

Medical Cannabis Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Luz Escamilla

LONG TITLE**General Description:**

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- repeals provisions related to qualified medical providers and limited medical providers in the medical cannabis program;

- allows certain health care providers to recommend medical cannabis without first registering with the Department of Health and Human Services;

- repeals continuing education requirements related to medical cannabis;

- moves enforcement of advertising and payment requirements related to medical cannabis from the Department of Health and Human Services to the Division of Professional Licensing; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

4-41a-301, as last amended by Laws of Utah 2024, Chapter 217

4-41a-602, as last amended by Laws of Utah 2024, Chapter 217

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

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

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

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

26B-4-203, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and

31 amended by Laws of Utah 2023, Chapter 307
 32 **26B-4-204**, as last amended by Laws of Utah 2024, Chapter 217
 33 **26B-4-205**, as renumbered and amended by Laws of Utah 2023, Chapter 307
 34 **26B-4-213**, as last amended by Laws of Utah 2024, Chapters 217, 240
 35 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240
 36 **26B-4-231**, as last amended by Laws of Utah 2024, Chapter 238
 37 **26B-4-245**, as last amended by Laws of Utah 2024, Chapters 217, 240
 38 **58-5a-102**, as last amended by Laws of Utah 2024, Chapter 458
 39 **58-31b-305**, as last amended by Laws of Utah 2023, Chapter 329
 40 **58-31b-502**, as last amended by Laws of Utah 2024, Chapter 237
 41 **58-67-304**, as last amended by Laws of Utah 2023, Chapters 301, 329
 42 **58-67-502**, as last amended by Laws of Utah 2024, Chapter 237
 43 **58-68-304**, as last amended by Laws of Utah 2023, Chapters 301, 329
 44 **58-68-502**, as last amended by Laws of Utah 2024, Chapter 237
 45 **58-70a-303**, as last amended by Laws of Utah 2023, Chapter 329
 46 **58-70a-503**, as last amended by Laws of Utah 2024, Chapter 237
 47 **80-4-109**, as last amended by Laws of Utah 2023, Chapters 273, 317 and 330 and last
 48 amended by Coordination Clause, Laws of Utah 2023, Chapter 330

49 ENACTS:

50 **58-1-513**, Utah Code Annotated 1953

51

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

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

54 **4-41a-102 . Definitions.**

55 As used in this chapter:

- 56 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
 57 injurious to health, including:
 58 (a) pesticides;
 59 (b) heavy metals;
 60 (c) solvents;
 61 (d) microbial life;
 62 (e) artificially derived cannabinoid;
 63 (f) toxins; or
 64 (g) foreign matter.

- 65 (2) "Advertise" or "advertising" means information provided by a person in any medium:
66 (a) to the public; and
67 (b) that is not age restricted to an individual who is at least 21 years old.
- 68 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
69 Section 26B-1-435.
- 70 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
71 of competition in the medical cannabis market that would be considered an attempt to
72 monopolize, as defined in Section 76-10-3103.
- 73 (b) "Anticompetitive business practice" may include:
74 (i) agreements that may be considered unreasonable when competitors interact to the
75 extent that they are:
76 (A) no longer acting independently; or
77 (B) when collaborating are able to wield market power together;
78 (ii) monopolizing or attempting to monopolize trade by:
79 (A) acting to maintain or acquire a dominant position in the market; or
80 (B) preventing new entry into the market; or
81 (iii) other conduct outlined in rule.
- 82 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
83 chemical reaction that changes the molecular structure of any chemical substance
84 derived from the cannabis plant.
- 85 (b) "Artificially derived cannabinoid" does not include:
86 (i) a naturally occurring chemical substance that is separated from the cannabis plant
87 by a chemical or mechanical extraction process; or
88 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
89 cannabinoid acid without the use of a chemical catalyst.
- 90 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board
91 created in Section 26B-1-420.
- 92 (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 93 (8) "Cannabis concentrate" means:
94 (a) the product of any chemical or physical process applied to naturally occurring
95 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
96 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
97 artificially derived cannabinoid's purified state.
- 98 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not

- 99 intended to be sold as a cannabis plant product.
- 100 (10) "Cannabis cultivation facility" means a person that:
- 101 (a) possesses cannabis;
- 102 (b) grows or intends to grow cannabis; and
- 103 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 104 processing facility, or a medical cannabis research licensee.
- 105 (11) "Cannabis cultivation facility agent" means an individual who
- 106 holds a valid cannabis production establishment agent registration card with a cannabis
- 107 cultivation facility designation.
- 108 (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- 109 (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
- 110 a form that is recognizable as a portion of a cannabis plant.
- 111 (14) "Cannabis processing facility" means a person that:
- 112 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 113 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 114 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 115 cannabis or a cannabis extract; and
- 116 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 117 medical cannabis research licensee.
- 118 (15) "Cannabis processing facility agent" means an individual who
- 119 holds a valid cannabis production establishment agent registration card with a cannabis
- 120 processing facility designation.
- 121 (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 122 (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
- 123 processing facility, or an independent cannabis testing laboratory.
- 124 (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
- 125 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 126 (19) "Cannabis production establishment agent registration card" means a registration card
- 127 that the department issues that:
- 128 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 129 (b) designates the type of cannabis production establishment for which an individual is
- 130 authorized to act as an agent.
- 131 (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home
- 132 delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis

