the waiver.

643 (iv) An applicant for a license under this section shall provide evidence of
644 compliance with the proximity requirements described in Subsection (2)(c)(i).

645 (d) The department may not issue a license to an eligible applicant that the department
646 has selected to receive a license until the selected eligible applicant complies with the
647 bond or liquid cash requirement described in Subsection (2)(b)(iii).

648 (e) If the department receives more than one application for a medical cannabis
649 pharmacy within the same city or town, the department shall consult with the local
650 land use authority before approving any of the applications pertaining to that city or
651 town.

652 (f) In considering the issuance of a medical cannabis pharmacy license under this
653 section, the department may consider the extent to which the pharmacy can increase
654 efficiency and reduce cost to patients of medical cannabis.

655 [~~(3)~~ If the department selects an applicant]

656 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under
657 this section, the department shall:

658 [~~(a)~~] (i) charge the applicant an initial license fee in an amount that, subject to
659 Subsection 4-41a-104(5), the department sets in accordance with Section
660 63J-1-504;

661 [~~(b)~~] (ii) notify the Department of Public Safety of the license approval and the names
662 of each individual described in Subsection (2)(b)(ii); and

663 [~~(c)~~] (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104
664 (5), the department sets in accordance with Section 63J-1-504, for any change in
665 location, ownership, or company structure.

666 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis
667 pharmacy located in a medically underserved area as determined by the federal
668 Health Resources and Services Administration shall be 50% less than what is charged
669 for other medical cannabis pharmacies.

670 (4) The department may not issue a license to operate a medical cannabis pharmacy to an
671 applicant if an individual described in Subsection (2)(b)(ii):

672 (a) has been convicted under state or federal law of:

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

674 (ii) after December 3, 2018, a misdemeanor for drug distribution;

- 675 (b) is younger than 21 years old; or
- 676 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 677 (5)~~(a)~~ If an applicant for a medical cannabis pharmacy license under this section holds
- 678 another license under this chapter, the ~~[department]~~ medical cannabis ombudsman
- 679 may not give preference to the applicant based on the applicant's status as a holder of
- 680 the license.
- 681 ~~[(b) If an applicant for a medical cannabis pharmacy license under this section holds a~~
- 682 ~~license to operate a cannabis cultivation facility under this section, the department~~
- 683 ~~may give consideration to the applicant's status as a holder of the license if:]~~
- 684 ~~[(i) the applicant demonstrates that a decrease in costs to patients is more likely to~~
- 685 ~~result from the applicant's vertical integration than from a more competitive~~
- 686 ~~marketplace; and]~~
- 687 ~~[(ii) the department finds multiple other factors, in addition to the existing license,~~
- 688 ~~that support granting the new license.]~~
- 689 (6) The licensing board may revoke a license under this part:
- 690 (a) if the medical cannabis pharmacy does not begin operations within one year after the
- 691 day on which the department issues an announcement of the department's intent to
- 692 award a license to the medical cannabis pharmacy;
- 693 (b) after the third the same violation of this chapter in any of the licensee's licensed
- 694 cannabis production establishments or medical cannabis pharmacies;
- 695 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
- 696 active, under state or federal law of:
- 697 (i) a felony; or
- 698 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 699 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 700 the time of application, or fails to supplement the information described in
- 701 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 702 submission of the application within 14 calendar days after the licensee receives
- 703 notice of the investigation or adverse action;
- 704 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
- 705 requirements of this chapter or the rules the department makes in accordance with
- 706 this chapter;
- 707 (f) if, after a change of ownership described in Subsection (11)(c), the department
- 708 determines that the medical cannabis pharmacy no longer meets the minimum

- 709 standards for licensure and operation of the medical cannabis pharmacy described in
710 this chapter; or
- 711 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
712 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board
713 finds that the licensee has participated in anticompetitive business practices.
- 714 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
715 the municipality or county where the licensed medical cannabis pharmacy will be
716 located requires a local land use permit, shall submit to the department a copy of the
717 licensee's approved application for the land use permit within 120 days after the day
718 on which the department issues the license.
- 719 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
720 permit application in accordance with Subsection (7)(a), the department may revoke
721 the licensee's license.
- 722 (8) The department shall deposit the proceeds of a fee imposed by this section into the
723 Qualified Production Enterprise Fund.
- 724 (9) The department shall begin accepting applications under this part on or before March 1,
725 2020.
- 726 (10)(a) The department's authority to issue a license under this section is plenary and is
727 not subject to review.
- 728 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
729 an applicant is not subject to:
- 730 (i) Title 63G, Chapter 6a, Part 16, Protests; or
731 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 732 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 733 (b) A medical cannabis pharmacy shall report in writing to the department no later than
734 10 business days before the date of any change of ownership of the medical cannabis
735 pharmacy.
- 736 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 737 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
738 pharmacy shall submit a new application described in Subsection (2)(b), subject to
739 Subsection (2)(c);
- 740 (ii) within 30 days of the submission of the application, the department shall:
- 741 (A) conduct an application review; and
742 (B) award a license to the medical cannabis pharmacy for the remainder of the

743 term of the medical cannabis pharmacy's license before the ownership change
 744 if the medical cannabis pharmacy meets the minimum standards for licensure
 745 and operation of the medical cannabis pharmacy described in this chapter; and
 746 (iii) if the department approves the license application, notwithstanding Subsection
 747 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
 748 in accordance with Section 63J-1-504 in an amount that covers the department's
 749 cost of conducting the application review.

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

751 **4-41a-1003 . Renewal - Notice of available license.**

752 (1)(a) The department shall renew a license [~~under Sections 4-41a-1001 through~~
 753 ~~4-41a-1005~~] issued under this part every year if, at the time of renewal:

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

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

758 [(e)] (iii) if the medical cannabis pharmacy changes the operating plan described in
 759 Section 4-41a-1004 that the department approved under Subsection
 760 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

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

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

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

773 (3) If the department has not completed the necessary processes to make a determination on
 774 a license renewal under Subsections (1)(a) and (c) before the expiration of a license, the
 775 department may issue a conditional medical cannabis pharmacy license to a licensed
 776 medical cannabis pharmacy that has applied for license renewal under this section and

777 paid the fee described in Subsection (1)(b).

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

779 **4-41a-1005 . Maximum number of licenses.**

780 (1)(a) [~~Except as provided in Subsection (1)(b) or (d), if a sufficient number of~~
781 ~~applicants apply, the department]~~ The licensing board shall issue up to [15] 17 medical
782 cannabis pharmacy licenses in accordance with this section including the two medical
783 cannabis pharmacy licenses in accordance with Section 4-41a-1006.

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

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

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

791 [~~(e) The department may issue the licenses described in Subsection (1)(a) in accordance~~
792 ~~with this Subsection (1)(e).]~~

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

796 [~~(ii) The department shall:]~~

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

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

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

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

806 [(d)(i) The department may issue licenses to operate a medical cannabis pharmacy in
807 addition to the licenses described in Subsection (1)(a) if the department
808 determines, in consultation with the Department of Health and Human Services
809 and after an annual or more frequent analysis of the current and anticipated market
810 for medical cannabis, that each additional license is necessary to provide an

- 811 adequate supply, quality, or variety of medical cannabis to medical cannabis
 812 cardholders.]
- 813 [(ii) The department shall:]
- 814 [(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 815 Act, make rules to establish criteria and processes for the consultation,
 816 analysis, and application for a license described in Subsection (1)(d)(i); and]
- 817 [(B) report to the Executive Appropriations Committee of the Legislature before
 818 each time the department issues an additional license under Subsection
 819 (1)(d)(i) regarding the results of the consultation and analysis described in
 820 Subsection (1)(d)(i) and the application of the criteria described in Subsection
 821 (1)(d)(ii)(A).]
- 822 (2)(a) [~~If there are more qualified applicants than there are available licenses for medical~~
 823 ~~cannabis pharmacies, the department]~~ The medical cannabis ombudsman shall:
- 824 (i) evaluate each applicant and award the license to the applicant that best
 825 demonstrates:
- 826 (A) experience with establishing and successfully operating a business that
 827 involves complying with a regulatory environment, tracking inventory, and
 828 training, evaluating, and monitoring employees;
- 829 (B) an operating plan that will best ensure the safety and security of patrons and
 830 the community;
- 831 (C) positive connections to the local community;
- 832 (D) the suitability of the proposed location and the location's accessibility for
 833 qualifying patients;
- 834 (E) the extent to which the applicant can increase efficiency and reduce the cost of
 835 medical cannabis for patients; and
- 836 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a
 837 comparatively high likelihood of success; and
- 838 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
 839 maximize access to the largest number of medical cannabis cardholders.
- 840 (b) In making the evaluation described in Subsection (2)(a), the medical cannabis
 841 ombudsman may give increased consideration to applicants who indicate a
 842 willingness to:
- 843 (i) site a medical cannabis pharmacy in an area or population center designated as a
 844 medically underserved area or population as determined by the federal Health

- 845 Resources and Services Administration; and
 846 (ii) operate as a home delivery medical cannabis pharmacy that accepts electronic
 847 medical cannabis orders.
- 848 ~~[(b) In making the evaluation described in Subsection (2)(a), the department may give~~
 849 ~~increased consideration to applicants who indicate a willingness to:]~~
- 850 ~~[(i) operate as a home delivery medical cannabis pharmacy that accepts electronic~~
 851 ~~medical cannabis orders that the state central patient portal facilitates; and]~~
- 852 ~~[(ii) accept payments through:]~~
- 853 ~~[(A) a payment provider that the Division of Finance approves, in consultation~~
 854 ~~with the state treasurer, in accordance with Section 4-41a-108; or]~~
- 855 ~~[(B) a financial institution in accordance with Subsection 4-41a-108(4).]~~
- 856 (c) Except for the licenses described in Section 26B-4-249, before each new license may
 857 be issued under this section, the medical cannabis ombudsman shall:
- 858 (i) consider the number of active patients in the program;
 859 (ii) geographic locations of current medical cannabis pharmacies; and
 860 (iii) consult with other government agencies, licensees, and other stakeholders to
 861 determine the economic impact of an additional license.
- 862 (3) The ~~[department]~~ medical cannabis ombudsman may conduct a face-to-face interview
 863 with an applicant for a license that the ~~[department]~~ medical cannabis ombudsman
 864 evaluates under Subsection (2).

