

Jennifer Dailey-Provost proposes the following substitute bill:

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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;
- ▶ authorizes the creation of patient product information inserts;
- ▶ moves the repeal date for the Cannabis Research Review Board earlier one year;
- ▶ extends the repeal date for the Medical Cannabis Governance Structure Working Group;

and

29 ▸ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

37 **4-41a-110**, as enacted by Laws of Utah 2023, Chapter 273

38 **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12

39 **4-41a-403**, as last amended by Laws of Utah 2023, Chapter 327

40 **4-41a-501**, as last amended by Laws of Utah 2023, Chapter 313

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

42 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
43 Chapter 1

44 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

45 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

46 **4-41a-1003**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and
47 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
48 Laws of Utah 2023, Chapter 307

49 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217

50 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217

51 **4-41a-1201**, as enacted by Laws of Utah 2023, Chapter 273

52 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240

53 **4-41a-1203**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
54 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

55 **4-41a-1206**, as enacted by Laws of Utah 2024, Chapter 238

56 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

57 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

58 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240

59 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240

60 **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240

61 **26B-4-243**, as enacted by Laws of Utah 2023, Chapter 281

62 **26B-4-247**, as enacted by Laws of Utah 2023, Chapter 273

63 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

64 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

65 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

66 ENACTS:

67 **4-41a-1006**, Utah Code Annotated 1953

68 REPEALS:

69 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
70 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

71 **26B-4-236**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
72 and amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause,
73 Laws of Utah 2023, Chapter 307

74

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

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

77 **4-41a-102 . Definitions.**

78 As used in this chapter:

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

81 (a) pesticides;

82 (b) heavy metals;

83 (c) solvents;

84 (d) microbial life;

85 (e) artificially derived cannabinoid;

86 (f) toxins; or

87 (g) foreign matter.

88 (2) "Advertise" or "advertising" means information provided by a person in any medium:

89 (a) to the public; and

90 (b) that is not age restricted to an individual who is at least 21 years old.

91 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
92 Section 26B-1-435.

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

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

- 97 (i) agreements that may be considered unreasonable when competitors interact to the
98 extent that they are:
99 (A) no longer acting independently; or
100 (B) when collaborating are able to wield market power together;
- 101 (ii) monopolizing or attempting to monopolize trade by:
102 (A) acting to maintain or acquire a dominant position in the market; or
103 (B) preventing new entry into the market; or
104 (iii) other conduct outlined in rule.
- 105 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
106 chemical reaction that changes the molecular structure of any chemical substance
107 derived from the cannabis plant.
- 108 (b) "Artificially derived cannabinoid" does not include:
109 (i) a naturally occurring chemical substance that is separated from the cannabis plant
110 by a chemical or mechanical extraction process; or
111 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
112 cannabinoid acid without the use of a chemical catalyst.
- 113 (6) "Batch" means a quantity of:
114 (a) cannabis extract produced on a particular date and time and produced between
115 completion of equipment and facility sanitation protocols until the next required
116 sanitation cycle during which lots of cannabis are used;
117 (b) cannabis product produced on a particular date and time and produced between
118 completion of equipment and facility sanitation protocols until the next required
119 sanitation cycle during which cannabis extract is used; or
120 (c) cannabis flower packaged on a particular date and time and produced between
121 completion of equipment and facility sanitation protocols until the next required
122 sanitation cycle during which lots of cannabis are being used.
- 123 [(6)] (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
124 created in Section 26B-1-420.
- 125 [(7)] (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 126 [(8)] (9) "Cannabis concentrate" means:
127 (a) the product of any chemical or physical process applied to naturally occurring
128 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
129 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
130 artificially derived cannabinoid's purified state.

131 ~~[(9)]~~ (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
132 intended to be sold as a cannabis plant product.

133 ~~[(10)]~~ (11) "Cannabis cultivation facility" means a person that:

- 134 (a) possesses cannabis;
- 135 (b) grows or intends to grow cannabis; and
- 136 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
137 processing facility, or a medical cannabis research licensee.

138 ~~[(11)]~~ (12) "Cannabis cultivation facility agent" means an individual who
139 holds a valid cannabis production establishment agent registration card with a cannabis
140 cultivation facility designation.

141 ~~[(12)]~~ (13) "Cannabis derivative product" means a product made using cannabis concentrate.

142 ~~[(13)]~~ (14) "Cannabis plant product" means any portion of a cannabis plant intended to be
143 sold in a form that is recognizable as a portion of a cannabis plant.

144 ~~[(14)]~~ (15) "Cannabis processing facility" means a person that:

- 145 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 146 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 147 (c) manufactures or intends to manufacture a cannabis product from unprocessed
148 cannabis or a cannabis extract; and
- 149 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
150 medical cannabis research licensee.

151 ~~[(15)]~~ (16) "Cannabis processing facility agent" means an individual who
152 holds a valid cannabis production establishment agent registration card with a cannabis
153 processing facility designation.

154 ~~[(16)]~~ (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

155 ~~[(17)]~~ (18) "Cannabis production establishment" means a cannabis cultivation facility, a
156 cannabis processing facility, or an independent cannabis testing laboratory.

157 ~~[(18)]~~ (19) "Cannabis production establishment agent" means a cannabis cultivation facility
158 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory
159 agent.

160 ~~[(19)]~~ (20) "Cannabis production establishment agent registration card" means a registration
161 card that the department issues that:

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

- 165 [(20)] (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
166 delivery medical cannabis pharmacy for delivering [~~cannabis or a medical cannabis~~
167 ~~product~~] medical cannabis.
- 168 [(21)] (22) "Community location" means a public or private elementary or secondary school,
169 a church, a public library, a public playground, or a public park.
- 170 [(22)] (23) "Cultivation space" means, quantified in square feet, the horizontal area in which
171 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
172 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
173 above other plants in multiple levels.
- 174 [(23)] (24) "Delivery address" means:
- 175 (a) for a medical cannabis cardholder who is not a facility:
- 176 (i) the medical cannabis cardholder's home address; or
- 177 (ii) an address designated by the medical cannabis cardholder that:
- 178 (A) is the medical cannabis cardholder's workplace; and
- 179 (B) is not a community location; or
- 180 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 181 [(24)] (25) "Department" means the Department of Agriculture and Food.
- 182 [(25)] (26) "Family member" means a parent, step-parent, spouse, child, sibling,
183 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
184 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 185 [(26)] (27) "Government issued photo identification" means the same as that term is defined
186 in Section 26B-4-201, including expired identification in accordance with Section
187 26B-4-244.
- 188 [(27)] (28) "Home delivery medical cannabis pharmacy" means a medical cannabis
189 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
190 medical cannabis shipments to a delivery address to fulfill electronic orders[~~that the~~
191 ~~state central patient portal facilitates~~].
- 192 [(28)] (29)(a) "Independent cannabis testing laboratory" means a person that:
- 193 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
- 194 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
195 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 196 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
197 or a research university operates in accordance with Subsection 4-41a-201(14).
- 198 [(29)] (30) "Independent cannabis testing laboratory agent" means an individual who

199 holds a valid cannabis production establishment agent registration card with an
200 independent cannabis testing laboratory designation.

201 [(30)] (31) "Inventory control system" means a system described in Section 4-41a-103.

202 [(31)] (32) "Licensing board" or "board" means the Cannabis Production Establishment and
203 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.

204 [(32)] (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
205 defined in Section 26B-4-201.

206 [(33)] (34) "Medical cannabis card" means the same as that term is defined in Section
207 26B-4-201.

208 [(34)] (35) "Medical cannabis courier" means a courier that:

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

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

213 [(35)] (36) "Medical cannabis courier agent" means an individual who:

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

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

216 [(36)] (37) "Medical cannabis pharmacy" means the same as that term is defined in Section
217 26B-4-201.

218 [(37)] (38) "Medical cannabis pharmacy agent" means the same as that term is defined in
219 Section 26B-4-201.

220 [(38)] (39) "Medical cannabis research license" means a license that the department issues to
221 a research university for the purpose of obtaining and possessing medical cannabis for
222 academic research.

223 [(39)] (40) "Medical cannabis research licensee" means a research university that the
224 department licenses to obtain and possess medical cannabis for academic research, in
225 accordance with Section 4-41a-901.

226 [(40)] (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home
227 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
228 address to fulfill an electronic medical cannabis order [~~that the state central patient portal~~
229 ~~facilitates~~].

230 [(41)] (42) "Medical cannabis treatment" means the same as that term is defined in Section
231 26B-4-201.

232 [(42)] (43) "Medicinal dosage form" means the same as that term is defined in Section

- 233 26B-4-201.
- 234 (44) "Patient product information insert" means the same as that term is defined in Section
- 235 26B-4-201.
- 236 [(43)] (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number
- 237 of medical cannabis pharmacy licenses issued by the department rounded down to the
- 238 nearest whole number.
- 239 [(44)] (46) "Pharmacy medical provider" means the same as that term is defined in Section
- 240 26B-4-201.
- 241 [(45)] (47) "Qualified medical provider" means the same as that term is defined in Section
- 242 26B-4-201.
- 243 [(46)] (48) "Qualified Production Enterprise Fund" means the fund created in Section
- 244 4-41a-104.
- 245 [(47)] (49) "Recommending medical provider" means the same as that term is defined in
- 246 Section 26B-4-201.
- 247 [(48)] (50) "Research university" means the same as that term is defined in Section
- 248 53B-7-702 and a private, nonprofit college or university in the state that:
- 249 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 250 (b) grants doctoral degrees; and
- 251 (c) has a laboratory containing or a program researching a schedule I controlled
- 252 substance described in Section 58-37-4.
- 253 [(49)] (51) "State electronic verification system" means the system described in Section
- 254 26B-4-202.
- 255 [(50)] (52) "Targeted marketing" means the promotion of [~~a cannabis product,~~] medical
- 256 cannabis, a medical cannabis brand, or a medical cannabis device using any of the
- 257 following methods:
- 258 (a) electronic communication to an individual who is at least 21 years old and has
- 259 requested to receive promotional information;
- 260 (b) an in-person marketing event that is:
- 261 (i) held inside a medical cannabis pharmacy; and
- 262 (ii) in an area where only a medical cannabis cardholder may access the event;
- 263 (c) other marketing material that is physically available or digitally displayed in a
- 264 medical cannabis pharmacy; or
- 265 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 266 provided to an individual when obtaining medical cannabis:

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

270 ~~[(51)]~~ (53) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
 271 Section 4-41-102.

272 ~~[(52)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.

273 ~~[(53)]~~ (55) "Total composite tetrahydrocannabinol" means all detectable forms of
 274 tetrahydrocannabinol.

275 ~~[(54)]~~ (56) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
 276 defined in Section 4-41-102.