- 133 product.
- 134 (21) "Community location" means a public or private elementary or secondary school, a
135 church, a public library, a public playground, or a public park.
- 136 (22) "Cultivation space" means, quantified in square feet, the horizontal area in which a
137 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
138 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
139 above other plants in multiple levels.
- 140 (23) "Delivery address" means:
- 141 (a) for a medical cannabis cardholder who is not a facility:
- 142 (i) the medical cannabis cardholder's home address; or
- 143 (ii) an address designated by the medical cannabis cardholder that:
- 144 (A) is the medical cannabis cardholder's workplace; and
- 145 (B) is not a community location; or
- 146 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 147 (24) "Department" means the Department of Agriculture and Food.
- 148 (25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
149 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
150 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 151 (26) "Government issued photo identification" means the same as that term is defined in
152 Section 26B-4-201, including expired identification in accordance with Section
153 26B-4-244.
- 154 (27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
155 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
156 shipments to a delivery address to fulfill electronic orders that the state central patient
157 portal facilitates.
- 158 (28)(a) "Independent cannabis testing laboratory" means a person that:
- 159 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
- 160 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
161 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 162 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
163 or a research university operates in accordance with Subsection 4-41a-201(14).
- 164 (29) "Independent cannabis testing laboratory agent" means an individual who
165 holds a valid cannabis production establishment agent registration card with an
166 independent cannabis testing laboratory designation.

- 167 (30) "Inventory control system" means a system described in Section 4-41a-103.
- 168 (31) "Licensing board" or "board" means the Cannabis Production Establishment and
169 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 170 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 171 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 172 (34) "Medical cannabis courier" means a courier that:
- 173 (a) the department licenses in accordance with Section 4-41a-1201; and
- 174 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
175 cannabis shipments to fulfill electronic orders that the state central patient portal
176 facilitates.
- 177 (35) "Medical cannabis courier agent" means an individual who:
- 178 (a) is an employee of a medical cannabis courier; and
- 179 (b) who holds a valid medical cannabis courier agent registration card.
- 180 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section
181 26B-4-201.
- 182 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
183 26B-4-201.
- 184 (38) "Medical cannabis research license" means a license that the department issues to a
185 research university for the purpose of obtaining and possessing medical cannabis for
186 academic research.
- 187 (39) "Medical cannabis research licensee" means a research university that the department
188 licenses to obtain and possess medical cannabis for academic research, in accordance
189 with Section 4-41a-901.
- 190 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home
191 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
192 address to fulfill an electronic medical cannabis order that the state central patient portal
193 facilitates.
- 194 (41) "Medical cannabis treatment" means the same as that term is defined in Section
195 26B-4-201.
- 196 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 197 (43) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
198 medical cannabis pharmacy licenses issued by the department rounded down to the
199 nearest whole number.
- 200 (44) "Pharmacy medical provider" means the same as that term is defined in Section

201 26B-4-201.

202 [~~(45)~~] "~~Qualified medical provider~~" means the same as that term is defined in Section

203 ~~26B-4-201.~~]

204 [~~(46)~~] (45) "Qualified Production Enterprise Fund" means the fund created in Section

205 4-41a-104.

206 [~~(47)~~] (46) "Recommending medical provider" means the same as that term is defined in

207 Section 26B-4-201.

208 [~~(48)~~] (47) "Research university" means the same as that term is defined in Section

209 53B-7-702 and a private, nonprofit college or university in the state that:

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

211 (b) grants doctoral degrees; and

212 (c) has a laboratory containing or a program researching a schedule I controlled

213 substance described in Section 58-37-4.

214 [~~(49)~~] (48) "State electronic verification system" means the system described in Section

215 26B-4-202.

216 [~~(50)~~] (49) "Targeted marketing" means the promotion of a cannabis product, medical

217 cannabis brand, or a medical cannabis device using any of the following methods:

218 (a) electronic communication to an individual who is at least 21 years old and has

219 requested to receive promotional information;

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

221 (i) held inside a medical cannabis pharmacy; and

222 (ii) in an area where only a medical cannabis cardholder may access the event;

223 (c) other marketing material that is physically available or digitally displayed in a

224 medical cannabis pharmacy; or

225 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is

226 provided to an individual when obtaining medical cannabis:

227 (i) in the medical cannabis pharmacy;

228 (ii) at the medical cannabis pharmacy's drive-through pick up window; or

229 (iii) in a medical cannabis shipment.