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

866 **4-41a-1006 . Licensees selected by medical cannabis ombudsman.**

- 867 (1) Upon receiving a recommendation from the medical cannabis ombudsman under
 868 Section 26B-4-248, the licensing board shall issue a license to the entity.
- 869 (2) An entity selected for a license under Section 26B-4-248 is subject to all of the
 870 applicable requirements of this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid
 871 Research and Medical Cannabis.
- 872 (3) The department shall ensure compliance with Subsection 26B-4-248(3)(e).

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

874 **4-41a-1101 . Operating requirements -- General.**

- 875 (1)(a) A medical cannabis pharmacy shall operate:
- 876 (i) at the physical address provided to the department under Section 4-41a-1001; and
 877 (ii) in accordance with the operating plan provided to the department under Section
 878 4-41a-1001 and, if applicable, Section 4-41a-1004.

- 879 (b) A medical cannabis pharmacy shall notify the department before a change in the
880 medical cannabis pharmacy's physical address or operating plan.
- 881 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
882 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
883 (b) except as provided in Subsection (4):
884 (i) possesses a valid:
885 (A) medical cannabis pharmacy agent registration card;
886 (B) pharmacy medical provider registration card; or
887 (C) medical cannabis card;
888 (ii) is an employee of the department performing an inspection under Section
889 4-41a-1103; or
890 (iii) is another individual as the department provides.
- 891 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
892 years old.
- 893 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
894 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
895 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
896 monitors the individual at all times while the individual is at the medical cannabis
897 pharmacy and maintains a record of the individual's access.
- 898 (5) A medical cannabis pharmacy shall operate in a facility that has:
899 (a) a single, secure public entrance;
900 (b) a security system with a backup power source that:
901 (i) detects and records entry into the medical cannabis pharmacy; and
902 (ii) provides notice of an unauthorized entry to law enforcement when the medical
903 cannabis pharmacy is closed; and
904 (c) a lock on each area where the medical cannabis pharmacy stores [~~cannabis or a~~
905 ~~cannabis product~~] medical cannabis.
- 906 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
907 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
908 4-41a-1102(2).
- 909 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
910 cannabis pharmacy may not allow any individual to consume cannabis on the property
911 or premises of the medical cannabis pharmacy.
- 912 (8) A medical cannabis pharmacy may not sell [~~cannabis or a cannabis product~~] medical

913 cannabis without first indicating on the [~~cannabis or cannabis product~~] medical cannabis
914 label the name of the medical cannabis pharmacy.

915 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
916 following information regarding each recommendation underlying a transaction:

- 917 (i) the recommending medical provider's name, address, and telephone number;
- 918 (ii) the patient's name and address;
- 919 (iii) the date of issuance;
- 920 (iv) directions of use and dosing guidelines or an indication that the recommending
921 medical provider did not recommend specific directions of use or dosing
922 guidelines; and
- 923 (v) if the patient did not complete the transaction, the name of the medical cannabis
924 cardholder who completed the transaction.

925 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
926 not sell medical cannabis unless the medical cannabis has a label securely affixed
927 to the container indicating the following minimum information:

- 928 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 929 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 930 (C) the date of the sale;
- 931 (D) the name of the patient;
- 932 (E) the name of the recommending medical provider who recommended the
933 medical cannabis treatment;
- 934 (F) directions for use and cautionary statements, if any;
- 935 (G) the amount dispensed and the cannabinoid content;
- 936 (H) the suggested use date;
- 937 (I) for unprocessed cannabis flower, the legal use termination date; and
- 938 (J) any other requirements that the department determines, in consultation with the
939 Division of Professional Licensing and the Board of Pharmacy.

940 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
941 following information under Subsection (9)(b)(i) if the information is already
942 provided on the product label that a cannabis production establishment affixes:

- 943 (A) a unique identification number;
- 944 (B) directions for use and cautionary statements;
- 945 (C) amount and cannabinoid content; and
- 946 (D) a suggested use date.

- 947 (iii) If the size of a medical cannabis container does not allow sufficient space to
948 include the labeling requirements described in Subsection (9)(b)(i), the medical
949 cannabis pharmacy may provide the following information described in
950 Subsection (9)(b)(i) on a supplemental label attached to the container or an
951 informational enclosure that accompanies the container:
- 952 (A) the cannabinoid content;
 - 953 (B) the suggested use date; and
 - 954 (C) any other requirements that the department determines.
- 955 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
956 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 957 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 958 (a) upon receipt of an order from a limited medical provider in accordance with
959 Subsections 26B-4-204(1)(b) through (d):
 - 960 (i) for a written order or an electronic order under circumstances that the department
961 determines, contact the limited medical provider or the limited medical provider's
962 office to verify the validity of the recommendation; and
 - 963 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
964 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
965 to verification under Subsection (10)(a)(i), enter the limited medical provider's
966 recommendation or renewal, including any associated directions of use, dosing
967 guidelines, or caregiver indication, in the state electronic verification system;
 - 968 (b) in processing an order for a holder of a conditional medical cannabis card described
969 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
970 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
971 recommending medical provider or the recommending medical provider's office to
972 verify the validity of the recommendation before processing the cardholder's order;
 - 973 (c) unless the medical cannabis cardholder has had a consultation under Subsection
974 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
975 purchase of [~~cannabis, a cannabis product,~~ medical cannabis or a medical cannabis
976 device, personal counseling with the pharmacy medical provider; and
 - 977 (d) provide a telephone number or website by which the cardholder may contact a
978 pharmacy medical provider for counseling.
- 979 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
980 that allows an individual to deposit unused or excess medical cannabis or cannabis

- 981 residue from a medical cannabis device in a locked box or other secure receptacle
982 within the medical cannabis pharmacy.
- 983 (b) A medical cannabis pharmacy with a disposal program described in Subsection
984 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
985 medical provider can access deposited medical cannabis.
- 986 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
987 (i) rendering the deposited medical cannabis unusable and unrecognizable before
988 transporting deposited medical cannabis from the medical cannabis pharmacy; and
989 (ii) disposing of the deposited medical cannabis in accordance with:
990 (A) federal and state law, rules, and regulations related to hazardous waste;
991 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
992 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
993 (D) other regulations that the department makes in accordance with Title 63G,
994 Chapter 3, Utah Administrative Rulemaking Act.
- 995 (12) A medical cannabis pharmacy:
996 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
997 Practice Act, as a pharmacy medical provider;
998 (b) may employ a physician who has the authority to write a prescription and is licensed
999 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1000 Osteopathic Medical Practice Act, as a pharmacy medical provider;
1001 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
1002 onsite during all business hours;
1003 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
1004 pharmacist-in-charge to oversee the operation of and generally supervise the medical
1005 cannabis pharmacy;[~~and~~]
1006 (e) shall allow the pharmacist-in-charge to determine which [~~cannabis and cannabis~~
1007 ~~products~~] medical cannabis products the medical cannabis pharmacy maintains in the
1008 medical cannabis pharmacy's inventory[~~;~~];
1009 (f) if a patient product information insert is available, shall provide a patient who
1010 purchases a medical cannabis product the medical cannabis product's patient product
1011 information insert using any of the following methods:
1012 (i) a physical document;
1013 (ii) an email message;
1014 (iii) a text message; or

- 1015 (iv) a quick response code;
- 1016 (g) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 1017 (i) allow a medical cannabis cardholder located in the pharmacy to view the back
- 1018 panel of the product when requested; and
- 1019 (ii) beginning July 1, 2025, include a picture of the back panel of the product on the
- 1020 medical cannabis pharmacy's website; and
- 1021 (h) may not allow a recommending medical provider to recommend medical cannabis as
- 1022 part of an event that:
- 1023 (i) is a temporary gathering, market, clinic, or promotional event;
- 1024 (ii) operates at a temporary location, tent, or other structure; and
- 1025 (iii) is held within 500 feet of the medical cannabis pharmacy's property line.
- 1026 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 1027 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
- 1028 by a medical cannabis pharmacy.
- 1029 Section 14. Section **4-41a-1201** is amended to read:
- 1030 **4-41a-1201 . Medical cannabis home delivery designation.**
- 1031 (1) The department may designate a medical cannabis pharmacy as a home delivery
- 1032 medical cannabis pharmacy if the department determines that the medical cannabis
- 1033 pharmacy's operating plan demonstrates the functional and technical ability to:
- 1034 (a) safely conduct transactions for medical cannabis shipments;
- 1035 (b) accept electronic medical cannabis orders~~[- that the state central patient portal~~
- 1036 ~~facilitates];~~ and
- 1037 (c) accept payments through:
- 1038 (i) a payment provider that the Division of Finance approves, in consultation with the
- 1039 state treasurer, in accordance with Section 26-61a-603; or
- 1040 (ii) a financial institution in accordance with Subsection 26-61a-603(4).
- 1041 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall
- 1042 identify in the applicant's operating plan any information relevant to the department's
- 1043 evaluation described in Subsection (1), including:
- 1044 (a) the name and contact information of the payment provider;
- 1045 (b) the nature of the relationship between the prospective licensee and the payment
- 1046 provider;
- 1047 (c) the processes of the following to safely and reliably conduct transactions for medical
- 1048 cannabis shipments:

- 1049 (i) the prospective licensee; and
1050 (ii) the electronic payment provider or the financial institution described in
1051 Subsection (1)(c); and
1052 (d) the ability of the licensee to comply with the department's rules regarding the secure
1053 transportation and delivery of medical cannabis [~~or medical cannabis product~~] to a
1054 medical cannabis cardholder.