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

278 **4-41a-110 . Department coordination.**

279 The department shall:

- 280 (1) provide draft rules made under this chapter to:
- 281 (a) the advisory board for the advisory board's review; and
 282 (b) the Medical Cannabis Governance Structure Working Group created in Section
 283 36-12-8.2;
- 284 (2) consult with the advisory board before issuing an additional:
- 285 (a) cultivation facility license under Section 4-41a-205; or
 286 (b) pharmacy license under Section 4-41a-1005;
- 287 (3) consult with the advisory board regarding fees set by the department that pertain to the
 288 medical cannabis program; and
- 289 (4) when appropriate, consult with the advisory board regarding issues that arise in the
 290 medical cannabis program.

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

292 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities -- Cannabis**
 293 **processing facilities.**

- 294 (1) Except as provided in Subsection (2)(a), the department shall issue at least five but not
 295 more than eight licenses to operate a cannabis cultivation facility.
- 296 (2)(a) The department may issue a number of licenses to operate a cannabis cultivation
 297 facility that, in addition to the licenses described in Subsection (1), does not cause the
 298 total number of licenses to exceed 15 if the department determines, in consultation
 299 with the Department of Health and Human Services and after an annual or more
 300 frequent analysis of the current and anticipated market for medical cannabis, that

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

- 335 individuals under 21 years of age, maintain a website that contains:
- 336 (A) educational information regarding medical cannabis produced by the cannabis
- 337 processing facility, including the certificate of analysis that is created by an
- 338 independent cannabis testing facility; and
- 339 (B) where medical cannabis produced by the cannabis processing facility may be
- 340 purchased in the state; and
- 341 (ii) engage in targeted marketing in accordance with Section 4-41a-604 for
- 342 advertising a particular medical cannabis product, medical cannabis device, or
- 343 medical cannabis brand.
- 344 (4)(a) Notwithstanding any municipal or county ordinance prohibiting signage, a
- 345 cannabis production establishment may use signage on the outside of the cannabis
- 346 production establishment that:
- 347 (i) includes only:
- 348 (A) in accordance with Subsection (4)(b), the cannabis production establishment's
- 349 name, logo, and hours of operation; and
- 350 (B) a green cross; and
- 351 (ii) complies with local ordinances regulating signage.
- 352 (b) The department shall define standards for a cannabis production establishment's
- 353 name and logo to ensure a medical rather than recreational disposition.
- 354 (5)(a) A cannabis production establishment may hold an educational event for the public
- 355 or medical providers in accordance with this Subsection (5) and the rules described in
- 356 Subsection (5)(c).
- 357 (b) A cannabis production establishment may not include in an educational event
- 358 described in Subsection (5)(a):
- 359 (i) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2,
- 360 Cannabinoid Research and Medical Cannabis;
- 361 (ii) any gift items or merchandise other than educational materials, as those terms are
- 362 defined by the department;
- 363 (iii) any marketing for a specific product from the cannabis production establishment
- 364 or any other statement, claim, or information that would violate the federal Food,
- 365 Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
- 366 (iv) a presenter other than the following:
- 367 (A) a cannabis production establishment agent;
- 368 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

- 369 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
370 Nurse Practice Act;
- 371 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
372 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 373 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
374 Assistant Act; or
- 375 (F) a state employee.

376 (c) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
377 Administrative Rulemaking Act, to define the elements of and restrictions on the
378 educational event described in Subsection (5)(a), including a minimum age of 21
379 years old for attendees.

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

381 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

- 382 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
383 cultivation facility is not visible from the ground level of the cannabis cultivation facility
384 perimeter.
- 385 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
386 facility's inventory control system to identify:
- 387 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
388 cannabis plant;
- 389 (b) each unique harvest of cannabis plants;
- 390 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
391 cannabis processing facility, or an independent cannabis testing laboratory; and
- 392 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
393 facility disposes.
- 394 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
395 cannabis plant product before transferring the cannabis biomass from the facility.
- 396 (4) A cannabis cultivation facility shall either:
- 397 (a) ensure that a cannabis processing facility chemically or physically processes
398 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation
399 into cannabis derivative products; or
- 400 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.
- 401 (5) A cannabis cultivation facility may utilize radiation-based methods and equipment for
402 quality assurance or remediation purposes.

- 403 (6) The department shall make rules establishing:
 404 (a) the records a cannabis cultivation facility must keep regarding each batch, amount of
 405 product treated, and the methods used; and
 406 (b) disclosure requirements to a cannabis processor receiving the material subject to the
 407 radiation including the methods and equipment used.

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

409 **4-41a-701 . Cannabis and cannabis product testing.**

- 410 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 411 department may make rules to:
- 412 (a) determine required adulterant tests for a cannabis plant product, cannabis
 413 concentrate, or cannabis product;
 - 414 (b) determine the amount of any adulterant that is safe for human consumption;
 - 415 (c) immediately ban or limit the presence of any ingredient in a medical cannabis
 416 product after receiving a recommendation to do so from a public health authority
 417 under Section 26B-1-102;
 - 418 (d) establish protocols for a recall of [~~cannabis or a cannabis product~~] medical cannabis
 419 by a cannabis production establishment; or
 - 420 (e) allow the propagation of testing results forward to derived product if the processing
 421 steps the cannabis production establishment uses to produce the product are unlikely
 422 to change the results of the test.
- 423 (2)(a) The department may require testing for a toxin if:
- 424 [~~(a)~~] (i) the department receives information indicating the potential presence of a
 425 toxin; or
 - 426 [~~(b)~~] (ii) the department's inspector has reason to believe a toxin may be present based
 427 on the inspection of a facility.
- 428 (b) The department may not require a cannabis processor to test a cannabis batch or a
 429 cannabis product batch a third time if the cannabis batch or cannabis product has
 430 previously met all testing requirements after being tested by:
- 431 (i) an independent cannabis testing laboratory that is not the department; and
 - 432 (ii) the department.
- 433 (3)(a) A cannabis production establishment may not:
- 434 (i) incorporate cannabis concentrate into a cannabis derivative product until an
 435 independent cannabis testing laboratory tests the cannabis concentrate in
 436 accordance with department rule; or

437 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
 438 independent cannabis testing laboratory tests a representative sample of the
 439 cannabis or cannabis product in accordance with department rule.

440 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
 441 sale unless an independent cannabis testing laboratory has tested a representative
 442 sample of the cannabis or cannabis product in accordance with department rule.

443 (4) Before the sale of a medical cannabis product, an independent cannabis testing
 444 laboratory shall:

445 (a) identify and quantify any cannabinoid known to be present in [a] the medical
 446 cannabis product; and

447 (b) test terpene profiles for the following products:

448 (i) raw cannabis; or

449 (ii) a cannabis product:

450 (A) contained in a vaporizer cartridge; or

451 (B) in concentrate form; and

452 (c) record the five highest terpene profiles tested under Subsection (4)(b).

453 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 454 Administrative Rulemaking Act, the standards, methods, practices, and procedures for
 455 the testing of cannabis and cannabis products by independent cannabis testing
 456 laboratories.

457 (6) The department may require an independent cannabis testing laboratory to participate in
 458 a proficiency evaluation that the department conducts or that an organization that the
 459 department approves conducts.

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

461 **4-41a-801 . Enforcement -- Fine -- Citation.**

462 (1)(a) If a person that is a cannabis production establishment~~[-or]~~ , a cannabis production
 463 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
 464 agent, or a medical cannabis courier violates this chapter, the department may:

465 [(a)] (i) revoke the person's license or [~~cannabis production establishment~~]agent
 466 registration card;

467 [(b)] (ii) decline to renew the person's license or [~~cannabis production establishment~~]
 468 agent registration card;

469 (iii) provide a letter of concern in accordance with Subsection (10); or

470 [(e)] (iv) assess the person an administrative penalty that the department establishes

471 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
472 Act.

473 (b) Except for a violation that threatens public health or for the third violation of the
474 same rule or statute in a 24-month period, the department shall issue a letter of
475 concern before taking other administrative action under this section.

476 (2) The department shall deposit an administrative penalty imposed under this section into
477 the General Fund.

478 (3)(a) The department may take an action described in Subsection (3)(b) if the
479 department concludes, upon investigation, that~~[, for a person that is]~~ a cannabis
480 production establishment~~[or]~~, a cannabis production establishment agent~~[;]~~, a
481 medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical
482 cannabis courier

483 ~~[(i) the person]~~ has violated the provisions of this chapter, a rule made under this
484 chapter, or an order issued under this chapter~~[; or]~~.

485 ~~[(ii) the person produced cannabis or a cannabis product batch that contains a~~
486 ~~substance, other than cannabis, that poses a significant threat to human health.]~~

487 (b) If the department makes the determination about a person described in Subsection
488 (3)(a), the department shall:

489 (i) issue the person a written administrative citation;

490 (ii) attempt to negotiate a stipulated settlement;

491 ~~[(iii) seize, embargo, or destroy the cannabis or cannabis product batch;]~~

492 ~~[(iv)] (iii) order the person to cease and desist from the action that creates a violation; [~~

493 ~~and] or~~

494 ~~[(v)] (iv) direct the person to appear before an adjudicative proceeding conducted~~
495 ~~under Title 63G, Chapter 4, Administrative Procedures Act.~~

496 (c) If the department concludes, upon investigation, that a cannabis production
497 establishment or a cannabis production establishment agent has produced a cannabis
498 batch or a cannabis product batch that contains a substance that poses a significant
499 threat to human health, the department shall seize, embargo, or destroy the cannabis
500 batch or cannabis product batch.

501 (4) The department may, for a person subject to an uncontested citation, a stipulated
502 settlement, or a finding of a violation in an adjudicative proceeding under this section,
503 for a fine amount not already specified in law, assess the person, who is not an
504 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that

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

- 539 (c) If the person fails to remedy the violation described in a letter of concern, the
540 department may take other enforcement action as described in this section.
- 541 (d) If a letter of concern is resolved without an enforcement action being taken under
542 Subsection (10)(c), the department may not report that a letter of concern was issued
543 to the licensing board.
- 544 (11) An appeal of administrative action taken under this chapter shall be heard by an
545 administrative law judge as an informal proceeding in accordance with Title 63G,
546 Chapter 4, Administrative Procedures Act.
- 547 Section 8. Section **4-41a-802** is amended to read:
548 **4-41a-802 . Report.**
- 549 (1) At or before the November interim meeting each year, the department shall report to the
550 Health and Human Services Interim Committee on:
- 551 (a) the number of applications and renewal applications that the department receives
552 under this chapter;
- 553 (b) the number of each type of cannabis production facility that the department licenses
554 in each county;
- 555 (c) the amount of cannabis that licensees grow;
- 556 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 557 (e) the number of licenses the department revokes under this chapter;
- 558 (f) the department's operation of an independent cannabis testing laboratory under
559 Section 4-41a-201, including:
- 560 (i) the cannabis and cannabis products the department tested; and
561 (ii) the results of the tests the department performed;
- 562 (g) the expenses incurred and revenues generated under this chapter; and
563 (h) an analysis of product availability in medical cannabis pharmacies in consultation
564 with the Department of Health and Human Services.
- 565 (2) The department may not include personally identifying information in the report
566 described in this section.
- 567 (3) The department shall report to the working group described in Section 36-12-8.2 as
568 requested by the working group.
- 569 (4)(a) Before August 1, of each year, the department shall provide a report to the
570 working group described in Section 36-12-8.2 that provides the following for each
571 fine issued by the department under this chapter:
- 572 (i) the date of the fine;

573 (ii) the reference to the statute or rule that was violated for each fine issued; and
574 (iii) a short description explaining why the fine was issued.