230 [~~(51)~~] (50) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in

231 Section 4-41-102.

232 [~~(52)~~] (51) "THC analog" means the same as that term is defined in Section 4-41-102.

233 [~~(53)~~] (52) "Total composite tetrahydrocannabinol" means all detectable forms of

234 tetrahydrocannabinol.

235 [(54)] (53) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
236 defined in Section 4-41-102.

237 Section 2. Section **4-41a-301** is amended to read:

238 **4-41a-301 . Cannabis production establishment agent -- Registration.**

- 239 (1) An individual may not act as a cannabis production establishment agent unless the
240 department registers the individual as a cannabis production establishment agent,
241 regardless of whether the individual is a seasonal, temporary, or permanent employee.
- 242 (2) The following individuals, regardless of the individual's status as a [~~qualified medical~~
243 ~~provider~~] recommending medical provider, may not serve as a cannabis production
244 establishment agent, have a financial or voting interest of 2% or greater in a cannabis
245 production establishment, or have the power to direct or cause the management or
246 control of a cannabis production establishment:
- 247 (a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 - 248 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
249 Practice Act;
 - 250 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
251 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 252 (d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
253 Act.
- 254 (3) An independent cannabis testing laboratory agent may not act as an agent for a medical
255 cannabis pharmacy, a medical cannabis courier, a cannabis processing facility, or a
256 cannabis cultivation facility.
- 257 (4)(a) The department shall, within 15 business days after the day on which the
258 department receives a complete application from a prospective cannabis production
259 establishment agent, register and issue a cannabis production establishment agent
260 registration card to the prospective agent if the prospective agent:
- 261 (i) provides to the department:
 - 262 (A) the prospective agent's name and address;
 - 263 (B) which cannabis production establishment agent designations the applicant
264 desires; and
 - 265 (C) the submission required under Subsection (4)(b); and
 - 266 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),
267 the department sets in accordance with Section 63J-1-504.
- 268 (b) Each prospective agent described in Subsection (4)(a) shall:

- 269 (i) submit to the department:
- 270 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 271 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 272 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 273 Investigation Next Generation Identification System's Rap Back Service; and
- 274 (ii) consent to a fingerprint background check by:
- 275 (A) the Bureau of Criminal Identification; and
- 276 (B) the Federal Bureau of Investigation.
- 277 (c) The Bureau of Criminal Identification shall:
- 278 (i) check the fingerprints the prospective agent submits under Subsection (4)(b)
- 279 against the applicable state, regional, and national criminal records databases,
- 280 including the Federal Bureau of Investigation Next Generation Identification
- 281 System;
- 282 (ii) report the results of the background check to the department;
- 283 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 284 Subsection (4)(b) for search by future submissions to the local and regional
- 285 criminal records databases, including latent prints;
- 286 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 287 Next Generation Identification System's Rap Back Service for search by future
- 288 submissions to national criminal records databases, including the Next Generation
- 289 Identification System and latent prints; and
- 290 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 291 receives notifications for an individual with whom the department maintains an
- 292 authorizing relationship.
- 293 (d) The department shall:
- 294 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
- 295 amount that the department sets in accordance with Section 63J-1-504 for the
- 296 services that the Bureau of Criminal Identification or another authorized agency
- 297 provides under this section; and
- 298 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal
- 299 Identification.
- 300 (5)(a) The department shall designate, on an individual's cannabis production establishment
- 301 agent registration card
- 302 the type of cannabis production establishment for which the individual is authorized to

- 303 act as an agent.
- 304 (b) When issuing a card under Subsection (5)(a) the department:
- 305 (i) may issue a cannabis production establishment agent registration card that
- 306 contains both a cannabis processing facility designation and a cannabis cultivator
- 307 facility designation; and
- 308 (ii) if the cannabis production establishment agent registration card will contain an
- 309 independent cannabis testing laboratory designation, may not include any other
- 310 designations.
- 311 (6) A cannabis production establishment agent shall comply with:
- 312 (a) a certification standard that the department develops; or
- 313 (b) a certification standard that the department has reviewed and approved.
- 314 (7)(a) The department shall ensure that the certification standard described in Subsection
- 315 (6) includes training:
- 316 (i) in Utah medical cannabis law;
- 317 (ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;
- 318 (iii) for a cannabis processing facility agent, in cannabis processing, manufacturing
- 319 safety procedures for items for human consumption, and sanitation best practices;
- 320 and
- 321 (iv) for an independent cannabis testing laboratory agent, in cannabis testing best
- 322 practices.
- 323 (b) The department shall review the training described in Subsection (7)(a) annually or
- 324 as often as necessary to ensure compliance with this section.
- 325 (8) For an individual who holds or applies for a cannabis production establishment agent
- 326 registration card:
- 327 (a) the department may revoke or refuse to issue the card if the individual violates the
- 328 requirements of this chapter; and
- 329 (b) the department shall revoke or refuse to issue the card if the individual is convicted
- 330 under state or federal law of:
- 331 (i) a felony in the preceding 10 years; or
- 332 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 333 (9)(a) A cannabis production establishment agent registration card expires two years
- 334 after the day on which the department issues the card.
- 335 (b) A cannabis production establishment agent may renew the agent's registration card if
- 336 the agent:

- 337 (i) is eligible for a cannabis production establishment registration card under this
338 section;
- 339 (ii) certifies to the department in a renewal application that the information in
340 Subsection (4)(a) is accurate or updates the information; and
- 341 (iii) pays to the department a renewal fee in an amount that:
- 342 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
343 Section 63J-1-504; and
- 344 (B) may not exceed the cost of the relatively lower administrative burden of
345 renewal in comparison to the original application process.
- 346 (10) A cannabis production establishment shall:
- 347 (a) maintain a list of each employee that holds a cannabis production establishment
348 agent registration card; and
- 349 (b) provide the list to the department upon request.
- 350 Section 3. Section **4-41a-602** is amended to read:
- 351 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**
- 352 (1) For any cannabis product that a cannabis processing facility processes or produces and
353 for any raw cannabis that the facility packages, the facility shall:
- 354 (a) label the cannabis or cannabis product with a label that:
- 355 (i) clearly and unambiguously states that the cannabis product or package contains
356 cannabis;
- 357 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
358 and any known cannabinoid that is greater than 1% of the total cannabinoids
359 contained in the cannabis or cannabis product as determined under Subsection
360 4-41a-701(4);
- 361 (iii) has a unique identification number that:
- 362 (A) is connected to the inventory control system; and
- 363 (B) identifies the unique cannabis product manufacturing process the cannabis
364 processing facility used to manufacture the cannabis product;
- 365 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
366 used to create the cannabis product;
- 367 (v) does not display an image, word, or phrase that the facility knows or should know
368 appeals to children; and
- 369 (vi) discloses each active or potentially active ingredient, in order of prominence, and
370 possible allergen; and

- 371 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
 372 container that:
- 373 (i) is tamper evident and tamper resistant;
- 374 (ii) does not appeal to children;
- 375 (iii) does not mimic a candy container;
- 376 (iv) complies with child-resistant effectiveness standards that the United States
 377 Consumer Product Safety Commission establishes;
- 378 (v) includes a warning label that states:
- 379 ~~[(A) for a container labeled before July 1, 2021, "WARNING: Cannabis has~~
 380 ~~intoxicating effects and may be addictive. Do not operate a vehicle or~~
 381 ~~machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This~~
 382 ~~product is for medical use only. Use only as directed by a qualified medical~~
 383 ~~provider.";~~
- 384 ~~[(B)]~~ (A) for a container labeled on or after July 1, 2021, "WARNING: Cannabis
 385 has intoxicating effects and may be addictive. Do not operate a vehicle or
 386 machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
 387 product is for medical use only. Use only as directed by a recommending
 388 medical provider."; or
- 389 ~~[(C)]~~ (B) for a container labeled on or after January 1, 2024, "WARNING:
 390 Cannabis has intoxicating effects, may be addictive, and may increase risk of
 391 mental illness. Do not operate a vehicle or machinery under its influence.
 392 KEEP OUT OF REACH OF CHILDREN. This product is for medical use
 393 only. Use only as directed by a recommending medical provider."; and
- 394 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
 395 after May 3, 2023, includes a warning label that states:
- 396 (A) "WARNING: Vaping of cannabis-derived products has been associated with
 397 lung injury."; and
- 398 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung
 399 injury.".
- 400 (2) To ensure that a cannabis product that a cannabis processing facility processes or
 401 produces has a medical rather than recreational disposition, the facility may not produce
 402 or process a product whose logo, product name, or brand name includes terms related to
 403 recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"
 404 "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank,"