1055 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that
1056 the department designates as a home delivery medical cannabis pharmacy may deliver
1057 medical cannabis shipments in accordance with this part.

1058 Section 15. Section **4-41a-1202** is amended to read:

1059 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
1060 **couriers -- License.**

1061 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1062 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1063 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders[
1064 ~~that the state central patient portal facilitates~~], including rules regarding the safe and
1065 controlled delivery of medical cannabis shipments.

1066 (2) A person may not operate as a medical cannabis courier without a license that the
1067 department issues under this section.

1068 (3)(a) Subject to Subsections (5) and (6), the department shall issue a license to operate
1069 as a medical cannabis courier to an applicant who is eligible for a license under this
1070 section.

1071 (b) An applicant is eligible for a license under this section if the applicant submits to the
1072 department:

1073 (i) the name and address of an individual who:

1074 (A) has a financial or voting interest of 10% or greater in the proposed medical
1075 cannabis courier; or

1076 (B) has the power to direct or cause the management or control of a proposed
1077 cannabis production establishment;

1078 (ii) an operating plan that includes operating procedures to comply with the operating
1079 requirements for a medical cannabis courier described in this chapter; and

1080 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
1081 department sets in accordance with Section 63J-1-504.

1082 (4) If the department determines that an applicant is eligible for a license under this section,

- 1083 the department shall:
- 1084 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1085 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1086 (b) notify the Department of Public Safety of the license approval and the names of each
1087 individual described in Subsection (3)(b)(i).
- 1088 (5) The department may not issue a license to operate as a medical cannabis courier to an
1089 applicant if an individual described in Subsection (3)(b)(i):
- 1090 (a) has been convicted under state or federal law of:
- 1091 (i) a felony in the preceding 10 years; or
- 1092 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1093 (b) is younger than 21 years old.
- 1094 (6) The department may revoke a license under this part if:
- 1095 (a) the medical cannabis courier does not begin operations within one year after the day
1096 on which the department issues the initial license;
- 1097 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1098 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
1099 active, under state or federal law of:
- 1100 (i) a felony; or
- 1101 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1102 (d) after a change of ownership described in Subsection (14)(c), the department
1103 determines that the medical cannabis courier no longer meets the minimum standards
1104 for licensure and operation of the medical cannabis courier described in this chapter.
- 1105 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1106 Qualified Production Enterprise Fund.
- 1107 (8) The department's authority to issue a license under this section is plenary and is not
1108 subject to review.
- 1109 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of
1110 application, from each individual who has a financial or voting interest of 10% or
1111 greater in the applicant or who has the power to direct or cause the management or
1112 control of the applicant:
- 1113 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1114 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1115 registration of the individual's fingerprints in the Federal Bureau of Investigation
1116 Next Generation Identification System's Rap Back Service; and

- 1117 (c) consent to a fingerprint background check by:
- 1118 (i) the Bureau of Criminal Identification; and
- 1119 (ii) the Federal Bureau of Investigation.
- 1120 (10) The Bureau of Criminal Identification shall:
- 1121 (a) check the fingerprints the applicant submits under Subsection (9) against the
- 1122 applicable state, regional, and national criminal records databases, including the
- 1123 Federal Bureau of Investigation Next Generation Identification System;
- 1124 (b) report the results of the background check to the department;
- 1125 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
- 1126 for search by future submissions to the local and regional criminal records databases,
- 1127 including latent prints;
- 1128 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1129 Generation Identification System's Rap Back Service for search by future
- 1130 submissions to national criminal records databases, including the Next Generation
- 1131 Identification System and latent prints; and
- 1132 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 1133 receives notifications for an individual with whom the department maintains an
- 1134 authorizing relationship.
- 1135 (11) The department shall:
- 1136 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
- 1137 amount that the department sets in accordance with Section 63J-1-504 for the
- 1138 services that the Bureau of Criminal Identification or another authorized agency
- 1139 provides under this section; and
- 1140 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1141 (12) The department shall renew a license under this section every year if, at the time of
- 1142 renewal:
- 1143 (a) the licensee meets the requirements of this section; and
- 1144 (b) the licensee pays the department a license renewal fee in an amount that, subject to
- 1145 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1146 (13) A person applying for a medical cannabis courier license shall submit to the
- 1147 department a proposed operating plan that complies with this section and that includes:
- 1148 (a) a description of the physical characteristics of any proposed facilities, including a
- 1149 floor plan and an architectural elevation, and delivery vehicles;
- 1150 (b) a description of the credentials and experience of each officer, director, or owner of

- 1151 the proposed medical cannabis courier;
- 1152 (c) the medical cannabis courier's employee training standards;
- 1153 (d) a security plan; and
- 1154 (e) storage and delivery protocols, both short and long term, to ensure that medical
- 1155 cannabis shipments are stored and delivered in a manner that is sanitary and
- 1156 preserves the integrity of the cannabis.
- 1157 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1158 (b) A medical cannabis courier shall report in writing to the department no later than 10
- 1159 business days before the date of any change of ownership of the medical cannabis
- 1160 courier.
- 1161 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1162 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis
- 1163 courier shall submit a new application described in Subsection (3)(b);
- 1164 (ii) within 30 days of the submission of the application, the department shall:
- 1165 (A) conduct an application review; and
- 1166 (B) award a license to the medical cannabis courier for the remainder of the term
- 1167 of the medical cannabis courier's license before the ownership change if the
- 1168 medical cannabis courier meets the minimum standards for licensure and
- 1169 operation of the medical cannabis courier described in this chapter; and
- 1170 (iii) if the department approves the license application, notwithstanding Subsection
- 1171 (4), the medical cannabis courier shall pay a license fee that the department sets in
- 1172 accordance with Section 63J-1-504 in an amount that covers the board's cost of
- 1173 conducting the application review.
- 1174 (15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding
- 1175 the transportation of medical cannabis.
- 1176 (b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed
- 1177 home delivery medical cannabis pharmacy or a licensed medical cannabis courier
- 1178 may advertise:
- 1179 (i) a green cross;
- 1180 (ii) the pharmacy's or courier's name and logo; and
- 1181 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.
- 1182 Section 16. Section **4-41a-1203** is amended to read:
- 1183 **4-41a-1203 . Medical cannabis shipment transportation.**
- 1184 (1) The department shall ensure that each home delivery medical cannabis pharmacy is

- 1185 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1186 shipments in a secure manner.
- 1187 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
1188 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
1189 medical cannabis orders~~[that the state central patient portal facilitates]~~.
- 1190 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1191 Subsection (2)(a), the pharmacy shall:
- 1192 (i) impose security and personnel requirements on the medical cannabis courier
1193 sufficient to ensure the security and safety of medical cannabis shipments; and
1194 (ii) provide regular oversight of the medical cannabis courier.
- 1195 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
1196 cannabis shipment if the individual is:
- 1197 (a) a registered pharmacy medical provider;
1198 (b) a registered medical cannabis pharmacy agent; or
1199 (c) a registered agent of the medical cannabis courier described in Subsection (2).
- 1200 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1201 comply with the requirements of Subsection 4-41a-404(3).
- 1202 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
1203 by rule, in collaboration with the Division of Professional Licensing and the Board of
1204 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
1205 Rulemaking Act, requirements for transporting medical cannabis shipments that are
1206 related to safety for human consumption of ~~[cannabis or a cannabis product]~~ medical
1207 cannabis.
- 1208 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
1209 manifest that does not meet the requirements of Subsection (4).
- 1210 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
1211 is:
- 1212 (i) guilty of an infraction; and
1213 (ii) subject to a \$100 fine.
- 1214 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
1215 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
1216 conduct underlying the violation described in Subsection (6)(b).
- 1217 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
1218 cannabis product, or medical cannabis devices than the manifest identifies, except for

- 1219 a de minimis administrative error:
- 1220 (i) this chapter does not apply; and
- 1221 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
- 1222 Substances Act.
- 1223 Section 17. Section **4-41a-1206** is amended to read:
- 1224 **4-41a-1206 . Closed-door medical cannabis pharmacy.**
- 1225 (1)(a) Subject to Subsections (1)(b) and (c), a home delivery medical cannabis pharmacy
- 1226 may open a single closed-door medical cannabis pharmacy.
- 1227 (b) A home delivery medical cannabis pharmacy may not open a closed-door medical
- 1228 cannabis pharmacy unless the home delivery medical cannabis pharmacy:
- 1229 (i) has an operating plan that includes a closed-door medical cannabis pharmacy; and
- 1230 (ii) obtains a license issued by the department for a closed-door medical cannabis
- 1231 pharmacy.
- 1232 (c) An entity that owns multiple home delivery medical cannabis pharmacies may open
- 1233 only one closed-door medical cannabis pharmacy.
- 1234 (d) The department may institute a fee in accordance with Section 63J-1-504 to
- 1235 administer this section.
- 1236 (2) A home delivery medical cannabis pharmacy that opens a closed-door medical cannabis
- 1237 pharmacy under Subsection (1) shall ensure:
- 1238 (a) that a pharmacy medical provider who is a licensed pharmacist:
- 1239 (i) is directly supervising the packaging of an order; and
- 1240 (ii) is present in the closed-door medical cannabis pharmacy when an order is
- 1241 packaged for delivery; and
- 1242 (b) all record keeping requirements, labeling requirements, and patient counseling
- 1243 requirements described in this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid
- 1244 Research and Medical Cannabis, are satisfied before sending out an order.
- 1245 (3) An individual who prepares an order at a closed-door medical cannabis pharmacy under
- 1246 this section shall be registered as:
- 1247 (a) a pharmacy medical provider; or
- 1248 (b) a medical cannabis pharmacy agent.
- 1249 (4)(a) A closed-door medical cannabis pharmacy shall operate:
- 1250 (i) except as provided in Subsection (4)(b), in a facility that is accessible only by an
- 1251 individual who is a pharmacy medical provider or a medical cannabis pharmacy
- 1252 agent; and