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

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

578 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

579 (1) A person may not:

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

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

584 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
585 partial ownership share would cause the person to exceed the pharmacy ownership
586 limit; or

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

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

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

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

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

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

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

603 (B) for a privately held company, a financial or voting interest in the proposed
604 medical cannabis pharmacy; or

605 (C) has the power to direct or cause the management or control of a proposed
606 medical cannabis pharmacy;

- 607 (iii) for each application that the applicant submits to the department, a statement
608 from the applicant that the applicant will obtain and maintain:
- 609 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
610 to transact surety business in the state; or
- 611 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 612 (iv) an operating plan that:
- 613 (A) complies with Section 4-41a-1004;
- 614 (B) includes operating procedures to comply with the operating requirements for a
615 medical cannabis pharmacy described in this part and with a relevant municipal
616 or county law that is consistent with Section 4-41a-1106; and
- 617 (C) the department approves;
- 618 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
619 department sets in accordance with Section 63J-1-504; and
- 620 (vi) a description of any investigation or adverse action taken by any licensing
621 jurisdiction, government agency, law enforcement agency, or court in any state for
622 any violation or detrimental conduct in relation to any of the applicant's
623 cannabis-related operations or businesses.
- 624 (c)(i) A person may not locate a medical cannabis pharmacy:
- 625 (A) within 200 feet of a community location; or
- 626 (B) in or within 600 feet of a district that the relevant municipality or county has
627 zoned as primarily residential.
- 628 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
629 from the nearest entrance to the medical cannabis pharmacy establishment by
630 following the shortest route of ordinary pedestrian travel to the property boundary
631 of the community location or residential area.
- 632 (iii) The department may grant a waiver to reduce the proximity requirements in
633 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
634 reasonably feasible for the applicant to cite the proposed medical cannabis
635 pharmacy without the waiver.
- 636 (iv) An applicant for a license under this section shall provide evidence of
637 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 638 (d) The department may not issue a license to an eligible applicant that the department
639 has selected to receive a license until the selected eligible applicant complies with the
640 bond or liquid cash requirement described in Subsection (2)(b)(iii).

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

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

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

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

651 ~~[(a)]~~ (i) charge the applicant an initial license fee in an amount that, subject to
 652 Subsection 4-41a-104(5), the department sets in accordance with Section
 653 63J-1-504;

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

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

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

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

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

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

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

668 (b) is younger than 21 years old; or

669 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

670 ~~(5)[(a)]~~ If an applicant for a medical cannabis pharmacy license under this section holds
 671 another license under this chapter, the department may not give preference to the
 672 applicant based on the applicant's status as a holder of the license.

673 ~~[(b) If an applicant for a medical cannabis pharmacy license under this section holds a~~
 674 ~~license to operate a cannabis cultivation facility under this section, the department~~

- 675 ~~may give consideration to the applicant's status as a holder of the license if:]~~
 676 ~~[(i) the applicant demonstrates that a decrease in costs to patients is more likely to~~
 677 ~~result from the applicant's vertical integration than from a more competitive~~
 678 ~~marketplace; and]~~
 679 ~~[(ii) the department finds multiple other factors, in addition to the existing license,~~
 680 ~~that support granting the new license.]~~
- 681 (6) The licensing board may revoke a license under this part:
- 682 (a) if the medical cannabis pharmacy does not begin operations within one year after the
 683 day on which the department issues an announcement of the department's intent to
 684 award a license to the medical cannabis pharmacy;
- 685 (b) after the third the same violation of this chapter in any of the licensee's licensed
 686 cannabis production establishments or medical cannabis pharmacies;
- 687 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
 688 active, under state or federal law of:
- 689 (i) a felony; or
 690 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 691 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
 692 the time of application, or fails to supplement the information described in
 693 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
 694 submission of the application within 14 calendar days after the licensee receives
 695 notice of the investigation or adverse action;
- 696 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
 697 requirements of this chapter or the rules the department makes in accordance with
 698 this chapter;
- 699 (f) if, after a change of ownership described in Subsection (11)(c), the department
 700 determines that the medical cannabis pharmacy no longer meets the minimum
 701 standards for licensure and operation of the medical cannabis pharmacy described in
 702 this chapter; or
- 703 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
 704 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board
 705 finds that the licensee has participated in anticompetitive business practices.
- 706 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
 707 the municipality or county where the licensed medical cannabis pharmacy will be
 708 located requires a local land use permit, shall submit to the department a copy of the

- 709 licensee's approved application for the land use permit within 120 days after the day
710 on which the department issues the license.
- 711 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
712 permit application in accordance with Subsection (7)(a), the department may revoke
713 the licensee's license.
- 714 (8) The department shall deposit the proceeds of a fee imposed by this section into the
715 Qualified Production Enterprise Fund.
- 716 (9) The department shall begin accepting applications under this part on or before March 1,
717 2020.
- 718 (10)(a) The department's authority to issue a license under this section is plenary and is
719 not subject to review.
- 720 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
721 an applicant is not subject to:
- 722 (i) Title 63G, Chapter 6a, Part 16, Protests; or
723 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 724 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 725 (b) A medical cannabis pharmacy shall report in writing to the department no later than
726 10 business days before the date of any change of ownership of the medical cannabis
727 pharmacy.
- 728 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 729 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
730 pharmacy shall submit a new application described in Subsection (2)(b), subject to
731 Subsection (2)(c);
- 732 (ii) within 30 days of the submission of the application, the department shall:
- 733 (A) conduct an application review; and
734 (B) award a license to the medical cannabis pharmacy for the remainder of the
735 term of the medical cannabis pharmacy's license before the ownership change
736 if the medical cannabis pharmacy meets the minimum standards for licensure
737 and operation of the medical cannabis pharmacy described in this chapter; and
- 738 (iii) if the department approves the license application, notwithstanding Subsection
739 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
740 in accordance with Section 63J-1-504 in an amount that covers the department's
741 cost of conducting the application review.
- 742 Section 10. Section **4-41a-1003** is amended to read:

743 **4-41a-1003 . Renewal - Notice of available license.**

744 (1)(a) The department shall renew a license [~~under Sections 4-41a-1001 through~~
745 ~~4-41a-1005~~] issued under this part every year if, at the time of renewal:

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

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

750 [(c)] (iii) if the medical cannabis pharmacy changes the operating plan described in
751 Section 4-41a-1004 that the department approved under Subsection
752 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

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

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

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

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

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

771 **4-41a-1005 . Maximum number of licenses.**

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

776 [(b) If an insufficient number of qualified applicants apply for the available number of

777 medical cannabis pharmacy licenses, the department shall issue a medical cannabis
778 pharmacy license to each qualified applicant.]

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

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

784 [(ii) The department shall:]

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

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

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

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

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

801 [(ii) The department shall:]

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

805 [(B) report to the Executive Appropriations Committee of the Legislature before
806 each time the department issues an additional license under Subsection
807 (1)(d)(i) regarding the results of the consultation and analysis described in
808 Subsection (1)(d)(i) and the application of the criteria described in Subsection
809 (1)(d)(ii)(A).]

810 (2)(a) [If there are more qualified applicants than there are available licenses for medical

- 811 ~~cannabis pharmacies, the department]~~ The licensing board shall:
- 812 (i) evaluate each applicant and award the license to the applicant that best
- 813 demonstrates:
- 814 (A) experience with establishing and successfully operating a business that
- 815 involves complying with a regulatory environment, tracking inventory, and
- 816 training, evaluating, and monitoring employees;
- 817 (B) an operating plan that will best ensure the safety and security of patrons and
- 818 the community;
- 819 (C) positive connections to the local community;
- 820 (D) the suitability of the proposed location and the location's accessibility for
- 821 qualifying patients;
- 822 (E) the extent to which the applicant can increase efficiency and reduce the cost of
- 823 medical cannabis for patients; and
- 824 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a
- 825 comparatively high likelihood of success; and
- 826 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
- 827 maximize access to the largest number of medical cannabis cardholders.
- 828 (b) In making the evaluation described in Subsection (2)(a), the licensing board may
- 829 give increased consideration to applicants who indicate a willingness to:
- 830 (i) site a medical cannabis pharmacy in an area or population center designated as a
- 831 medically underserved area or population as determined by the federal Health
- 832 Resources and Services Administration; and
- 833 (ii) operate as a home delivery medical cannabis pharmacy that accepts electronic
- 834 medical cannabis orders.
- 835 ~~[(b) In making the evaluation described in Subsection (2)(a), the department may give~~
- 836 ~~increased consideration to applicants who indicate a willingness to:]~~
- 837 ~~[(i) operate as a home delivery medical cannabis pharmacy that accepts electronic~~
- 838 ~~medical cannabis orders that the state central patient portal facilitates; and]~~
- 839 ~~[(ii) accept payments through:]~~
- 840 ~~[(A) a payment provider that the Division of Finance approves, in consultation~~
- 841 ~~with the state treasurer, in accordance with Section 4-41a-108; or]~~
- 842 ~~[(B) a financial institution in accordance with Subsection 4-41a-108(4).]~~
- 843 (3) The ~~[department]~~ licensing board may conduct a face-to-face interview with an applicant
- 844 for a license that the ~~[department]~~ licensing board evaluates under Subsection (2).

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

846 **4-41a-1006 . Independent medical cannabis licenses.**

847 (1)(a) Subject to the requirements of Subsection (3) and the criteria established for
848 obtaining a medical cannabis pharmacy license under this chapter, the licensing
849 board shall:

850 (i) before January 1, 2026, select one entity to receive a medical cannabis pharmacy
851 license; and

852 (ii) before January 1, 2027, but not before January 1, 2026, select one entity to
853 receive a medical cannabis pharmacy license.

854 (b) When selecting entities under this section, if there is a conflict between the criteria
855 established for obtaining a medical cannabis pharmacy license under the other
856 sections of this chapter and this section, this section controls.