- 405 "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong,"
 406 "budtender," "dab," "blaze," "toke," or "420."
- 407 (3) For any cannabis or cannabis product that the cannabis processing facility processes into
 408 a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
 409 cuboid shape, the facility shall:
- 410 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
 411 other image of the content of the container; and
- 412 (b) include on the label described in Subsection (1)(a) a warning about the risks of
 413 over-consumption.
- 414 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis
 415 processing facility shall ensure that the label clearly:
- 416 (a) identifies each artificially derived cannabinoid; and
- 417 (b) identifies that each artificially derived cannabinoid is an artificially derived
 418 cannabinoid.
- 419 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 420 department:
- 421 (a) shall make rules to establish:
- 422 (i) a standard labeling format that:
- 423 (A) complies with the requirements of this section; and
- 424 (B) ensures inclusion of a pharmacy label; and
- 425 (ii) additional requirements on packaging for cannabis and cannabis products to
 426 ensure safety and product quality; and
- 427 (b) may make rules to further define standards regarding images, words, phrases, or
 428 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).
- 429 Section 4. Section **4-41a-1101** is amended to read:
- 430 **4-41a-1101 . Operating requirements -- General.**
- 431 (1)(a) A medical cannabis pharmacy shall operate:
- 432 (i) at the physical address provided to the department under Section 4-41a-1001; and
- 433 (ii) in accordance with the operating plan provided to the department under Section
 434 4-41a-1001 and, if applicable, Section 4-41a-1004.
- 435 (b) A medical cannabis pharmacy shall notify the department before a change in the
 436 medical cannabis pharmacy's physical address or operating plan.
- 437 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
- 438 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

- 439 (b) except as provided in Subsection (4):
- 440 (i) possesses a valid:
- 441 (A) medical cannabis pharmacy agent registration card;
- 442 (B) pharmacy medical provider registration card; or
- 443 (C) medical cannabis card;
- 444 (ii) is an employee of the department performing an inspection under Section
- 445 4-41a-1103; or
- 446 (iii) is another individual as the department provides.
- 447 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
- 448 years old.
- 449 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
- 450 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
- 451 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
- 452 monitors the individual at all times while the individual is at the medical cannabis
- 453 pharmacy and maintains a record of the individual's access.
- 454 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 455 (a) a single, secure public entrance;
- 456 (b) a security system with a backup power source that:
- 457 (i) detects and records entry into the medical cannabis pharmacy; and
- 458 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 459 cannabis pharmacy is closed; and
- 460 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 461 cannabis product.
- 462 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 463 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 464 4-41a-1102(2).
- 465 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
- 466 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 467 or premises of the medical cannabis pharmacy.
- 468 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first
- 469 indicating on the cannabis or cannabis product label the name of the medical cannabis
- 470 pharmacy.
- 471 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 472 following information regarding each recommendation underlying a transaction:

- 473 (i) the recommending medical provider's name, address, and telephone number;
474 (ii) the patient's name and address;
475 (iii) the date of issuance;
476 (iv) directions of use and dosing guidelines or an indication that the recommending
477 medical provider did not recommend specific directions of use or dosing
478 guidelines; and
479 (v) if the patient did not complete the transaction, the name of the medical cannabis
480 cardholder who completed the transaction.
- 481 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
482 not sell medical cannabis unless the medical cannabis has a label securely affixed
483 to the container indicating the following minimum information:
- 484 (A) the name, address, and telephone number of the medical cannabis pharmacy;
 - 485 (B) the unique identification number that the medical cannabis pharmacy assigns;
 - 486 (C) the date of the sale;
 - 487 (D) the name of the patient;
 - 488 (E) the name of the recommending medical provider who recommended the
489 medical cannabis treatment;
 - 490 (F) directions for use and cautionary statements, if any;
 - 491 (G) the amount dispensed and the cannabinoid content;
 - 492 (H) the suggested use date;
 - 493 (I) for unprocessed cannabis flower, the legal use termination date; and
 - 494 (J) any other requirements that the department determines, in consultation with the
495 Division of Professional Licensing and the Board of Pharmacy.
- 496 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
497 following information under Subsection (9)(b)(i) if the information is already
498 provided on the product label that a cannabis production establishment affixes:
- 499 (A) a unique identification number;
 - 500 (B) directions for use and cautionary statements;
 - 501 (C) amount and cannabinoid content; and
 - 502 (D) a suggested use date.
- 503 (iii) If the size of a medical cannabis container does not allow sufficient space to
504 include the labeling requirements described in Subsection (9)(b)(i), the medical
505 cannabis pharmacy may provide the following information described in
506 Subsection (9)(b)(i) on a supplemental label attached to the container or an

- 507 informational enclosure that accompanies the container:
- 508 (A) the cannabinoid content;
- 509 (B) the suggested use date; and
- 510 (C) any other requirements that the department determines.
- 511 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 512 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 513 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 514 (a) upon receipt of an order from a [~~limited medical provider~~] recommending medical
- 515 provider in accordance with Subsections 26B-4-204(1)(b) [~~through (d)~~] and (c):
- 516 (i) for a written order or an electronic order under circumstances that the department
- 517 determines, contact the [~~limited medical provider~~] recommending medical provider
- 518 or the [~~limited medical provider's~~] recommending medical provider's office to
- 519 verify the validity of the recommendation; and
- 520 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 521 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
- 522 to verification under Subsection (10)(a)(i), enter the [~~limited medical provider's~~]
- 523 recommending medical provider's recommendation or renewal, including any
- 524 associated directions of use, dosing guidelines, or caregiver indication, in the state
- 525 electronic verification system;
- 526 (b) in processing an order for a holder of a conditional medical cannabis card described
- 527 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
- 528 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 529 recommending medical provider or the recommending medical provider's office to
- 530 verify the validity of the recommendation before processing the cardholder's order;
- 531 (c) unless the medical cannabis cardholder has had a consultation under Subsection
- 532 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
- 533 purchase of cannabis, a cannabis product, or a medical cannabis device, personal
- 534 counseling with the pharmacy medical provider; and
- 535 (d) provide a telephone number or website by which the cardholder may contact a
- 536 pharmacy medical provider for counseling.
- 537 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
- 538 that allows an individual to deposit unused or excess medical cannabis or cannabis
- 539 residue from a medical cannabis device in a locked box or other secure receptacle
- 540 within the medical cannabis pharmacy.