- 1253 (ii) at a physical address in accordance with Subsection (6).
- 1254 (b) A closed-door medical cannabis pharmacy may authorize an individual who is at
1255 least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy
1256 agent to access the closed-door medical cannabis pharmacy if the closed-door
1257 medical cannabis pharmacy:
- 1258 (i) tracks and monitors the individual at all times while the individual is at the
1259 closed-door medical cannabis pharmacy; and
- 1260 (ii) maintains a record of the individual's access, including arrival and departure.
- 1261 (c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
- 1262 (i) a single, secure public entrance; and
- 1263 (ii) a security system with a backup power source that:
- 1264 (A) detects and records entry into the closed-door medical cannabis pharmacy;
- 1265 (B) provides notice of an unauthorized entry to law enforcement when the
1266 closed-door medical cannabis pharmacy is closed; and
- 1267 (C) a lock or equivalent restrictive security feature on any area where the
1268 closed-door medical cannabis pharmacy stores a cannabis product.
- 1269 (d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis
1270 products in the closed-door medical cannabis pharmacy that are intended for home
1271 delivery are separated in a manner that is readily distinguishable from any other
1272 cannabis or cannabis product in the facility.
- 1273 (5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis
1274 product to an individual through a delivery that complies with this part.
- 1275 (6)(a) A person may not locate a closed-door medical cannabis pharmacy:
- 1276 (i) within 1,000 feet of a community location; or
- 1277 (ii) in or within 600 feet of a district that the relevant municipality or county has
1278 zoned as primarily residential.
- 1279 (b) The proximity requirements described in Subsection (6)(a) shall be measured from
1280 the nearest entrance to the closed-door medical cannabis pharmacy by following the
1281 shortest route of ordinary pedestrian travel to the property boundary of the
1282 community location or residential area.
- 1283 (c) The licensing board may grant a waiver to reduce the proximity requirements in
1284 Subsection (6)(a) by up to 20% if the licensing board determines that it is not
1285 reasonably feasible for the applicant to site the proposed closed-door medical
1286 cannabis pharmacy without the waiver.

- 1287 (d) An applicant for a license under this section shall provide evidence of compliance
1288 with the proximity requirements described in Subsection (6)(a).
- 1289 (7) When determining where a closed-door medical cannabis pharmacy may open, the
1290 licensing board:
- 1291 (a) shall utilize geographic regions created by the department through rule;
- 1292 (b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a
1293 region to open a closed-door medical cannabis pharmacy in the region;
- 1294 (c) of the total amount of closed-door medical cannabis pharmacies, may allow only
1295 three closed-door medical cannabis pharmacies to operate in counties of the first and
1296 second class as described in Section 17-50-501; and
- 1297 (d) for determining the three closed-door medical cannabis pharmacies described in
1298 Subsection (7)(c), consider the following:
- 1299 (i) the history of compliance with state law and rules for all licenses issued under this
1300 chapter;
- 1301 (ii) the medical cannabis pharmacy's willingness to offer a variety of brands and
1302 products;
- 1303 (iii) the ability of the operating plan to ensure the safety and security of the
1304 community;
- 1305 (iv) the suitability of the proposed location and the location's ability to serve the local
1306 community; and
- 1307 (v) any other relevant information determined through rule.
- 1308 (8) A closed-door medical cannabis pharmacy may not account for more than:
- 1309 (a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
- 1310 (i) 35% of the medical cannabis pharmacy's total revenue; or
- 1311 (ii) \$2,000,000 in total revenue; or
- 1312 (b) for an entity that holds more than one medical cannabis pharmacy license, the greater
1313 of:
- 1314 (i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates
1315 the most revenue; or
- 1316 (ii) \$2,000,000 in total revenue.
- 1317 (9) Notwithstanding any other provision of this section, the [department] licensing board
1318 may issue only [~~three~~] one closed-door medical cannabis pharmacy [~~licenses~~] license
1319 before July 1, 2027.
- 1320 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1321 department shall make rules to implement this section.

1322 Section 18. Section **26B-1-310** is amended to read:

1323 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
1324 **-- Uniform fee.**

1325 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."

1326 (2) The fund created in this section is funded from:

1327 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid
1328 Research and Medical Cannabis;

1329 (b) appropriations the Legislature makes to the fund; and

1330 (c) the interest described in Subsection (3).

1331 (3) Interest earned on the fund shall be deposited into the fund.

1332 (4) Money deposited into the fund may only be used by:

1333 (a) the department to accomplish the department's responsibilities described in Chapter
1334 4, Part 2, Cannabinoid Research and Medical Cannabis; and

1335 (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to
1336 accomplish the Center for Medical Cannabis Research's responsibilities[-] ; and

1337 (c) if there is remaining money in the fund balance on June 30 of each fiscal year after
1338 financial obligations under Subsections (4)(a) through (b) are met, an amount up to
1339 \$300,000, the medical cannabis ombudsman and available for expenditure the next
1340 fiscal year for the program described in Subsection 26B-4-248(4) and, subject to
1341 Subsection (7), the program's associated administrative costs.

1342 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
1343 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
1344 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
1345 and Medical Cannabis.

1346 (6) The department may impose a uniform fee on each medical cannabis transaction in a
1347 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department
1348 sets in accordance with Section 63J-1-504.

1349 (7) No more than 20% of the amount transferred under Subsection (4)(c) may be used for
1350 administrative costs.

1351 Section 19. Section **26B-1-435** is amended to read:

1352 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**
1353 **Duties.**

1354 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

- 1355 (2)(a) The advisory board shall consist of the following members:
- 1356 (i) appointed by the executive director:
- 1357 (A) a qualified medical provider who has recommended medical cannabis to at
- 1358 least 100 patients before being appointed;
- 1359 ~~[(B) a medical research professional;]~~
- 1360 ~~[(C)]~~ (B) a mental health specialist;
- 1361 ~~[(D)]~~ (C) an individual who represents an organization that advocates for medical
- 1362 cannabis patients;
- 1363 ~~[(E)]~~ (D) ~~[an individual]~~ a member of the general public who holds a medical
- 1364 cannabis patient card; and
- 1365 ~~[(F)]~~ (E) a member of the general public who does not hold a medical cannabis
- 1366 card;~~[and]~~
- 1367 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 1368 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
- 1369 defined in Section 4-41a-102;
- 1370 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
- 1371 and
- 1372 (C) a law enforcement officer~~[-]~~; and
- 1373 (iii) a representative from the Center for Medical Cannabis Research created in
- 1374 Section 53B-14-1402, appointed by the Center for Medical Cannabis Research.
- 1375 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
- 1376 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
- 1377 operates a licensed cannabis processing facility.
- 1378 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
- 1379 year term.
- 1380 (b) When appointing the initial membership of the advisory board, the executive director
- 1381 and the commissioner of the Department of Agriculture and Food shall coordinate to
- 1382 appoint four advisory board members to serve a term of two years to ensure that
- 1383 approximately half of the board is appointed every two years.
- 1384 (4)(a) If an advisory board member is no longer able to serve as a member, a new
- 1385 member shall be appointed in the same manner as the original appointment.
- 1386 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
- 1387 remainder of the unexpired term of the original appointment.
- 1388 (5)(a) A majority of the advisory board members constitutes a quorum.

- 1389 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1390 (c) For a term lasting one year, the advisory board shall annually designate members of
- 1391 the advisory board to serve as chair and vice-chair.
- 1392 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
- 1393 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1394 (6) An advisory board member may not receive compensation or benefits for the member's
- 1395 service on the advisory board but may receive per diem and reimbursement for travel
- 1396 expenses incurred as an advisory board member in accordance with:
- 1397 (a) Sections 63A-3-106 and 63A-3-107; and
- 1398 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1399 63A-3-107.
- 1400 (7) The department shall:
- 1401 (a) provide staff support for the advisory board; and
- 1402 (b) assist the advisory board in conducting meetings.
- 1403 (8) The advisory board may recommend:
- 1404 (a) to the department or the Department of Agriculture and Food changes to current or
- 1405 proposed medical cannabis rules or statutes; and
- 1406 (b) to the appropriate legislative committee whether the advisory board supports a
- 1407 change to medical cannabis statutes.
- 1408 (9) The advisory board shall:
- 1409 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,
- 1410 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis
- 1411 Production Establishments and Pharmacies;
- 1412 (b) consult with the Department of Agriculture and Food regarding the issuance of an
- 1413 additional:
- 1414 (i) cultivation facility license under Section 4-41a-205; or
- 1415 (ii) pharmacy license under Section 4-41a-1005;
- 1416 (c) consult with the department regarding cannabis patient education;
- 1417 (d) consult regarding the reasonableness of any fees set by the department or the
- 1418 Department of Agriculture and Food that pertain to the medical cannabis program;
- 1419 and
- 1420 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 1421 department or the Utah Department of Agriculture and Food.
- 1422 Section 20. Section **26B-4-201** is amended to read:

1423 **26B-4-201 . Definitions.**

1424 As used in this part:

- 1425 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1426 tetrahydrocannabinolic acid.
- 1427 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1428 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1429 (3) "Advertise" means information provided by a person in any medium:
1430 (a) to the public; and
1431 (b) that is not age restricted to an individual who is at least 21 years old.
- 1432 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1433 Section 26B-1-435.
- 1434 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
1435 created in Section 26B-1-420.
- 1436 (6) "Cannabis" means marijuana.
- 1437 (7) "Cannabis processing facility" means the same as that term is defined in Section
1438 4-41a-102.
- 1439 (8) "Cannabis product" means a product that:
1440 (a) is intended for human use; and
1441 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1442 concentration of 0.3% or greater on a dry weight basis.
- 1443 (9) "Cannabis production establishment" means the same as that term is defined in Section
1444 4-41a-102.
- 1445 (10) "Cannabis production establishment agent" means the same as that term is defined in
1446 Section 4-41a-102.
- 1447 (11) "Cannabis production establishment agent registration card" means the same as that
1448 term is defined in Section 4-41a-102.
- 1449 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
1450 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1451 applicant for a medical cannabis card to access medical cannabis during the department's
1452 review of the application.
- 1453 (13) "Controlled substance database" means the controlled substance database created in
1454 Section 58-37f-201.
- 1455 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1456 (15) "Department" means the Department of Health and Human Services.