857 (2) For the license described in Subsection (1)(a)(ii), the licensing board may not select an
858 entity:

859 (a) that owns any interest in or operates a medical cannabis production establishment; or

860 (b) that is owned, partially or entirely, or operated by a medical cannabis production
861 establishment.

862 (3) The licensing board:

863 (a) may not select an entity to receive a license under this section if the entity owns a
864 financial interest in a medical cannabis pharmacy or is owned by an entity that owns
865 a financial interest in a medical cannabis pharmacy; and

866 (b) shall select an entity that will site a medical cannabis pharmacy license issued under
867 this section in an area:

868 (i) designated as a medically underserved area as determined by the federal Health
869 Resources and Services Administration; and

870 (ii) located in a county of the third, fourth, fifth, or sixth class.

871 (4) A license described in this section may not be transferred to another entity unless that
872 entity meets the requirements of Subsections (2) and (3) that the transferring entity met
873 when obtaining the license.

874 (5) Notwithstanding Subsection (4), for a license described in Subsection (1)(a)(i), an
875 applicant shall commit to not alienating or otherwise transferring control of the license
876 or of the entity that holds the license to another person for at least 15 years from the day
877 the license is issued under this chapter.

878 (6) The department shall provide regular updates to the Medical Cannabis Governance

879 Structure Working Group created in Section 36-12-8.2 regarding the application and
880 selection process for licenses issued under this section.

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

882 **4-41a-1101 . Operating requirements -- General.**

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

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

885 (ii) in accordance with the operating plan provided to the department under Section
886 4-41a-1001 and, if applicable, Section 4-41a-1004.

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

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

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

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

892 (i) possesses a valid:

893 (A) medical cannabis pharmacy agent registration card;

894 (B) pharmacy medical provider registration card; or

895 (C) medical cannabis card;

896 (ii) is an employee of the department performing an inspection under Section
897 4-41a-1103; or

898 (iii) is another individual as the department provides.

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

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

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

907 (a) a single, secure public entrance;

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

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

910 (ii) provides notice of an unauthorized entry to law enforcement when the medical
911 cannabis pharmacy is closed; and

912 (c) a lock on each area where the medical cannabis pharmacy stores [~~cannabis or a~~

- 913 ~~cannabis product]~~ medical cannabis.
- 914 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
915 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
916 4-41a-1102(2).
- 917 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
918 cannabis pharmacy may not allow any individual to consume cannabis on the property
919 or premises of the medical cannabis pharmacy.
- 920 (8) A medical cannabis pharmacy may not sell [~~cannabis or a cannabis product]~~ medical
921 cannabis without first indicating on the [~~cannabis or cannabis product]~~ medical cannabis
922 label the name of the medical cannabis pharmacy.
- 923 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
924 following information regarding each recommendation underlying a transaction:
- 925 (i) the recommending medical provider's name, address, and telephone number;
926 (ii) the patient's name and address;
927 (iii) the date of issuance;
928 (iv) directions of use and dosing guidelines or an indication that the recommending
929 medical provider did not recommend specific directions of use or dosing
930 guidelines; and
931 (v) if the patient did not complete the transaction, the name of the medical cannabis
932 cardholder who completed the transaction.
- 933 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
934 not sell medical cannabis unless the medical cannabis has a label securely affixed
935 to the container indicating the following minimum information:
- 936 (A) the name, address, and telephone number of the medical cannabis pharmacy;
937 (B) the unique identification number that the medical cannabis pharmacy assigns;
938 (C) the date of the sale;
939 (D) the name of the patient;
940 (E) the name of the recommending medical provider who recommended the
941 medical cannabis treatment;
942 (F) directions for use and cautionary statements, if any;
943 (G) the amount dispensed and the cannabinoid content;
944 (H) the suggested use date;
945 (I) for unprocessed cannabis flower, the legal use termination date; and
946 (J) any other requirements that the department determines, in consultation with the

- 947 Division of Professional Licensing and the Board of Pharmacy.
- 948 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
949 following information under Subsection (9)(b)(i) if the information is already
950 provided on the product label that a cannabis production establishment affixes:
951 (A) a unique identification number;
952 (B) directions for use and cautionary statements;
953 (C) amount and cannabinoid content; and
954 (D) a suggested use date.
- 955 (iii) If the size of a medical cannabis container does not allow sufficient space to
956 include the labeling requirements described in Subsection (9)(b)(i), the medical
957 cannabis pharmacy may provide the following information described in
958 Subsection (9)(b)(i) on a supplemental label attached to the container or an
959 informational enclosure that accompanies the container:
960 (A) the cannabinoid content;
961 (B) the suggested use date; and
962 (C) any other requirements that the department determines.
- 963 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
964 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 965 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 966 (a) upon receipt of an order from a limited medical provider in accordance with
967 Subsections 26B-4-204(1)(b) through (d):
- 968 (i) for a written order or an electronic order under circumstances that the department
969 determines, contact the limited medical provider or the limited medical provider's
970 office to verify the validity of the recommendation; and
- 971 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
972 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
973 to verification under Subsection (10)(a)(i), enter the limited medical provider's
974 recommendation or renewal, including any associated directions of use, dosing
975 guidelines, or caregiver indication, in the state electronic verification system;
- 976 (b) in processing an order for a holder of a conditional medical cannabis card described
977 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
978 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
979 recommending medical provider or the recommending medical provider's office to
980 verify the validity of the recommendation before processing the cardholder's order;

- 981 (c) unless the medical cannabis cardholder has had a consultation under Subsection
982 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
983 purchase of [~~cannabis, a cannabis product,~~] medical cannabis or a medical cannabis
984 device, personal counseling with the pharmacy medical provider; and
- 985 (d) provide a telephone number or website by which the cardholder may contact a
986 pharmacy medical provider for counseling.
- 987 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
988 that allows an individual to deposit unused or excess medical cannabis or cannabis
989 residue from a medical cannabis device in a locked box or other secure receptacle
990 within the medical cannabis pharmacy.
- 991 (b) A medical cannabis pharmacy with a disposal program described in Subsection
992 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
993 medical provider can access deposited medical cannabis.
- 994 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
995 (i) rendering the deposited medical cannabis unusable and unrecognizable before
996 transporting deposited medical cannabis from the medical cannabis pharmacy; and
997 (ii) disposing of the deposited medical cannabis in accordance with:
998 (A) federal and state law, rules, and regulations related to hazardous waste;
999 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1000 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
1001 (D) other regulations that the department makes in accordance with Title 63G,
1002 Chapter 3, Utah Administrative Rulemaking Act.
- 1003 (12) A medical cannabis pharmacy:
- 1004 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1005 Practice Act, as a pharmacy medical provider;
- 1006 (b) may employ a physician who has the authority to write a prescription and is licensed
1007 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1008 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1009 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
1010 onsite during all business hours;
- 1011 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
1012 pharmacist-in-charge to oversee the operation of and generally supervise the medical
1013 cannabis pharmacy;[~~and~~]
- 1014 (e) shall allow the pharmacist-in-charge to determine which [~~cannabis and cannabis~~

1015 ~~products]~~ medical cannabis products the medical cannabis pharmacy maintains in the
 1016 medical cannabis pharmacy's inventory[-:] ;

1017 (f) if a patient product information insert is available, shall provide a patient who
 1018 purchases a medical cannabis product the medical cannabis product's patient product
 1019 information insert using any of the following methods:

1020 (i) a physical document;

1021 (ii) an email message;

1022 (iii) a text message; or

1023 (iv) a quick response code; and

1024 (g) for each medical cannabis product sold by the medical cannabis pharmacy, shall:

1025 (i) allow a medical cannabis cardholder located in the pharmacy to view the back
 1026 panel of the product when requested; and

1027 (ii) beginning July 1, 2025, include a picture of the back panel of the product on the
 1028 medical cannabis pharmacy's website.

1029 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 1030 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 1031 by a medical cannabis pharmacy.

1032 Section 14. Section **4-41a-1201** is amended to read:

1033 **4-41a-1201 . Medical cannabis home delivery designation.**

1034 (1) The department may designate a medical cannabis pharmacy as a home delivery
 1035 medical cannabis pharmacy if the department determines that the medical cannabis
 1036 pharmacy's operating plan demonstrates the functional and technical ability to:

1037 (a) safely conduct transactions for medical cannabis shipments;

1038 (b) accept electronic medical cannabis orders[~~that the state central patient portal~~
 1039 ~~facilitates~~]; and

1040 (c) accept payments through:

1041 (i) a payment provider that the Division of Finance approves, in consultation with the
 1042 state treasurer, in accordance with Section 26-61a-603; or

1043 (ii) a financial institution in accordance with Subsection 26-61a-603(4).

1044 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall
 1045 identify in the applicant's operating plan any information relevant to the department's
 1046 evaluation described in Subsection (1), including:

1047 (a) the name and contact information of the payment provider;

1048 (b) the nature of the relationship between the prospective licensee and the payment

- 1049 provider;
- 1050 (c) the processes of the following to safely and reliably conduct transactions for medical
1051 cannabis shipments:
- 1052 (i) the prospective licensee; and
- 1053 (ii) the electronic payment provider or the financial institution described in
1054 Subsection (1)(c); and
- 1055 (d) the ability of the licensee to comply with the department's rules regarding the secure
1056 transportation and delivery of medical cannabis [~~or medical cannabis product~~] to a
1057 medical cannabis cardholder.
- 1058 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that
1059 the department designates as a home delivery medical cannabis pharmacy may deliver
1060 medical cannabis shipments in accordance with this part.
- 1061 Section 15. Section **4-41a-1202** is amended to read:
- 1062 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
1063 **couriers -- License.**
- 1064 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1065 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1066 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders[
1067 ~~that the state central patient portal facilitates~~], including rules regarding the safe and
1068 controlled delivery of medical cannabis shipments.
- 1069 (2) A person may not operate as a medical cannabis courier without a license that the
1070 department issues under this section.
- 1071 (3)(a) Subject to Subsections (5) and (6), the department shall issue a license to operate
1072 as a medical cannabis courier to an applicant who is eligible for a license under this
1073 section.
- 1074 (b) An applicant is eligible for a license under this section if the applicant submits to the
1075 department:
- 1076 (i) the name and address of an individual who:
- 1077 (A) has a financial or voting interest of 10% or greater in the proposed medical
1078 cannabis courier; or
- 1079 (B) has the power to direct or cause the management or control of a proposed
1080 cannabis production establishment;
- 1081 (ii) an operating plan that includes operating procedures to comply with the operating
1082 requirements for a medical cannabis courier described in this chapter; and