- 541 (b) A medical cannabis pharmacy with a disposal program described in Subsection
 542 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
 543 medical provider can access deposited medical cannabis.
- 544 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
 545 (i) rendering the deposited medical cannabis unusable and unrecognizable before
 546 transporting deposited medical cannabis from the medical cannabis pharmacy; and
 547 (ii) disposing of the deposited medical cannabis in accordance with:
 548 (A) federal and state law, rules, and regulations related to hazardous waste;
 549 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 550 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
 551 (D) other regulations that the department makes in accordance with Title 63G,
 552 Chapter 3, Utah Administrative Rulemaking Act.
- 553 (12) A medical cannabis pharmacy:
 554 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
 555 Practice Act, as a pharmacy medical provider;
 556 (b) may employ a physician who has the authority to write a prescription and is licensed
 557 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
 558 Osteopathic Medical Practice Act, as a pharmacy medical provider;
 559 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
 560 onsite during all business hours;
 561 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
 562 pharmacist-in-charge to oversee the operation of and generally supervise the medical
 563 cannabis pharmacy; and
 564 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis
 565 products the medical cannabis pharmacy maintains in the medical cannabis
 566 pharmacy's inventory.
- 567 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 568 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 569 by a medical cannabis pharmacy.

570 Section 5. Section **26B-1-435** is amended to read:

571 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**
 572 **Duties.**

- 573 (1) There is created within the department the Medical Cannabis Policy Advisory Board.
 574 (2)(a) The advisory board shall consist of the following members:

- 575 (i) appointed by the executive director:
- 576 (A) a ~~[qualified medical provider]~~ recommending medical provider who has
- 577 recommended medical cannabis to at least 100 patients before being appointed;
- 578 (B) a medical research professional;
- 579 (C) a mental health specialist;
- 580 (D) an individual who represents an organization that advocates for medical
- 581 cannabis patients;
- 582 (E) an individual who holds a medical cannabis patient card; and
- 583 (F) a member of the general public who does not hold a medical cannabis card; and
- 584 (ii) appointed by the commissioner of the Department of Agriculture and Food:
- 585 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
- 586 defined in Section 4-41a-102;
- 587 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
- 588 and
- 589 (C) a law enforcement officer.
- 590 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
- 591 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
- 592 operates a licensed cannabis processing facility.
- 593 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
- 594 year term.
- 595 (b) When appointing the initial membership of the advisory board, the executive director
- 596 and the commissioner of the Department of Agriculture and Food shall coordinate to
- 597 appoint four advisory board members to serve a term of two years to ensure that
- 598 approximately half of the board is appointed every two years.
- 599 (4)(a) If an advisory board member is no longer able to serve as a member, a new
- 600 member shall be appointed in the same manner as the original appointment.
- 601 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
- 602 remainder of the unexpired term of the original appointment.
- 603 (5)(a) A majority of the advisory board members constitutes a quorum.
- 604 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 605 (c) For a term lasting one year, the advisory board shall annually designate members of
- 606 the advisory board to serve as chair and vice-chair.
- 607 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
- 608 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.

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

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

613 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 614 63A-3-107.

615 (7) The department shall:

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

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

618 (8) The advisory board may recommend:

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

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

623 (9) The advisory board shall:

624 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,
 625 Cannabis Production Establishments and Pharmacies;

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

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

629 (ii) pharmacy license under Section 4-41a-1005;

630 (c) consult with the department regarding cannabis patient education;

631 (d) consult regarding the reasonableness of any fees set by the department or the
 632 Department of Agriculture and Food that pertain to the medical cannabis program;
 633 and

634 (e) consult regarding any issue pertaining to medical cannabis when asked by the
 635 department or the Utah Department of Agriculture and Food.

636 Section 6. Section **26B-4-201** is amended to read:

637 **26B-4-201 . Definitions.**

638 As used in this part:

639 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
 640 tetrahydrocannabinolic acid.

641 (2) "Administration of criminal justice" means the performance of detection, apprehension,
 642 detention, pretrial release, post-trial release, prosecution, and adjudication.