- 1457 (16) "Designated caregiver" means:
- 1458 (a) an individual:
- 1459 (i) whom an individual with a medical cannabis patient card or a medical cannabis
- 1460 guardian card designates as the patient's caregiver; and
- 1461 (ii) who registers with the department under Section 26B-4-214; or
- 1462 (b)(i) a facility that an individual designates as a designated caregiver in accordance
- 1463 with Subsection 26B-4-214(1)(b); or
- 1464 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1465 (17) "Directions of use" means recommended routes of administration for a medical
- 1466 cannabis treatment and suggested usage guidelines.
- 1467 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
- 1468 recommended treatment of medical cannabis.
- 1469 (19) "Government issued photo identification" means any of the following forms of
- 1470 identification:
- 1471 (a) a valid state-issued driver license or identification card;
- 1472 (b) a valid United States federal-issued photo identification, including:
- 1473 (i) a United States passport;
- 1474 (ii) a United States passport card;
- 1475 (iii) a United States military identification card; or
- 1476 (iv) a permanent resident card or alien registration receipt card; or
- 1477 (c) a foreign passport.
- 1478 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
- 1479 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
- 1480 shipments to a delivery address to fulfill electronic orders~~[that the state central patient~~
- 1481 ~~portal facilitates].~~
- 1482 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1483 (22) "Legal dosage limit" means an amount that:
- 1484 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1485 relevant recommending medical provider or ~~[the state central patient portal or]~~
- 1486 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
- 1487 recommends; and
- 1488 (b) may not exceed:
- 1489 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1490 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in

- 1491 total, greater than 20 grams of active tetrahydrocannabinol.
- 1492 (23) "Legal use termination date" means a date on the label of a container of unprocessed
1493 cannabis flower:
- 1494 (a) that is 60 days after the date of purchase of the cannabis; and
1495 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1496 primary residence of the relevant medical cannabis patient cardholder.
- 1497 (24) "Limited medical provider" means an individual who:
- 1498 (a) meets the recommending qualifications; and
1499 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of
1500 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1501 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1502 (26) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
1503 dosage form or a cannabis product in a medicinal dosage form.
- 1504 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
1505 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1506 (28) "Medical cannabis cardholder" means:
- 1507 (a) a holder of a medical cannabis card; or
1508 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1509 (i) within the scope of the facility's or assigned employee's performance of the role of
1510 a medical cannabis patient cardholder's caregiver designation under Subsection
1511 26B-4-214(1)(b); and
1512 (ii) while in possession of documentation that establishes:
- 1513 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
1514 (B) the identity of the individual presenting the documentation; and
1515 (C) the relation of the individual presenting the documentation to the caregiver
1516 designation.
- 1517 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
1518 may print or store on an electronic device or a physical card or document that:
- 1519 (a) the department issues to an individual whom a medical cannabis patient cardholder
1520 or a medical cannabis guardian cardholder designates as a designated caregiver; and
1521 (b) is connected to the electronic verification system.
- 1522 (30) "Medical cannabis courier" means the same as that term is defined in Section
1523 4-41a-102.
- 1524 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or

- 1525 inhale [~~cannabis in a medicinal dosage form or a cannabis product in a medicinal~~
1526 ~~dosage form]~~ medical cannabis.
- 1527 (b) "Medical cannabis device" does not include a device that:
- 1528 (i) facilitates cannabis combustion; or
- 1529 (ii) an individual uses to ingest substances other than cannabis.
- 1530 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may
1531 print or store on an electronic device or a physical card or document that:
- 1532 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1533 condition; and
- 1534 (b) is connected to the electronic verification system.
- 1535 (33) "Medical cannabis ombudsman" means the same as that term is defined in Section
1536 26B-4-248.
- 1537 [~~(33)~~] (34) "Medical cannabis patient card" means an electronic document that a cardholder
1538 may print or store on an electronic device or a physical card or document that:
- 1539 (a) the department issues to an individual with a qualifying condition; and
- 1540 (b) is connected to the electronic verification system.
- 1541 [~~(34)~~] (35) "Medical cannabis pharmacy" means a person that:
- 1542 (a)(i) acquires or intends to acquire medical cannabis [~~or a cannabis product in a~~
1543 ~~medicinal dosage form]~~ from a cannabis processing facility or another medical
1544 cannabis pharmacy or a medical cannabis device; or
- 1545 (ii) possesses medical cannabis or a medical cannabis device; and
- 1546 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1547 cannabis cardholder.
- 1548 [~~(35)~~] (36) "Medical cannabis pharmacy agent" means an individual who holds a valid
1549 medical cannabis pharmacy agent registration card issued by the department.
- 1550 [~~(36)~~] (37) "Medical cannabis pharmacy agent registration card" means a registration card
1551 issued by the department that authorizes an individual to act as a medical cannabis
1552 pharmacy agent.
- 1553 [~~(37)~~] (38) "Medical cannabis shipment" means the same as that term is defined in Section
1554 4-41a-102.
- 1555 [~~(38)~~] (39) "Medical cannabis treatment" means [~~cannabis in a medicinal dosage form, a~~
1556 ~~cannabis product in a medicinal dosage form, or]~~ medical cannabis or a medical cannabis
1557 device.
- 1558 [~~(39)~~] (40)(a) "Medicinal dosage form" means:

- 1559 (i) for processed medical cannabis, the following with a specific and consistent
 1560 cannabinoid content:
- 1561 (A) a tablet;
- 1562 (B) a capsule;
- 1563 (C) a concentrated liquid or viscous oil;
- 1564 (D) a liquid suspension that does not exceed 30 milliliters;
- 1565 (E) a topical preparation;
- 1566 (F) a transdermal preparation;
- 1567 (G) a sublingual preparation;
- 1568 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
 1569 rectangular cuboid shape;
- 1570 (I) a resin or wax;
- 1571 (J) an aerosol;
- 1572 (K) a suppository preparation; or
- 1573 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
 1574 spherical shape, is homogeneous in color and texture, and each piece is a single
 1575 serving; or
- 1576 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1577 (A) contains cannabis flower in a quantity that varies by no more than 10% from
 1578 the stated weight at the time of packaging;
- 1579 (B) at any time the medical cannabis cardholder transports or possesses the
 1580 container in public, is contained within an opaque bag or box that the medical
 1581 cannabis pharmacy provides; and
- 1582 (C) is labeled with the container's content and weight, the date of purchase, the
 1583 legal use termination date, and a barcode that provides information connected
 1584 to an inventory control system.
- 1585 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1586 (i) the medical cannabis cardholder has recently removed from the container
 1587 described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii) for use; and
- 1588 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii).
- 1589 (c) "Medicinal dosage form" does not include:
- 1590 (i) any unprocessed cannabis flower outside of the container described in Subsection [
 1591 ~~(39)(a)(ii)~~] (40)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (40)(b);
- 1592 (ii) any unprocessed cannabis flower in a container described in Subsection [
 1592

- 1593 ~~(39)(a)(ii)]~~ (40)(a)(ii) after the legal use termination date;
- 1594 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1595 cannabis on a nail or other metal object that is heated by a flame, including a
- 1596 blowtorch;
- 1597 (iv) a liquid suspension that is branded as a beverage;
- 1598 (v) a substance described in Subsection [~~(39)(a)(i)]~~ (40)(a)(i) or (ii) if the substance is
- 1599 not measured in grams, milligrams, or milliliters; or
- 1600 (vi) a substance that contains or is covered to any degree with chocolate.
- 1601 [~~(40)]~~ (41) "Nonresident patient" means an individual who:
- 1602 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1603 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 1604 card under the laws of another state, district, territory, commonwealth, or insular
- 1605 possession of the United States; and
- 1606 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1607 [~~(41)]~~ (42) "Patient product information insert" means a single page document or webpage
- 1608 that contains information about a medical cannabis product regarding:
- 1609 (a) how to use the product;
- 1610 (b) common side effects;
- 1611 (c) serious side effects;
- 1612 (d) dosage;
- 1613 (e) contraindications;
- 1614 (f) safe storage;
- 1615 (g) information on when a product should not be used; and
- 1616 (h) other information the department deems appropriate in consultation with the
- 1617 cannabis processing facility that created the product.
- 1618 (43) "Pharmacy medical provider" means the medical provider required to be on site at a
- 1619 medical cannabis pharmacy under Section 26B-4-219.
- 1620 [~~(42)]~~ (44) "Provisional patient card" means a card that:
- 1621 (a) the department issues to a minor with a qualifying condition for whom:
- 1622 (i) a recommending medical provider has recommended a medical cannabis
- 1623 treatment; and
- 1624 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1625 legal guardian; and
- 1626 (b) is connected to the electronic verification system.