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

- 1117 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1118 registration of the individual's fingerprints in the Federal Bureau of Investigation
1119 Next Generation Identification System's Rap Back Service; and
- 1120 (c) consent to a fingerprint background check by:
1121 (i) the Bureau of Criminal Identification; and
1122 (ii) the Federal Bureau of Investigation.
- 1123 (10) The Bureau of Criminal Identification shall:
- 1124 (a) check the fingerprints the applicant submits under Subsection (9) against the
1125 applicable state, regional, and national criminal records databases, including the
1126 Federal Bureau of Investigation Next Generation Identification System;
- 1127 (b) report the results of the background check to the department;
- 1128 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
1129 for search by future submissions to the local and regional criminal records databases,
1130 including latent prints;
- 1131 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1132 Generation Identification System's Rap Back Service for search by future
1133 submissions to national criminal records databases, including the Next Generation
1134 Identification System and latent prints; and
- 1135 (e) establish a privacy risk mitigation strategy to ensure that the department only
1136 receives notifications for an individual with whom the department maintains an
1137 authorizing relationship.
- 1138 (11) The department shall:
- 1139 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
1140 amount that the department sets in accordance with Section 63J-1-504 for the
1141 services that the Bureau of Criminal Identification or another authorized agency
1142 provides under this section; and
- 1143 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1144 (12) The department shall renew a license under this section every year if, at the time of
1145 renewal:
- 1146 (a) the licensee meets the requirements of this section; and
1147 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1148 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1149 (13) A person applying for a medical cannabis courier license shall submit to the
1150 department a proposed operating plan that complies with this section and that includes:

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

1185 Section 16. Section **4-41a-1203** is amended to read:

1186 **4-41a-1203 . Medical cannabis shipment transportation.**

1187 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
1188 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1189 shipments in a secure manner.

1190 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
1191 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
1192 medical cannabis orders~~[that the state central patient portal facilitates]~~.

1193 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1194 Subsection (2)(a), the pharmacy shall:

1195 (i) impose security and personnel requirements on the medical cannabis courier
1196 sufficient to ensure the security and safety of medical cannabis shipments; and

1197 (ii) provide regular oversight of the medical cannabis courier.

1198 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
1199 cannabis shipment if the individual is:

1200 (a) a registered pharmacy medical provider;

1201 (b) a registered medical cannabis pharmacy agent; or

1202 (c) a registered agent of the medical cannabis courier described in Subsection (2).

1203 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1204 comply with the requirements of Subsection 4-41a-404(3).

1205 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
1206 by rule, in collaboration with the Division of Professional Licensing and the Board of
1207 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
1208 Rulemaking Act, requirements for transporting medical cannabis shipments that are
1209 related to safety for human consumption of [~~cannabis or a cannabis product~~] medical
1210 cannabis.

1211 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
1212 manifest that does not meet the requirements of Subsection (4).

1213 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
1214 is:

1215 (i) guilty of an infraction; and

1216 (ii) subject to a \$100 fine.

1217 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
1218 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the

- 1219 conduct underlying the violation described in Subsection (6)(b).
 1220 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
 1221 cannabis product, or medical cannabis devices than the manifest identifies, except for
 1222 a de minimis administrative error:
 1223 (i) this chapter does not apply; and
 1224 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
 1225 Substances Act.

1226 Section 17. Section **4-41a-1206** is amended to read:

1227 **4-41a-1206 . Closed-door medical cannabis pharmacy.**

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

- 1253 (i) except as provided in Subsection (4)(b), in a facility that is accessible only by an
1254 individual who is a pharmacy medical provider or a medical cannabis pharmacy
1255 agent; and
- 1256 (ii) at a physical address in accordance with Subsection (6).
- 1257 (b) A closed-door medical cannabis pharmacy may authorize an individual who is at
1258 least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy
1259 agent to access the closed-door medical cannabis pharmacy if the closed-door
1260 medical cannabis pharmacy:
- 1261 (i) tracks and monitors the individual at all times while the individual is at the
1262 closed-door medical cannabis pharmacy; and
- 1263 (ii) maintains a record of the individual's access, including arrival and departure.
- 1264 (c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
- 1265 (i) a single, secure public entrance; and
- 1266 (ii) a security system with a backup power source that:
- 1267 (A) detects and records entry into the closed-door medical cannabis pharmacy;
- 1268 (B) provides notice of an unauthorized entry to law enforcement when the
1269 closed-door medical cannabis pharmacy is closed; and
- 1270 (C) a lock or equivalent restrictive security feature on any area where the
1271 closed-door medical cannabis pharmacy stores a cannabis product.
- 1272 (d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis
1273 products in the closed-door medical cannabis pharmacy that are intended for home
1274 delivery are separated in a manner that is readily distinguishable from any other
1275 cannabis or cannabis product in the facility.
- 1276 (5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis
1277 product to an individual through a delivery that complies with this part.
- 1278 (6)(a) A person may not locate a closed-door medical cannabis pharmacy:
- 1279 (i) within 1,000 feet of a community location; or
- 1280 (ii) in or within 600 feet of a district that the relevant municipality or county has
1281 zoned as primarily residential.
- 1282 (b) The proximity requirements described in Subsection (6)(a) shall be measured from
1283 the nearest entrance to the closed-door medical cannabis pharmacy by following the
1284 shortest route of ordinary pedestrian travel to the property boundary of the
1285 community location or residential area.
- 1286 (c) The licensing board may grant a waiver to reduce the proximity requirements in

- 1287 Subsection (6)(a) by up to 20% if the licensing board determines that it is not
1288 reasonably feasible for the applicant to site the proposed closed-door medical
1289 cannabis pharmacy without the waiver.
- 1290 (d) An applicant for a license under this section shall provide evidence of compliance
1291 with the proximity requirements described in Subsection (6)(a).
- 1292 (7) When determining where a closed-door medical cannabis pharmacy may open, the
1293 licensing board:
- 1294 (a) shall utilize geographic regions created by the department through rule;
1295 (b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a
1296 region to open a closed-door medical cannabis pharmacy in the region;
1297 (c) of the total amount of closed-door medical cannabis pharmacies, may allow only
1298 three closed-door medical cannabis pharmacies to operate in counties of the first and
1299 second class as described in Section 17-50-501; and
1300 (d) for determining the three closed-door medical cannabis pharmacies described in
1301 Subsection (7)(c), consider the following:
- 1302 (i) the history of compliance with state law and rules for all licenses issued under this
1303 chapter;
1304 (ii) the medical cannabis pharmacy's willingness to offer a variety of brands and
1305 products;
1306 (iii) the ability of the operating plan to ensure the safety and security of the
1307 community;
1308 (iv) the suitability of the proposed location and the location's ability to serve the local
1309 community; and
1310 (v) any other relevant information determined through rule.
- 1311 (8) A closed-door medical cannabis pharmacy may not account for more than:
- 1312 (a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
1313 (i) 35% of the medical cannabis pharmacy's total revenue; or
1314 (ii) \$2,000,000 in total revenue; or
1315 (b) for an entity that holds more than one medical cannabis pharmacy license, the greater
1316 of:
1317 (i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates
1318 the most revenue; or
1319 (ii) \$2,000,000 in total revenue.
- 1320 (9) Notwithstanding any other provision of this section, the [department] licensing board

1321 may issue only ~~three~~ one closed-door medical cannabis pharmacy ~~licenses~~ license
1322 before July 1, 2027.

1323 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1324 department shall make rules to implement this section.

1325 Section 18. Section **26B-1-435** is amended to read:

1326 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**
1327 **Duties.**

1328 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1329 (2)(a) The advisory board shall consist of the following members:

1330 (i) appointed by the executive director:

1331 (A) a qualified medical provider who has recommended medical cannabis to at
1332 least 100 patients before being appointed;

1333 ~~[(B) a medical research professional;]~~

1334 ~~[(C)]~~ (B) a mental health specialist;

1335 ~~[(D)]~~ (C) an individual who represents an organization that advocates for medical
1336 cannabis patients;

1337 ~~[(E)]~~ (D) ~~[an individual]~~ a member of the general public who holds a medical
1338 cannabis patient card; and

1339 ~~[(F)]~~ (E) a member of the general public who does not hold a medical cannabis
1340 card;~~and]~~

1341 (ii) appointed by the commissioner of the Department of Agriculture and Food:

1342 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
1343 defined in Section 4-41a-102;

1344 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
1345 and

1346 (C) a law enforcement officer~~[-]~~ ; and

1347 (iii) a representative from the Center for Medical Cannabis Research created in
1348 Section 53B-14-1402, appointed by the Center for Medical Cannabis Research.

1349 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
1350 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
1351 operates a licensed cannabis processing facility.

1352 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
1353 year term.

1354 (b) When appointing the initial membership of the advisory board, the executive director

1355 and the commissioner of the Department of Agriculture and Food shall coordinate to
1356 appoint four advisory board members to serve a term of two years to ensure that
1357 approximately half of the board is appointed every two years.

1358 (4)(a) If an advisory board member is no longer able to serve as a member, a new
1359 member shall be appointed in the same manner as the original appointment.

1360 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
1361 remainder of the unexpired term of the original appointment.

1362 (5)(a) A majority of the advisory board members constitutes a quorum.

1363 (b) The action of a majority of a quorum constitutes an action of the advisory board.

1364 (c) For a term lasting one year, the advisory board shall annually designate members of
1365 the advisory board to serve as chair and vice-chair.

1366 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
1367 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.

1368 (6) An advisory board member may not receive compensation or benefits for the member's
1369 service on the advisory board but may receive per diem and reimbursement for travel
1370 expenses incurred as an advisory board member in accordance with:

1371 (a) Sections 63A-3-106 and 63A-3-107; and

1372 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1373 63A-3-107.

1374 (7) The department shall:

1375 (a) provide staff support for the advisory board; and

1376 (b) assist the advisory board in conducting meetings.

1377 (8) The advisory board may recommend:

1378 (a) to the department or the Department of Agriculture and Food changes to current or
1379 proposed medical cannabis rules or statutes; and

1380 (b) to the appropriate legislative committee whether the advisory board supports a
1381 change to medical cannabis statutes.

1382 (9) The advisory board shall:

1383 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,
1384 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis
1385 Production Establishments and Pharmacies;

1386 (b) consult with the Department of Agriculture and Food regarding the issuance of an
1387 additional:

1388 (i) cultivation facility license under Section 4-41a-205; or

- 1389 (ii) pharmacy license under Section 4-41a-1005;
- 1390 (c) consult with the department regarding cannabis patient education;
- 1391 (d) consult regarding the reasonableness of any fees set by the department or the
- 1392 Department of Agriculture and Food that pertain to the medical cannabis program;
- 1393 and
- 1394 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 1395 department or the Utah Department of Agriculture and Food.