- 643 (3) "Advertise" means information provided by a person in any medium:
644 (a) to the public; and
645 (b) that is not age restricted to an individual who is at least 21 years old.
- 646 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
647 Section 26B-1-435.
- 648 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
649 created in Section 26B-1-420.
- 650 (6) "Cannabis" means marijuana.
- 651 (7) "Cannabis processing facility" means the same as that term is defined in Section
652 4-41a-102.
- 653 (8) "Cannabis product" means a product that:
654 (a) is intended for human use; and
655 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
656 concentration of 0.3% or greater on a dry weight basis.
- 657 (9) "Cannabis production establishment" means the same as that term is defined in Section
658 4-41a-102.
- 659 (10) "Cannabis production establishment agent" means the same as that term is defined in
660 Section 4-41a-102.
- 661 (11) "Cannabis production establishment agent registration card" means the same as that
662 term is defined in Section 4-41a-102.
- 663 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
664 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
665 applicant for a medical cannabis card to access medical cannabis during the department's
666 review of the application.
- 667 (13) "Controlled substance database" means the controlled substance database created in
668 Section 58-37f-201.
- 669 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 670 (15) "Department" means the Department of Health and Human Services.
- 671 (16) "Designated caregiver" means:
672 (a) an individual:
673 (i) whom an individual with a medical cannabis patient card or a medical cannabis
674 guardian card designates as the patient's caregiver; and
675 (ii) who registers with the department under Section 26B-4-214; or
676 (b)(i) a facility that an individual designates as a designated caregiver in accordance

- 677 with Subsection 26B-4-214(1)(b); or
- 678 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 679 (17) "Directions of use" means recommended routes of administration for a medical
680 cannabis treatment and suggested usage guidelines.
- 681 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
682 recommended treatment of medical cannabis.
- 683 (19) "Government issued photo identification" means any of the following forms of
684 identification:
- 685 (a) a valid state-issued driver license or identification card;
- 686 (b) a valid United States federal-issued photo identification, including:
- 687 (i) a United States passport;
- 688 (ii) a United States passport card;
- 689 (iii) a United States military identification card; or
- 690 (iv) a permanent resident card or alien registration receipt card; or
- 691 (c) a foreign passport.
- 692 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
693 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
694 shipments to a delivery address to fulfill electronic orders that the state central patient
695 portal facilitates.
- 696 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 697 (22) "Legal dosage limit" means an amount that:
- 698 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
699 relevant recommending medical provider or the state central patient portal or
700 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
701 recommends; and
- 702 (b) may not exceed:
- 703 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 704 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
705 total, greater than 20 grams of active tetrahydrocannabinol.
- 706 (23) "Legal use termination date" means a date on the label of a container of unprocessed
707 cannabis flower:
- 708 (a) that is 60 days after the date of purchase of the cannabis; and
- 709 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
710 primary residence of the relevant medical cannabis patient cardholder.

- 711 [~~(24)~~ "Limited medical provider" means an individual who:]
712 [(a) meets the recommending qualifications; and]
713 [(b) has no more than 15 patients with a valid medical cannabis patient card as a result
714 of the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).]
- 715 [~~(25)~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.
716 [~~(26)~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
717 product in a medicinal dosage form.
718 [~~(27)~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical
719 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
720 cannabis card.
721 [~~(28)~~ (27) "Medical cannabis cardholder" means:
722 (a) a holder of a medical cannabis card; or
723 (b) a facility or assigned employee, described in Subsection (16)(b), only:
724 (i) within the scope of the facility's or assigned employee's performance of the role of
725 a medical cannabis patient cardholder's caregiver designation under Subsection
726 26B-4-214(1)(b); and
727 (ii) while in possession of documentation that establishes:
728 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
729 (B) the identity of the individual presenting the documentation; and
730 (C) the relation of the individual presenting the documentation to the caregiver
731 designation.
732 [~~(29)~~ (28) "Medical cannabis caregiver card" means an electronic document that a
733 cardholder may print or store on an electronic device or a physical card or document that:
734 (a) the department issues to an individual whom a medical cannabis patient cardholder
735 or a medical cannabis guardian cardholder designates as a designated caregiver; and
736 (b) is connected to the electronic verification system.
737 [~~(30)~~ (29) "Medical cannabis courier" means the same as that term is defined in Section
738 4-41a-102.
739 [~~(31)~~ (30)(a) "Medical cannabis device" means a device that an individual uses to ingest
740 or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
741 dosage form.
742 (b) "Medical cannabis device" does not include a device that:
743 (i) facilitates cannabis combustion; or
744 (ii) an individual uses to ingest substances other than cannabis.