- 1627 [(43)] (45) "Qualified medical provider" means an individual:
- 1628 (a) who meets the recommending qualifications; and
- 1629 (b) whom the department registers to recommend treatment with cannabis in a medicinal
- 1630 dosage form under Section 26B-4-204.
- 1631 [(44)] (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 1632 26B-1-310.
- 1633 [(45)] (47) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1634 [(46)] (48) "Recommend" or "recommendation" means, for a recommending medical
- 1635 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1636 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1637 (b) may include, at the recommending medical provider's discretion, directions of use,
- 1638 with or without dosing guidelines.
- 1639 [(47)] (49) "Recommending medical provider" means a qualified medical provider or a
- 1640 limited medical provider.
- 1641 [(48)] (50) "Recommending qualifications" means that an individual:
- 1642 (a)(i) has the authority to write a prescription;
- 1643 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
- 1644 Controlled Substances Act; and
- 1645 (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1646 prescribe a Schedule II controlled substance; and
- 1647 (b) is licensed as:
- 1648 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1649 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1650 Act;
- 1651 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1652 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1653 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1654 [(49)] "State central patient portal" means the ~~website the department creates, in accordance~~
- 1655 ~~with Section 26B-4-236, to facilitate patient safety, education, and an electronic medical~~
- 1656 ~~eannabis order.]~~
- 1657 [(50)] (51) "State electronic verification system" means the system described in Section
- 1658 26B-4-202.
- 1659 [(51)] (52) "Targeted marketing" means the promotion by a qualified medical provider,
- 1660 medical clinic, or medical office that employs a qualified medical provider of a medical

- 1661 cannabis recommendation service using any of the following methods:
- 1662 (a) electronic communication to an individual who is at least 21 years old and has
1663 requested to receive promotional information;
- 1664 (b) an in-person marketing event that is held in an area where only an individual who is
1665 at least 21 years old may access the event;
- 1666 (c) other marketing material that is physically or digitally displayed in the office of the
1667 medical clinic or office that employs a qualified medical provider; or
- 1668 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that
1669 employs a qualified medical provider shares with an individual who is at least 21
1670 years old.
- 1671 ~~[(52)]~~ (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1672 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 1673 ~~[(53)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1674 Section 21. Section **26B-4-202** is amended to read:
- 1675 **26B-4-202 . Electronic verification system.**
- 1676 (1) The Department of Agriculture and Food, the department, the Department of Public
1677 Safety, and the Division of Technology Services shall:
- 1678 (a) enter into a memorandum of understanding in order to determine the function and
1679 operation of the state electronic verification system in accordance with Subsection
1680 (2);
- 1681 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1682 Procurement Code, to develop a request for proposals for a third-party provider to
1683 develop and maintain the state electronic verification system in coordination with the
1684 Division of Technology Services; and
- 1685 (c) select a third-party provider who:
- 1686 (i) meets the requirements contained in the request for proposals issued under
1687 Subsection (1)(b); and
- 1688 (ii) may not have any commercial or ownership interest in a cannabis production
1689 establishment or a medical cannabis pharmacy.
- 1690 (2) The Department of Agriculture and Food, the department, the Department of Public
1691 Safety, and the Division of Technology Services shall ensure that the state electronic
1692 verification system described in Subsection (1):
- 1693 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1694 medical cannabis guardian card, provided that the card may not become active until:

- 1695 (i) the relevant qualified medical provider completes the associated medical cannabis
1696 recommendation; or
- 1697 (ii) for a medical cannabis card related to a limited medical provider's
1698 recommendation, the medical cannabis pharmacy completes the recording
1699 described in Subsection (2)(d);
- 1700 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1701 cannabis guardian card in accordance with Section 26B-4-213;
- 1702 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1703 acting on behalf of the qualified medical provider, to:
- 1704 (i) access dispensing and card status information regarding a patient:
- 1705 (A) with whom the qualified medical provider has a provider-patient relationship;
1706 and
- 1707 (B) for whom the qualified medical provider has recommended or is considering
1708 recommending a medical cannabis card;
- 1709 (ii) electronically recommend treatment with [~~cannabis in a medicinal dosage form or~~
1710 ~~a cannabis product in a medicinal dosage form~~] medical cannabis and optionally
1711 recommend dosing guidelines;
- 1712 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1713 or medical cannabis guardian cardholder:
- 1714 (A) using telehealth services, for the qualified medical provider who originally
1715 recommended a medical cannabis treatment during a face-to-face visit with the
1716 patient; or
- 1717 (B) during a face-to-face visit with the patient, for a qualified medical provider
1718 who did not originally recommend the medical cannabis treatment during a
1719 face-to-face visit; and
- 1720 (iv) submit an initial application, renewal application, or application payment on
1721 behalf of an individual applying for any of the following:
- 1722 (A) a medical cannabis patient card;
1723 (B) a medical cannabis guardian card; or
1724 (C) a medical cannabis caregiver card;
- 1725 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1726 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1727 (i) access the electronic verification system to review the history within the system of
1728 a patient with whom the provider or agent is interacting, limited to read-only

- 1729 access for medical cannabis pharmacy agents unless the medical cannabis
1730 pharmacy's pharmacist in charge authorizes add and edit access;
- 1731 (ii) record a patient's recommendation from a limited medical provider, including any
1732 directions of use, dosing guidelines, or caregiver indications from the limited
1733 medical provider;
- 1734 (iii) record a limited medical provider's renewal of the provider's previous
1735 recommendation; and
- 1736 (iv) submit an initial application, renewal application, or application payment on
1737 behalf of an individual applying for any of the following:
- 1738 (A) a medical cannabis patient card;
1739 (B) a medical cannabis guardian card; or
1740 (C) a medical cannabis caregiver card;
- 1741 (e) connects with:
- 1742 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1743 time and archive purchases of any [~~cannabis in a medicinal dosage form, cannabis~~
1744 ~~product in a medicinal dosage form,~~] medical cannabis or a medical cannabis
1745 device, including:
- 1746 (A) the time and date of each purchase;
1747 (B) the quantity and type of [~~cannabis, cannabis product,~~] medical cannabis or
1748 medical cannabis device purchased;
- 1749 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1750 any medical cannabis courier associated with the [~~cannabis, cannabis product,~~]
1751 medical cannabis or medical cannabis device; and
- 1752 (D) the personally identifiable information of the medical cannabis cardholder
1753 who made the purchase; and
- 1754 (ii) any commercially available inventory control system that a cannabis production
1755 establishment utilizes in accordance with Section 4-41a-103 to use data that the
1756 Department of Agriculture and Food requires by rule, in accordance with Title
1757 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
1758 tracking system that a licensee uses to track and confirm compliance;
- 1759 (f) provides access to:
- 1760 (i) the department to the extent necessary to carry out the department's functions and
1761 responsibilities under this part;
- 1762 (ii) the Department of Agriculture and Food to the extent necessary to carry out the

- 1763 functions and responsibilities of the Department of Agriculture and Food under
 1764 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
 1765 (iii) the Division of Professional Licensing to the extent necessary to carry out the
 1766 functions and responsibilities related to the participation of the following in the
 1767 recommendation and dispensing of medical cannabis:
- 1768 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
 1769 Act;
 - 1770 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - 1771 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
 1772 Nurse Practice Act;
 - 1773 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
 1774 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 1775 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 1776 Assistant Act;
- 1777 [~~(g)~~] provides access to and interaction with the state central patient portal;]
- 1778 [~~(h)~~] (g) communicates dispensing information from a record that a medical cannabis
 1779 pharmacy submits to the state electronic verification system under Subsection
 1780 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1781 [~~(i)~~] (h) provides access to state or local law enforcement only to verify the validity of an
 1782 individual's medical cannabis card for the administration of criminal justice and
 1783 through a database used by law enforcement; and
- 1784 [~~(j)~~] (i) creates a record each time a person accesses the system that identifies the person
 1785 who accesses the system and the individual whose records the person accesses.
- 1786 (3)(a) An employee of a qualified medical provider may access the electronic
 1787 verification system for a purpose described in Subsection (2)(c) on behalf of the
 1788 qualified medical provider if:
- 1789 (i) the qualified medical provider has designated the employee as an individual
 1790 authorized to access the electronic verification system on behalf of the qualified
 1791 medical provider;
 - 1792 (ii) the qualified medical provider provides written notice to the department of the
 1793 employee's identity and the designation described in Subsection (3)(a)(i); and
 - 1794 (iii) the department grants to the employee access to the electronic verification
 1795 system.
- 1796 (b) An employee of a business that employs a qualified medical provider may access the