1396 Section 19. Section **26B-4-201** is amended to read:

1397 **26B-4-201 . Definitions.**

1398 As used in this part:

- 1399 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
- 1400 tetrahydrocannabinolic acid.
- 1401 (2) "Administration of criminal justice" means the performance of detection, apprehension,
- 1402 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1403 (3) "Advertise" means information provided by a person in any medium:
- 1404 (a) to the public; and
- 1405 (b) that is not age restricted to an individual who is at least 21 years old.
- 1406 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1407 Section 26B-1-435.
- 1408 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
- 1409 created in Section 26B-1-420.
- 1410 (6) "Cannabis" means marijuana.
- 1411 (7) "Cannabis processing facility" means the same as that term is defined in Section
- 1412 4-41a-102.
- 1413 (8) "Cannabis product" means a product that:
- 1414 (a) is intended for human use; and
- 1415 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
- 1416 concentration of 0.3% or greater on a dry weight basis.
- 1417 (9) "Cannabis production establishment" means the same as that term is defined in Section
- 1418 4-41a-102.
- 1419 (10) "Cannabis production establishment agent" means the same as that term is defined in
- 1420 Section 4-41a-102.
- 1421 (11) "Cannabis production establishment agent registration card" means the same as that
- 1422 term is defined in Section 4-41a-102.

- 1423 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
1424 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1425 applicant for a medical cannabis card to access medical cannabis during the department's
1426 review of the application.
- 1427 (13) "Controlled substance database" means the controlled substance database created in
1428 Section 58-37f-201.
- 1429 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1430 (15) "Department" means the Department of Health and Human Services.
- 1431 (16) "Designated caregiver" means:
- 1432 (a) an individual:
- 1433 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1434 guardian card designates as the patient's caregiver; and
- 1435 (ii) who registers with the department under Section 26B-4-214; or
- 1436 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1437 with Subsection 26B-4-214(1)(b); or
- 1438 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1439 (17) "Directions of use" means recommended routes of administration for a medical
1440 cannabis treatment and suggested usage guidelines.
- 1441 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
1442 recommended treatment of medical cannabis.
- 1443 (19) "Government issued photo identification" means any of the following forms of
1444 identification:
- 1445 (a) a valid state-issued driver license or identification card;
- 1446 (b) a valid United States federal-issued photo identification, including:
- 1447 (i) a United States passport;
- 1448 (ii) a United States passport card;
- 1449 (iii) a United States military identification card; or
- 1450 (iv) a permanent resident card or alien registration receipt card; or
- 1451 (c) a foreign passport.
- 1452 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
1453 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1454 shipments to a delivery address to fulfill electronic orders[~~that the state central patient~~
1455 ~~portal facilitates~~].
- 1456 (21) "Inventory control system" means the system described in Section 4-41a-103.

- 1457 (22) "Legal dosage limit" means an amount that:
- 1458 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1459 relevant recommending medical provider or [~~the state central patient portal or~~]
- 1460 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
- 1461 recommends; and
- 1462 (b) may not exceed:
- 1463 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1464 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
- 1465 total, greater than 20 grams of active tetrahydrocannabinol.
- 1466 (23) "Legal use termination date" means a date on the label of a container of unprocessed
- 1467 cannabis flower:
- 1468 (a) that is 60 days after the date of purchase of the cannabis; and
- 1469 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1470 primary residence of the relevant medical cannabis patient cardholder.
- 1471 (24) "Limited medical provider" means an individual who:
- 1472 (a) meets the recommending qualifications; and
- 1473 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of
- 1474 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1475 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1476 (26) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
- 1477 dosage form or a cannabis product in a medicinal dosage form.
- 1478 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
- 1479 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1480 (28) "Medical cannabis cardholder" means:
- 1481 (a) a holder of a medical cannabis card; or
- 1482 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1483 (i) within the scope of the facility's or assigned employee's performance of the role of
- 1484 a medical cannabis patient cardholder's caregiver designation under Subsection
- 1485 26B-4-214(1)(b); and
- 1486 (ii) while in possession of documentation that establishes:
- 1487 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1488 (B) the identity of the individual presenting the documentation; and
- 1489 (C) the relation of the individual presenting the documentation to the caregiver
- 1490 designation.

- 1491 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
1492 may print or store on an electronic device or a physical card or document that:
- 1493 (a) the department issues to an individual whom a medical cannabis patient cardholder
1494 or a medical cannabis guardian cardholder designates as a designated caregiver; and
1495 (b) is connected to the electronic verification system.
- 1496 (30) "Medical cannabis courier" means the same as that term is defined in Section
1497 4-41a-102.
- 1498 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or
1499 inhale [~~cannabis in a medicinal dosage form or a cannabis product in a medicinal~~
1500 ~~dosage form~~] medical cannabis.
- 1501 (b) "Medical cannabis device" does not include a device that:
- 1502 (i) facilitates cannabis combustion; or
1503 (ii) an individual uses to ingest substances other than cannabis.
- 1504 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may
1505 print or store on an electronic device or a physical card or document that:
- 1506 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1507 condition; and
1508 (b) is connected to the electronic verification system.
- 1509 (33) "Medical cannabis patient card" means an electronic document that a cardholder may
1510 print or store on an electronic device or a physical card or document that:
- 1511 (a) the department issues to an individual with a qualifying condition; and
1512 (b) is connected to the electronic verification system.
- 1513 (34) "Medical cannabis pharmacy" means a person that:
- 1514 (a)(i) acquires or intends to acquire medical cannabis [~~or a cannabis product in a~~
1515 ~~medicinal dosage form~~] from a cannabis processing facility or another medical
1516 cannabis pharmacy or a medical cannabis device; or
1517 (ii) possesses medical cannabis or a medical cannabis device; and
1518 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1519 cannabis cardholder.
- 1520 (35) "Medical cannabis pharmacy agent" means an individual who holds a valid medical
1521 cannabis pharmacy agent registration card issued by the department.
- 1522 (36) "Medical cannabis pharmacy agent registration card" means a registration card issued
1523 by the department that authorizes an individual to act as a medical cannabis pharmacy
1524 agent.

- 1525 (37) "Medical cannabis shipment" means the same as that term is defined in Section
1526 4-41a-102.
- 1527 (38) "Medical cannabis treatment" means [~~cannabis in a medicinal dosage form, a cannabis~~
1528 ~~product in a medicinal dosage form, or~~ medical cannabis or a medical cannabis device.
- 1529 (39)(a) "Medicinal dosage form" means:
- 1530 (i) for processed medical cannabis, the following with a specific and consistent
1531 cannabinoid content:
- 1532 (A) a tablet;
- 1533 (B) a capsule;
- 1534 (C) a concentrated liquid or viscous oil;
- 1535 (D) a liquid suspension that does not exceed 30 milliliters;
- 1536 (E) a topical preparation;
- 1537 (F) a transdermal preparation;
- 1538 (G) a sublingual preparation;
- 1539 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1540 rectangular cuboid shape;
- 1541 (I) a resin or wax;
- 1542 (J) an aerosol;
- 1543 (K) a suppository preparation; or
- 1544 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1545 spherical shape, is homogeneous in color and texture, and each piece is a single
1546 serving; or
- 1547 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1548 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1549 the stated weight at the time of packaging;
- 1550 (B) at any time the medical cannabis cardholder transports or possesses the
1551 container in public, is contained within an opaque bag or box that the medical
1552 cannabis pharmacy provides; and
- 1553 (C) is labeled with the container's content and weight, the date of purchase, the
1554 legal use termination date, and a barcode that provides information connected
1555 to an inventory control system.
- 1556 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1557 (i) the medical cannabis cardholder has recently removed from the container
1558 described in Subsection (39)(a)(ii) for use; and

- 1559 (ii) does not exceed the quantity described in Subsection (39)(a)(ii).
- 1560 (c) "Medicinal dosage form" does not include:
- 1561 (i) any unprocessed cannabis flower outside of the container described in Subsection
- 1562 (39)(a)(ii), except as provided in Subsection (39)(b);
- 1563 (ii) any unprocessed cannabis flower in a container described in Subsection
- 1564 (39)(a)(ii) after the legal use termination date;
- 1565 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1566 cannabis on a nail or other metal object that is heated by a flame, including a
- 1567 blowtorch;
- 1568 (iv) a liquid suspension that is branded as a beverage;
- 1569 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not
- 1570 measured in grams, milligrams, or milliliters; or
- 1571 (vi) a substance that contains or is covered to any degree with chocolate.
- 1572 (40) "Nonresident patient" means an individual who:
- 1573 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1574 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 1575 card under the laws of another state, district, territory, commonwealth, or insular
- 1576 possession of the United States; and
- 1577 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1578 (41) "Patient product information insert" means a single page document or webpage that
- 1579 contains information about a medical cannabis product regarding:
- 1580 (a) how to use the product;
- 1581 (b) common side effects;
- 1582 (c) serious side effects;
- 1583 (d) dosage;
- 1584 (e) contraindications;
- 1585 (f) safe storage;
- 1586 (g) information on when a product should not be used; and
- 1587 (h) other information the department deems appropriate in consultation with the
- 1588 cannabis processing facility that created the product.
- 1589 (42) "Pharmacy medical provider" means the medical provider required to be on site at a
- 1590 medical cannabis pharmacy under Section 26B-4-219.
- 1591 [(42)] (43) "Provisional patient card" means a card that:
- 1592 (a) the department issues to a minor with a qualifying condition for whom:

1593 (i) a recommending medical provider has recommended a medical cannabis
1594 treatment; and

1595 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1596 legal guardian; and

1597 (b) is connected to the electronic verification system.

1598 [(43)] (44) "Qualified medical provider" means an individual:

1599 (a) who meets the recommending qualifications; and

1600 (b) whom the department registers to recommend treatment with cannabis in a medicinal
1601 dosage form under Section 26B-4-204.

1602 [(44)] (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1603 26B-1-310.

1604 [(45)] (46) "Qualifying condition" means a condition described in Section 26B-4-203.

1605 [(46)] (47) "Recommend" or "recommendation" means, for a recommending medical
1606 provider, the act of suggesting the use of medical cannabis treatment, which:

1607 (a) certifies the patient's eligibility for a medical cannabis card; and

1608 (b) may include, at the recommending medical provider's discretion, directions of use,
1609 with or without dosing guidelines.

1610 [(47)] (48) "Recommending medical provider" means a qualified medical provider or a
1611 limited medical provider.

1612 [(48)] (49) "Recommending qualifications" means that an individual:

1613 (a)(i) has the authority to write a prescription;

1614 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1615 Controlled Substances Act; and

1616 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1617 prescribe a Schedule II controlled substance; and

1618 (b) is licensed as:

1619 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1620 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1621 Act;

1622 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1623 Chapter 68, Utah Osteopathic Medical Practice Act; or

1624 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1625 [(49)] "State-central-patient-portal" means the website the department creates, in accordance
1626 with Section 26B-4-236, to facilitate patient safety, education, and an electronic medical

- 1627 eannabis order.]
- 1628 (50) "State electronic verification system" means the system described in Section 26B-4-202.
- 1629 (51) "Targeted marketing" means the promotion by a qualified medical provider, medical
 1630 clinic, or medical office that employs a qualified medical provider of a medical cannabis
 1631 recommendation service using any of the following methods:
- 1632 (a) electronic communication to an individual who is at least 21 years old and has
 1633 requested to receive promotional information;
- 1634 (b) an in-person marketing event that is held in an area where only an individual who is
 1635 at least 21 years old may access the event;
- 1636 (c) other marketing material that is physically or digitally displayed in the office of the
 1637 medical clinic or office that employs a qualified medical provider; or
- 1638 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that
 1639 employs a qualified medical provider shares with an individual who is at least 21
 1640 years old.
- 1641 (52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
 1642 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 1643 (53) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1644 Section 20. Section **26B-4-202** is amended to read:
- 1645 **26B-4-202 . Electronic verification system.**
- 1646 (1) The Department of Agriculture and Food, the department, the Department of Public
 1647 Safety, and the Division of Technology Services shall:
- 1648 (a) enter into a memorandum of understanding in order to determine the function and
 1649 operation of the state electronic verification system in accordance with Subsection
 1650 (2);
- 1651 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1652 Procurement Code, to develop a request for proposals for a third-party provider to
 1653 develop and maintain the state electronic verification system in coordination with the
 1654 Division of Technology Services; and
- 1655 (c) select a third-party provider who:
- 1656 (i) meets the requirements contained in the request for proposals issued under
 1657 Subsection (1)(b); and
- 1658 (ii) may not have any commercial or ownership interest in a cannabis production
 1659 establishment or a medical cannabis pharmacy.
- 1660 (2) The Department of Agriculture and Food, the department, the Department of Public

- 1661 Safety, and the Division of Technology Services shall ensure that the state electronic
1662 verification system described in Subsection (1):
- 1663 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1664 medical cannabis guardian card, provided that the card may not become active until:
- 1665 (i) the relevant qualified medical provider completes the associated medical cannabis
1666 recommendation; or
- 1667 (ii) for a medical cannabis card related to a limited medical provider's
1668 recommendation, the medical cannabis pharmacy completes the recording
1669 described in Subsection (2)(d);
- 1670 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1671 cannabis guardian card in accordance with Section 26B-4-213;
- 1672 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1673 acting on behalf of the qualified medical provider, to:
- 1674 (i) access dispensing and card status information regarding a patient:
- 1675 (A) with whom the qualified medical provider has a provider-patient relationship;
1676 and
- 1677 (B) for whom the qualified medical provider has recommended or is considering
1678 recommending a medical cannabis card;
- 1679 (ii) electronically recommend treatment with [~~eannabis in a medicinal dosage form or~~
1680 ~~a cannabis product in a medicinal dosage form~~] medical cannabis and optionally
1681 recommend dosing guidelines;
- 1682 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1683 or medical cannabis guardian cardholder:
- 1684 (A) using telehealth services, for the qualified medical provider who originally
1685 recommended a medical cannabis treatment during a face-to-face visit with the
1686 patient; or
- 1687 (B) during a face-to-face visit with the patient, for a qualified medical provider
1688 who did not originally recommend the medical cannabis treatment during a
1689 face-to-face visit; and
- 1690 (iv) submit an initial application, renewal application, or application payment on
1691 behalf of an individual applying for any of the following:
- 1692 (A) a medical cannabis patient card;
1693 (B) a medical cannabis guardian card; or
1694 (C) a medical cannabis caregiver card;

- 1695 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1696 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1697 (i) access the electronic verification system to review the history within the system of
1698 a patient with whom the provider or agent is interacting, limited to read-only
1699 access for medical cannabis pharmacy agents unless the medical cannabis
1700 pharmacy's pharmacist in charge authorizes add and edit access;
- 1701 (ii) record a patient's recommendation from a limited medical provider, including any
1702 directions of use, dosing guidelines, or caregiver indications from the limited
1703 medical provider;
- 1704 (iii) record a limited medical provider's renewal of the provider's previous
1705 recommendation; and
- 1706 (iv) submit an initial application, renewal application, or application payment on
1707 behalf of an individual applying for any of the following:
- 1708 (A) a medical cannabis patient card;
1709 (B) a medical cannabis guardian card; or
1710 (C) a medical cannabis caregiver card;
- 1711 (e) connects with:
- 1712 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1713 time and archive purchases of any [~~cannabis in a medicinal dosage form, cannabis~~
1714 ~~product in a medicinal dosage form,~~] medical cannabis or a medical cannabis
1715 device, including:
- 1716 (A) the time and date of each purchase;
1717 (B) the quantity and type of [~~cannabis, cannabis product,~~] medical cannabis or
1718 medical cannabis device purchased;
1719 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1720 any medical cannabis courier associated with the [~~cannabis, cannabis product,~~
1721 medical cannabis or medical cannabis device; and
1722 (D) the personally identifiable information of the medical cannabis cardholder
1723 who made the purchase; and
- 1724 (ii) any commercially available inventory control system that a cannabis production
1725 establishment utilizes in accordance with Section 4-41a-103 to use data that the
1726 Department of Agriculture and Food requires by rule, in accordance with Title
1727 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
1728 tracking system that a licensee uses to track and confirm compliance;

- 1729 (f) provides access to:
- 1730 (i) the department to the extent necessary to carry out the department's functions and
- 1731 responsibilities under this part;
- 1732 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
- 1733 functions and responsibilities of the Department of Agriculture and Food under
- 1734 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 1735 (iii) the Division of Professional Licensing to the extent necessary to carry out the
- 1736 functions and responsibilities related to the participation of the following in the
- 1737 recommendation and dispensing of medical cannabis:
- 1738 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
- 1739 Act;
- 1740 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1741 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 1742 Nurse Practice Act;
- 1743 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 1744 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1745 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 1746 Assistant Act;
- 1747 [~~(g) provides access to and interaction with the state central patient portal;~~]
- 1748 [~~(h)~~] (g) communicates dispensing information from a record that a medical cannabis
- 1749 pharmacy submits to the state electronic verification system under Subsection
- 1750 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1751 [~~(i)~~] (h) provides access to state or local law enforcement only to verify the validity of an
- 1752 individual's medical cannabis card for the administration of criminal justice and
- 1753 through a database used by law enforcement; and
- 1754 [~~(j)~~] (i) creates a record each time a person accesses the system that identifies the person
- 1755 who accesses the system and the individual whose records the person accesses.
- 1756 (3)(a) An employee of a qualified medical provider may access the electronic
- 1757 verification system for a purpose described in Subsection (2)(c) on behalf of the
- 1758 qualified medical provider if:
- 1759 (i) the qualified medical provider has designated the employee as an individual
- 1760 authorized to access the electronic verification system on behalf of the qualified
- 1761 medical provider;
- 1762 (ii) the qualified medical provider provides written notice to the department of the

- 1763 employee's identity and the designation described in Subsection (3)(a)(i); and
1764 (iii) the department grants to the employee access to the electronic verification
1765 system.
- 1766 (b) An employee of a business that employs a qualified medical provider may access the
1767 electronic verification system for a purpose described in Subsection (2)(c) on behalf
1768 of the qualified medical provider if:
- 1769 (i) the qualified medical provider has designated the employee as an individual
1770 authorized to access the electronic verification system on behalf of the qualified
1771 medical provider;
- 1772 (ii) the qualified medical provider and the employing business jointly provide written
1773 notice to the department of the employee's identity and the designation described
1774 in Subsection (3)(b)(i); and
- 1775 (iii) the department grants to the employee access to the electronic verification
1776 system.
- 1777 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1778 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1779 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1780 Practice Act;
- 1781 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1782 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1783 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1784 Assistant Act.
- 1785 (b) A prescribing provider may access information in the electronic verification system
1786 regarding a patient the prescribing provider treats.
- 1787 (5) The department may release limited data that the system collects for the purpose of:
- 1788 (a) conducting medical and other department approved research;
1789 (b) providing the report required by Section 26B-4-222; and
1790 (c) other official department purposes.
- 1791 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1792 Administrative Rulemaking Act, to establish:
- 1793 (a) the limitations on access to the data in the state electronic verification system as
1794 described in this section; and
- 1795 (b) standards and procedures to ensure accurate identification of an individual requesting
1796 information or receiving information in this section.

- 1797 (7) Any person who negligently or recklessly releases any information in the state
1798 electronic verification system in violation of this section is guilty of a class C
1799 misdemeanor.
- 1800 (8) Any person who obtains or attempts to obtain information from the state electronic
1801 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1802 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1803 and intentionally use, release, publish, or otherwise make available to any other
1804 person information obtained from the state electronic verification system for any
1805 purpose other than a purpose specified in this section.
- 1806 (b) Each separate violation of this Subsection (9) is:
- 1807 (i) a third degree felony; and
- 1808 (ii) subject to a civil penalty not to exceed \$5,000.
- 1809 (c) A law enforcement officer who uses the database used by law enforcement to access
1810 information in the electronic verification system for a reason that is not the
1811 administration of criminal justice is guilty of a class B misdemeanor.
- 1812 (d) The department shall determine a civil violation of this Subsection (9) in accordance
1813 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1814 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
1815 Fund.
- 1816 (f) This Subsection (9) does not prohibit a person who obtains information from the state
1817 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1818 (i) including the information in the person's medical chart or file for access by a
1819 person authorized to review the medical chart or file;
- 1820 (ii) providing the information to a person in accordance with the requirements of the
1821 Health Insurance Portability and Accountability Act of 1996; or
- 1822 (iii) discussing or sharing that information about the patient with the patient.
- 1823 Section 21. Section **26B-4-214** is amended to read:
- 1824 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**
1825 **Revocation.**
- 1826 (1)(a) A cardholder described in Section 26B-4-213 may designate~~[, through the state~~
1827 ~~central patient portal,]~~ up to two individuals, or an individual and a facility in
1828 accordance with Subsection (1)(b), to serve as a designated caregiver for the
1829 cardholder.
- 1830 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the

- 1831 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1832 (A) for a patient or resident, an assisted living facility, as that term is defined in
- 1833 Section 26B-2-201;
- 1834 (B) for a patient or resident, a nursing care facility, as that term is defined in
- 1835 Section 26B-2-201; or
- 1836 (C) for a patient, a general acute hospital, as that term is defined in Section
- 1837 26B-2-201.
- 1838 (ii) A facility may:
- 1839 (A) assign one or more employees to assist patients with medical cannabis
- 1840 treatment under the caregiver designation described in this Subsection (1)(b);
- 1841 and
- 1842 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
- 1843 medical cannabis courier on behalf of the medical cannabis cardholder within
- 1844 the facility who designated the facility as a caregiver.
- 1845 (iii) The department shall make rules to regulate the practice of facilities and facility
- 1846 employees serving as designated caregivers under this Subsection (1)(b).
- 1847 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
- 1848 with the minor and the minor's qualified medical provider, may designate~~[, through~~
- 1849 ~~the state central patient portal,]~~ up to two individuals to serve as a designated
- 1850 caregiver for the minor, if the department determines that the parent or legal guardian
- 1851 is not eligible for a medical cannabis guardian card under Section 26B-4-213.
- 1852 (d)(i) Upon the entry of a caregiver designation under Subsection (1) by a patient
- 1853 with a terminal illness described in Section 26B-4-203, the department shall issue
- 1854 to the designated caregiver an electronic conditional medical cannabis caregiver
- 1855 card, in accordance with this Subsection (1)(d).
- 1856 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 1857 (A) 60 days; or
- 1858 (B) the day on which the department completes the department's review and issues
- 1859 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
- 1860 medical cannabis caregiver card application, or revokes the conditional
- 1861 medical cannabis caregiver card under Section 26B-4-246.
- 1862 (iii) The department may issue a conditional medical cannabis card to an individual
- 1863 applying for a medical cannabis patient card for which approval of the
- 1864 Compassionate Use Board is not required.