- 1797 electronic verification system for a purpose described in Subsection (2)(c) on behalf
1798 of the qualified medical provider if:
- 1799 (i) the qualified medical provider has designated the employee as an individual
1800 authorized to access the electronic verification system on behalf of the qualified
1801 medical provider;
- 1802 (ii) the qualified medical provider and the employing business jointly provide written
1803 notice to the department of the employee's identity and the designation described
1804 in Subsection (3)(b)(i); and
- 1805 (iii) the department grants to the employee access to the electronic verification
1806 system.
- 1807 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1808 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1809 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1810 Practice Act;
- 1811 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1812 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1813 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1814 Assistant Act.
- 1815 (b) A prescribing provider may access information in the electronic verification system
1816 regarding a patient the prescribing provider treats.
- 1817 (5) The department may release limited data that the system collects for the purpose of:
- 1818 (a) conducting medical and other department approved research;
1819 (b) providing the report required by Section 26B-4-222; and
1820 (c) other official department purposes.
- 1821 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1822 Administrative Rulemaking Act, to establish:
- 1823 (a) the limitations on access to the data in the state electronic verification system as
1824 described in this section; and
- 1825 (b) standards and procedures to ensure accurate identification of an individual requesting
1826 information or receiving information in this section.
- 1827 (7) Any person who negligently or recklessly releases any information in the state
1828 electronic verification system in violation of this section is guilty of a class C
1829 misdemeanor.
- 1830 (8) Any person who obtains or attempts to obtain information from the state electronic

- 1831 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1832 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
 1833 and intentionally use, release, publish, or otherwise make available to any other
 1834 person information obtained from the state electronic verification system for any
 1835 purpose other than a purpose specified in this section.
- 1836 (b) Each separate violation of this Subsection (9) is:
- 1837 (i) a third degree felony; and
- 1838 (ii) subject to a civil penalty not to exceed \$5,000.
- 1839 (c) A law enforcement officer who uses the database used by law enforcement to access
 1840 information in the electronic verification system for a reason that is not the
 1841 administration of criminal justice is guilty of a class B misdemeanor.
- 1842 (d) The department shall determine a civil violation of this Subsection (9) in accordance
 1843 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1844 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
 1845 Fund.
- 1846 (f) This Subsection (9) does not prohibit a person who obtains information from the state
 1847 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1848 (i) including the information in the person's medical chart or file for access by a
 1849 person authorized to review the medical chart or file;
- 1850 (ii) providing the information to a person in accordance with the requirements of the
 1851 Health Insurance Portability and Accountability Act of 1996; or
- 1852 (iii) discussing or sharing that information about the patient with the patient.

1853 Section 22. Section **26B-4-214** is amended to read:

1854 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1855 **Revocation.**

- 1856 (1)(a) A cardholder described in Section 26B-4-213 may designate~~[-, through the state~~
 1857 ~~central patient portal,]~~ up to two individuals, or an individual and a facility in
 1858 accordance with Subsection (1)(b), to serve as a designated caregiver for the
 1859 cardholder.
- 1860 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
 1861 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1862 (A) for a patient or resident, an assisted living facility, as that term is defined in
 1863 Section 26B-2-201;
- 1864 (B) for a patient or resident, a nursing care facility, as that term is defined in

- 1865 Section 26B-2-201; or
- 1866 (C) for a patient, a general acute hospital, as that term is defined in Section
- 1867 26B-2-201.
- 1868 (ii) A facility may:
- 1869 (A) assign one or more employees to assist patients with medical cannabis
- 1870 treatment under the caregiver designation described in this Subsection (1)(b);
- 1871 and
- 1872 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
- 1873 medical cannabis courier on behalf of the medical cannabis cardholder within
- 1874 the facility who designated the facility as a caregiver.
- 1875 (iii) The department shall make rules to regulate the practice of facilities and facility
- 1876 employees serving as designated caregivers under this Subsection (1)(b).
- 1877 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
- 1878 with the minor and the minor's qualified medical provider, may designate~~[, through~~
- 1879 ~~the state central patient portal,]~~ up to two individuals to serve as a designated
- 1880 caregiver for the minor, if the department determines that the parent or legal guardian
- 1881 is not eligible for a medical cannabis guardian card under Section 26B-4-213.
- 1882 (d)(i) Upon the entry of a caregiver designation under this Subsection (1) by a patient
- 1883 with a terminal illness described in Section 26B-4-203, the department shall issue
- 1884 to the designated caregiver an electronic conditional medical cannabis caregiver
- 1885 card, in accordance with this Subsection (1)(d).
- 1886 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 1887 (A) 60 days; or
- 1888 (B) the day on which the department completes the department's review and issues
- 1889 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
- 1890 medical cannabis caregiver card application, or revokes the conditional
- 1891 medical cannabis caregiver card under Section 26B-4-246.
- 1892 (iii) The department may issue a conditional medical cannabis card to an individual
- 1893 applying for a medical cannabis patient card for which approval of the
- 1894 Compassionate Use Board is not required.
- 1895 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
- 1896 obligations under law applicable to a holder of the medical cannabis card for
- 1897 which the individual applies and for which the department issues the conditional
- 1898 medical cannabis card.

- 1899 (2) An individual that the department registers as a designated caregiver under this section
1900 and a facility described in Subsection (1)(b):
- 1901 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1902 card;
- 1903 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
1904 the use of [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal~~
1905 ~~dosage form,]~~ medical cannabis or a medical cannabis device on behalf of the
1906 designating medical cannabis cardholder;
- 1907 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1908 or for a service that the designated caregiver provides in relation to the role as a
1909 designated caregiver; and
- 1910 (d) may accept reimbursement from the designating medical cannabis cardholder for
1911 direct costs the designated caregiver incurs for assisting with the designating
1912 cardholder's medicinal use of cannabis.
- 1913 (3)(a) The department shall:
- 1914 (i) within 15 days after the day on which an individual submits an application in
1915 compliance with this section, issue a medical cannabis card to the applicant if the
1916 applicant:
- 1917 (A) is designated as a caregiver under Subsection (1);
- 1918 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1919 (C) complies with this section; and
- 1920 (ii) notify the Department of Public Safety of each individual that the department
1921 registers as a designated caregiver.
- 1922 (b) The department shall ensure that a medical cannabis caregiver card contains the
1923 information described in Subsections (5)(b) and (3)(c)(i).
- 1924 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
1925 caregiver who already holds a medical cannabis caregiver card, the individual with
1926 the medical cannabis caregiver card:
- 1927 (i) shall report to the department the information required of applicants under
1928 Subsection (5)(b) regarding the new designation;
- 1929 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1930 to file an application for another medical cannabis caregiver card;
- 1931 (iii) may receive an additional medical cannabis caregiver card in relation to each
1932 additional medical cannabis patient who designates the caregiver; and

- 1933 (iv) is not subject to an additional background check.
- 1934 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1935 (a) is at least 21 years old;
- 1936 (b) is a Utah resident;
- 1937 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
- 1938 the department sets in accordance with Section 63J-1-504, plus the cost of the
- 1939 criminal background check described in Section 26B-4-215; and
- 1940 (d) signs an acknowledgment stating that the applicant received the information
- 1941 described in Subsection 26B-4-213(9)[-].
- 1942 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1943 (a) submit an application for a medical cannabis caregiver card to the department
- 1944 through an electronic application connected to the state electronic verification
- 1945 system; and
- 1946 (b) submit the following information in the application described in Subsection (5)(a):
- 1947 (i) the applicant's name, gender, age, and address;
- 1948 (ii) the name, gender, age, and address of the cardholder described in Section
- 1949 26B-4-213 who designated the applicant;
- 1950 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1951 gender, and age of the minor receiving a medical cannabis treatment in relation to
- 1952 the medical cannabis guardian cardholder; and
- 1953 (iv) any additional information that the department requests to assist in matching the
- 1954 application with the designating medical cannabis patient.
- 1955 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
- 1956 department issues under this section is valid for the lesser of:
- 1957 (a) an amount of time that the cardholder described in Section 26B-4-213 who
- 1958 designated the caregiver determines; or
- 1959 (b) the amount of time remaining before the card of the cardholder described in Section
- 1960 26B-4-213 expires.
- 1961 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
- 1962 caregiver's medical cannabis caregiver card renews automatically at the time the
- 1963 cardholder described in Section 26B-4-213 who designated the caregiver:
- 1964 (i) renews the cardholder's card; and
- 1965 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1966 (b) The department shall provide a method in the card renewal process to allow a

- 1967 cardholder described in Section 26B-4-213 who has designated a caregiver to:
- 1968 (i) signify that the cardholder renews the caregiver's designation;
- 1969 (ii) remove a caregiver's designation; or
- 1970 (iii) designate a new caregiver.
- 1971 (8) The department shall record the issuance or revocation of a medical cannabis card under
- 1972 this section in the controlled substance database.
- 1973 Section 23. Section **26B-4-222** is amended to read:
- 1974 **26B-4-222 . Report.**
- 1975 (1) By the November interim meeting each year, the department shall report to the Health
- 1976 and Human Services Interim Committee on:
- 1977 (a) the number of applications and renewal applications filed for medical cannabis cards;
- 1978 (b) the number of qualifying patients and designated caregivers;
- 1979 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 1980 (d) the age and county of residence of cardholders;
- 1981 (e) the number of medical cannabis cards revoked;
- 1982 (f) the number of practitioners providing recommendations for qualifying patients;
- 1983 (g) the number of license applications and renewal license applications received;
- 1984 (h) the number of licenses the department has issued in each county;
- 1985 (i) the number of licenses the department has revoked;
- 1986 (j) the quantity of medical cannabis shipments [~~that the state central patient portal~~
- 1987 ~~facilitates~~];
- 1988 (k) the number of overall purchases of medical cannabis [~~and medical cannabis products~~]
- 1989 from each medical cannabis pharmacy;
- 1990 (l) the expenses incurred and revenues generated from the medical cannabis program;
- 1991 and
- 1992 (m) an analysis of product availability in medical cannabis pharmacies in consultation
- 1993 with the Department of Agriculture and Food.
- 1994 (2) The report shall include information provided by the Center for Medical Cannabis
- 1995 Research described in Section 53B-17-1402.
- 1996 (3) The department may not include personally identifying information in the report
- 1997 described in this section.
- 1998 (4) The department shall report to the working group described in Section 36-12-8.2 as
- 1999 requested by the working group.
- 2000 Section 24. Section **26B-4-243** is amended to read:

2001 **26B-4-243 . Guidance for treatment with medical cannabis.**

2002 The department, in consultation with the Center for Medical Cannabis Research created
2003 in Section 53B-17-1402, shall:

- 2004 (1) develop evidence-based guidance for treatment with medical cannabis based on the
2005 latest medical research that shall include:
- 2006 (a) for each qualifying condition, a summary of the latest medical research regarding the
2007 treatment of the qualifying condition with medical cannabis;
 - 2008 (b) risks, contraindications, side effects, and adverse reactions that are associated with
2009 medical cannabis use; and
 - 2010 (c) potential drug interactions between medical cannabis and medications that have been
2011 approved by the United States Food and Drug Administration;~~and~~
- 2012 (2) educate recommending medical providers, pharmacy medical providers, medical
2013 cannabis cardholders, and the public regarding:
- 2014 (a) the evidence-based guidance for treatment with medical cannabis described in
2015 Subsection (1)(a);
 - 2016 (b) relevant warnings and safety information related to medical cannabis use; and
 - 2017 (c) other topics related to medical cannabis use as determined by the department~~[-]~~ ; and
- 2018 (3) develop patient product information inserts for medical cannabis products in
2019 consultation with the cannabis processing facility that created the product and does not
2020 contain proprietary information about the product.