- 1865 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1866 obligations under law applicable to a holder of the medical cannabis card for
1867 which the individual applies and for which the department issues the conditional
1868 medical cannabis card.
- 1869 (2) An individual that the department registers as a designated caregiver under this section
1870 and a facility described in Subsection (1)(b):
- 1871 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1872 card;
- 1873 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
1874 the use of [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal~~
1875 ~~dosage form,]~~ medical cannabis or a medical cannabis device on behalf of the
1876 designating medical cannabis cardholder;
- 1877 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1878 or for a service that the designated caregiver provides in relation to the role as a
1879 designated caregiver; and
- 1880 (d) may accept reimbursement from the designating medical cannabis cardholder for
1881 direct costs the designated caregiver incurs for assisting with the designating
1882 cardholder's medicinal use of cannabis.
- 1883 (3)(a) The department shall:
- 1884 (i) within 15 days after the day on which an individual submits an application in
1885 compliance with this section, issue a medical cannabis card to the applicant if the
1886 applicant:
- 1887 (A) is designated as a caregiver under Subsection (1);
1888 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1889 (C) complies with this section; and
- 1890 (ii) notify the Department of Public Safety of each individual that the department
1891 registers as a designated caregiver.
- 1892 (b) The department shall ensure that a medical cannabis caregiver card contains the
1893 information described in Subsections (5)(b) and (3)(c)(i).
- 1894 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
1895 caregiver who already holds a medical cannabis caregiver card, the individual with
1896 the medical cannabis caregiver card:
- 1897 (i) shall report to the department the information required of applicants under
1898 Subsection (5)(b) regarding the new designation;

- 1899 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1900 to file an application for another medical cannabis caregiver card;
- 1901 (iii) may receive an additional medical cannabis caregiver card in relation to each
1902 additional medical cannabis patient who designates the caregiver; and
- 1903 (iv) is not subject to an additional background check.
- 1904 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1905 (a) is at least 21 years old;
- 1906 (b) is a Utah resident;
- 1907 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
1908 the department sets in accordance with Section 63J-1-504, plus the cost of the
1909 criminal background check described in Section 26B-4-215; and
- 1910 (d) signs an acknowledgment stating that the applicant received the information
1911 described in Subsection 26B-4-213(9)[-].
- 1912 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1913 (a) submit an application for a medical cannabis caregiver card to the department
1914 through an electronic application connected to the state electronic verification
1915 system; and
- 1916 (b) submit the following information in the application described in Subsection (5)(a):
- 1917 (i) the applicant's name, gender, age, and address;
- 1918 (ii) the name, gender, age, and address of the cardholder described in Section
1919 26B-4-213 who designated the applicant;
- 1920 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1921 gender, and age of the minor receiving a medical cannabis treatment in relation to
1922 the medical cannabis guardian cardholder; and
- 1923 (iv) any additional information that the department requests to assist in matching the
1924 application with the designating medical cannabis patient.
- 1925 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1926 department issues under this section is valid for the lesser of:
- 1927 (a) an amount of time that the cardholder described in Section 26B-4-213 who
1928 designated the caregiver determines; or
- 1929 (b) the amount of time remaining before the card of the cardholder described in Section
1930 26B-4-213 expires.
- 1931 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
1932 caregiver's medical cannabis caregiver card renews automatically at the time the

- 1933 cardholder described in Section 26B-4-213 who designated the caregiver:
- 1934 (i) renews the cardholder's card; and
- 1935 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1936 (b) The department shall provide a method in the card renewal process to allow a
- 1937 cardholder described in Section 26B-4-213 who has designated a caregiver to:
- 1938 (i) signify that the cardholder renews the caregiver's designation;
- 1939 (ii) remove a caregiver's designation; or
- 1940 (iii) designate a new caregiver.
- 1941 (8) The department shall record the issuance or revocation of a medical cannabis card under
- 1942 this section in the controlled substance database.
- 1943 Section 22. Section **26B-4-222** is amended to read:
- 1944 **26B-4-222 . Report.**
- 1945 (1) By the November interim meeting each year, the department shall report to the Health
- 1946 and Human Services Interim Committee on:
- 1947 (a) the number of applications and renewal applications filed for medical cannabis cards;
- 1948 (b) the number of qualifying patients and designated caregivers;
- 1949 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 1950 (d) the age and county of residence of cardholders;
- 1951 (e) the number of medical cannabis cards revoked;
- 1952 (f) the number of practitioners providing recommendations for qualifying patients;
- 1953 (g) the number of license applications and renewal license applications received;
- 1954 (h) the number of licenses the department has issued in each county;
- 1955 (i) the number of licenses the department has revoked;
- 1956 (j) the quantity of medical cannabis shipments [~~that the state central patient portal~~
- 1957 ~~facilitates~~];
- 1958 (k) the number of overall purchases of medical cannabis [~~and medical cannabis products~~]
- 1959 from each medical cannabis pharmacy;
- 1960 (l) the expenses incurred and revenues generated from the medical cannabis program;
- 1961 and
- 1962 (m) an analysis of product availability in medical cannabis pharmacies in consultation
- 1963 with the Department of Agriculture and Food.
- 1964 (2) The report shall include information provided by the Center for Medical Cannabis
- 1965 Research described in Section 53B-17-1402.
- 1966 (3) The department may not include personally identifying information in the report

1967 described in this section.

1968 (4) The department shall report to the working group described in Section 36-12-8.2 as
1969 requested by the working group.

1970 Section 23. Section **26B-4-243** is amended to read:

1971 **26B-4-243 . Guidance for treatment with medical cannabis.**

1972 The department, in consultation with the Center for Medical Cannabis Research created
1973 in Section 53B-17-1402, shall:

1974 (1) develop evidence-based guidance for treatment with medical cannabis based on the
1975 latest medical research that shall include:

1976 (a) for each qualifying condition, a summary of the latest medical research regarding the
1977 treatment of the qualifying condition with medical cannabis;

1978 (b) risks, contraindications, side effects, and adverse reactions that are associated with
1979 medical cannabis use; and

1980 (c) potential drug interactions between medical cannabis and medications that have been
1981 approved by the United States Food and Drug Administration;[~~and~~]

1982 (2) educate recommending medical providers, pharmacy medical providers, medical
1983 cannabis cardholders, and the public regarding:

1984 (a) the evidence-based guidance for treatment with medical cannabis described in
1985 Subsection (1)(a);

1986 (b) relevant warnings and safety information related to medical cannabis use; and

1987 (c) other topics related to medical cannabis use as determined by the department[~~;~~] ; and

1988 (3) develop patient product information inserts for medical cannabis products:

1989 (a) in consultation with the cannabis processing facility that created the product; and

1990 (b) that do not contain proprietary information about the product.

1991 Section 24. Section **26B-4-247** is amended to read:

1992 **26B-4-247 . Department coordination.**

1993 The department shall:

1994 (1) provide draft rules made under this chapter to the:

1995 (a) advisory board for the advisory board's review; and

1996 (b) Medical Cannabis Governance Structure Working Group created in Section 36-12-8.2;

1997 (2) consult with the advisory board regarding:

1998 (a) patient education; and

1999 (b) fees set by the department that pertain to the medical cannabis program; and

2000 (3) when appropriate, consult with the advisory board regarding issues that arise in the

- 2001 medical cannabis program.
- 2002 Section 25. Section **63I-2-204** is amended to read:
- 2003 **63I-2-204 . Repeal dates: Title 4.**
- 2004 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed
- 2005 May 1, 2025.
- 2006 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed
- 2007 July 1, [~~2026~~] 2025.
- 2008 (3) Section 4-46-104, Transition, is repealed July 1, 2024.
- 2009 Section 26. Section **63I-2-226** is amended to read:
- 2010 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 2011 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.
- 2012 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
- 2013 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2014 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2015 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2016 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2017 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
- 2018 Board, is repealed July 1, [~~2026~~] 2025.
- 2019 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --
- 2020 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2021 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of
- 2022 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2023 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2024 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and
- 2025 genetic testing, is repealed July 1, 2030.
- 2026 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed
- 2027 July 1, [~~2026~~] 2025.
- 2028 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
- 2029 repealed July 1, [~~2026~~] 2025.
- 2030 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
- 2031 Program, is repealed July 1, 2027.
- 2032 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician
- 2033 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2034 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan

- 2035 Repayment Program, is repealed July 1, 2026.
- 2036 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician
- 2037 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2038 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed
- 2039 January 2, 2025.
- 2040 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,
- 2041 is repealed July 1, 2025.
- 2042 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 2043 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is
- 2044 repealed July 1, 2025.
- 2045 Section 27. Section **63I-2-236** is amended to read:
- 2046 **63I-2-236 . Repeal dates: Title 36.**
- 2047 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
- 2048 July 1, [~~2025~~] 2026.
- 2049 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --
- 2050 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
- 2051 Interim report, is repealed November 30, 2024.
- 2052 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
- 2053 November 30, 2027.
- 2054 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
- 2055 November 30, 2024.
- 2056 Section 28. **Repealer.**
- 2057 This bill repeals:
- 2058 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**
- 2059 **-- Citation.**
- 2060 Section **26B-4-236, State central patient portal -- Department duties.**
- 2061 Section 29. **Effective Date.**
- 2062 This bill takes effect on May 7, 2025.