2021 Section 25. Section **26B-4-247** is amended to read:

2022 **26B-4-247 . Department coordination.**

2023 The department shall:

- 2024 (1) provide draft rules made under this chapter to the;
- 2025 (a) advisory board for the advisory board's review; and
 - 2026 (b) medical cannabis ombudsman;
- 2027 (2) consult with the advisory board regarding:
- 2028 (a) patient education; and
 - 2029 (b) fees set by the department that pertain to the medical cannabis program; and
- 2030 (3) when appropriate, consult with the advisory board regarding issues that arise in the
2031 medical cannabis program.

2032 Section 26. Section **26B-4-248** is enacted to read:

2033 **26B-4-248 . Medical cannabis ombudsman -- Duties -- Appeals.**

- 2034 (1)(a) There is created a medical cannabis ombudsman within the Office of Ombuds

- 2035 within the department.
- 2036 (b) The department shall consult with the Department of Agriculture and Food regarding
- 2037 the selection of the medical cannabis ombudsman.
- 2038 (c) The medical cannabis ombudsman or an immediate family member of the medical
- 2039 cannabis ombudsman may not have an ownership interest in a cannabis production
- 2040 establishment or medical cannabis pharmacy.
- 2041 (2) The ombudsman shall:
- 2042 (a) provide training and information to private citizens, civic groups, governmental
- 2043 entities, and other interested parties across the state regarding the role and duties of
- 2044 the ombudsman;
- 2045 (b) develop a website to provide the information described in Subsection (2)(b) in a form
- 2046 that is easily accessible;
- 2047 (c) consult on proposed rules that are created under Title 4, Chapter 41a, Cannabis
- 2048 Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2,
- 2049 Cannabinoid Research and Medical Cannabis;
- 2050 (d) cooperate and coordinate with governmental entities and other organizations in the
- 2051 community in exercising the duties under this section; and
- 2052 (e) as appropriate, make recommendations to the Department of Agriculture and Food
- 2053 and the department regarding the creation or modification of rules that the
- 2054 ombudsman considers necessary to carry out the ombudsman's duties under this
- 2055 section.
- 2056 (3)(a) The ombudsman shall:
- 2057 (i) determine which entities receive licenses:
- 2058 (A) under Section 4-41a-1005 in consultation with the Department of Agriculture
- 2059 and Food and in accordance with Section 4-41a-1005; and
- 2060 (B) described in this Subsection (3); and
- 2061 (ii) inform the Department of Agriculture and Food of the selections.
- 2062 (b)(i) Subject to the requirements of this Subsection (3) and the criteria established
- 2063 for obtaining a medical cannabis pharmacy license under Title 4, Chapter 41a,
- 2064 Cannabis Production Establishments and Pharmacies, the ombudsman shall:
- 2065 (A) before January 1, 2026, select one entity to receive a medical cannabis
- 2066 pharmacy license; and
- 2067 (B) before January 1, 2027, but not before January 1, 2026, select one entity to
- 2068 receive a medical cannabis pharmacy license.

- 2069 (ii) When selecting entities under this Subsection (3), if there is a conflict between
2070 the criteria established for obtaining a medical cannabis pharmacy license under
2071 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
2072 this section, this section controls.
- 2073 (c) For the license described in Subsection (3)(b)(i)(B), the ombudsman may not select
2074 an entity:
- 2075 (i) that owns any interest in or operates a medical cannabis production establishment;
2076 or
- 2077 (ii) that is owned, partially or entirely, or operated by a medical cannabis production
2078 establishment.
- 2079 (d) The ombudsman:
- 2080 (i) may not select an entity to receive a license under this Subsection (3) if the entity
2081 owns a financial interest in a medical cannabis pharmacy or is owned by an entity
2082 that owns a financial interest in a medical cannabis pharmacy; and
- 2083 (ii) shall select an entity that will site a medical cannabis pharmacy license issued
2084 under this Subsection (3) in an area:
- 2085 (A) designated as a medically underserved area as determined by the federal
2086 Health Resources and Services Administration; and
- 2087 (B) located in a county of the third, fourth, fifth, or sixth class.
- 2088 (e) A license described in this Subsection (3) may not be transferred to another entity
2089 unless that entity meets the requirements of Subsections (3)(c) and (3)(d) that the
2090 transferring entity met when obtaining the license.
- 2091 (f) Notwithstanding Subsection (3)(e), for a license described in Subsection (3)(b)(i)(A),
2092 an applicant shall commit to not alienating or otherwise transferring control of the
2093 license or of the entity that holds the license to another person for at least 15 years
2094 from the day the license is issued under Title 4, Chapter 41a, Cannabis Production
2095 Establishments and Pharmacies.
- 2096 (4)(a) The ombudsman shall contract with a nonprofit entity that provides assistance to
2097 medical cannabis cardholders for purchasing medical cannabis or a medical cannabis
2098 device.
- 2099 (b) Subject to available funds, the contracted nonprofit entity may provide monthly \$150
2100 vouchers to a medical cannabis pharmacy as part of the program described in this
2101 Subsection (4).
- 2102 (c) A medical cannabis patient is eligible for the program if the individual is:

- 2103 (i) an active medical cannabis cardholder patient; and
- 2104 (ii) enrolled in Medicaid or Medicare.
- 2105 (d) The ombudsman may make rules to effectuate the program described in this
- 2106 Subsection (4) in accordance with Title 63G, Chapter 4, Administrative Procedures
- 2107 Act.
- 2108 (e) A contracted nonprofit entity shall provide the ombudsman an accounting each
- 2109 quarter of:
- 2110 (i) how money was used; and
- 2111 (ii) other metrics determined relevant by the ombudsman.
- 2112 (5)(a) The ombudsman shall hear all appeals for administrative action taken under Title
- 2113 4, Chapter 41a, Cannabis Production Establishments and Pharmacies as an informal
- 2114 proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
- 2115 (b) The ombudsman shall create rules for hearing appeals in accordance with Title 63G,
- 2116 Chapter 3, Utah Administrative Rulemaking Act.
- 2117 (6) Before August 1, 2026, and each year thereafter, the ombudsman shall provide a report
- 2118 to the Medical Cannabis Governance Structure Working Group created in Section
- 2119 36-12-8.2 regarding:
- 2120 (a) the number of appeals heard under Subsection (5);
- 2121 (b) the number of patients served under Subsection (4); and
- 2122 (c) policy recommendations related to the medical cannabis program.
- 2123 Section 27. Section **63I-2-204** is amended to read:
- 2124 **63I-2-204 . Repeal dates: Title 4.**
- 2125 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed
- 2126 May 1, 2025.
- 2127 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed
- 2128 July 1, [~~2026~~] 2025.
- 2129 (3) Section 4-46-104, Transition, is repealed July 1, 2024.
- 2130 Section 28. Section **63I-2-226** is amended to read:
- 2131 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 2132 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.
- 2133 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
- 2134 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2135 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2136 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.

- 2137 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2138 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
2139 Board, is repealed July 1, [~~2026~~] 2025.
- 2140 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --
2141 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2142 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of
2143 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2144 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2145 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and
2146 genetic testing, is repealed July 1, 2030.
- 2147 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed
2148 July 1, [~~2026~~] 2025.
- 2149 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
2150 repealed July 1, [~~2026~~] 2025.
- 2151 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
2152 Program, is repealed July 1, 2027.
- 2153 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician
2154 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2155 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan
2156 Repayment Program, is repealed July 1, 2026.
- 2157 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician
2158 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2159 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed
2160 January 2, 2025.
- 2161 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,
2162 is repealed July 1, 2025.
- 2163 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 2164 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is
2165 repealed July 1, 2025.
- 2166 Section 29. Section **63I-2-236** is amended to read:
2167 **63I-2-236 . Repeal dates: Title 36.**
- 2168 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
2169 July 1, [~~2025~~] 2026.
- 2170 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --

2171 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
2172 Interim report, is repealed November 30, 2024.

2173 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
2174 November 30, 2027.

2175 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
2176 November 30, 2024.

2177 Section 30. **Repealer.**

2178 This bill repeals:

2179 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**
2180 **-- Citation.**

2181 Section **26B-4-236, State central patient portal -- Department duties.**

2182 Section 31. **Effective Date.**

2183 This bill takes effect on May 7, 2025.