745 [(32)] (31) "Medical cannabis guardian card" means an electronic document that a
746 cardholder may print or store on an electronic device or a physical card or document that:

747 (a) the department issues to the parent or legal guardian of a minor with a qualifying
748 condition; and

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

750 [(33)] (32) "Medical cannabis patient card" means an electronic document that a cardholder
751 may print or store on an electronic device or a physical card or document that:

752 (a) the department issues to an individual with a qualifying condition; and

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

754 [(34)] (33) "Medical cannabis pharmacy" means a person that:

755 (a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a
756 medicinal dosage form from a cannabis processing facility or another medical
757 cannabis pharmacy or a medical cannabis device; or

758 (ii) possesses medical cannabis or a medical cannabis device; and

759 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
760 cannabis cardholder.

761 [(35)] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
762 medical cannabis pharmacy agent registration card issued by the department.

763 [(36)] (35) "Medical cannabis pharmacy agent registration card" means a registration card
764 issued by the department that authorizes an individual to act as a medical cannabis
765 pharmacy agent.

766 [(37)] (36) "Medical cannabis shipment" means the same as that term is defined in Section
767 4-41a-102.

768 [(38)] (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
769 cannabis product in a medicinal dosage form, or a medical cannabis device.

770 [(39)] (38)(a) "Medicinal dosage form" means:

771 (i) for processed medical cannabis, the following with a specific and consistent
772 cannabinoid content:

773 (A) a tablet;

774 (B) a capsule;

775 (C) a concentrated liquid or viscous oil;

776 (D) a liquid suspension that does not exceed 30 milliliters;

777 (E) a topical preparation;

778 (F) a transdermal preparation;

- 779 (G) a sublingual preparation;
- 780 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
781 rectangular cuboid shape;
- 782 (I) a resin or wax;
- 783 (J) an aerosol;
- 784 (K) a suppository preparation; or
- 785 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
786 spherical shape, is homogeneous in color and texture, and each piece is a single
787 serving; or
- 788 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 789 (A) contains cannabis flower in a quantity that varies by no more than 10% from
790 the stated weight at the time of packaging;
- 791 (B) at any time the medical cannabis cardholder transports or possesses the
792 container in public, is contained within an opaque bag or box that the medical
793 cannabis pharmacy provides; and
- 794 (C) is labeled with the container's content and weight, the date of purchase, the
795 legal use termination date, and a barcode that provides information connected
796 to an inventory control system.
- 797 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 798 (i) the medical cannabis cardholder has recently removed from the container
799 described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii) for use; and
- 800 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii).
- 801 (c) "Medicinal dosage form" does not include:
- 802 (i) any unprocessed cannabis flower outside of the container described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (38)(b);
- 803 (ii) any unprocessed cannabis flower in a container described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii) after the legal use termination date;
- 804 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
805 cannabis on a nail or other metal object that is heated by a flame, including a
806 blowtorch;
- 807 (iv) a liquid suspension that is branded as a beverage;
- 808 (v) a substance described in Subsection [~~(39)(a)(i)~~] (38)(a)(i) or (ii) if the substance is
809 not measured in grams, milligrams, or milliliters; or
- 810 (vi) a substance that contains or is covered to any degree with chocolate.
- 811
- 812

- 813 [(40)] (39) "Nonresident patient" means an individual who:
- 814 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 815 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 816 card under the laws of another state, district, territory, commonwealth, or insular
- 817 possession of the United States; and
- 818 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 819 [(41)] (40) "Pharmacy medical provider" means the medical provider required to be on site
- 820 at a medical cannabis pharmacy under Section 26B-4-219.
- 821 [(42)] (41) "Provisional patient card" means a card that:
- 822 (a) the department issues to a minor with a qualifying condition for whom:
- 823 (i) a recommending medical provider has recommended a medical cannabis
- 824 treatment; and
- 825 (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 826 legal guardian; and
- 827 (b) is connected to the electronic verification system.
- 828 [~~(43) "Qualified medical provider" means an individual:~~
- 829 [~~(a) who meets the recommending qualifications; and~~
- 830 [~~(b) whom the department registers to recommend treatment with cannabis in a~~
- 831 [~~medicinal dosage form under Section 26B-4-204.~~
- 832 [(44)] (42) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 833 26B-1-310.
- 834 [(45)] (43) "Qualifying condition" means a condition described in Section 26B-4-203.
- 835 [(46)] (44) "Recommend" or "recommendation" means, for a recommending medical
- 836 provider, the act of suggesting the use of medical cannabis treatment, which:
- 837 (a) certifies the patient's eligibility for a medical cannabis card; and
- 838 (b) may include, at the recommending medical provider's discretion, directions of use,
- 839 with or without dosing guidelines.
- 840 [(47)] (45) "Recommending medical provider" [~~means a qualified medical provider or a~~
- 841 [~~limited medical provider]~~ means an individual who meets the recommending
- 842 qualifications.
- 843 [(48)] (46) "Recommending qualifications" means that an individual:
- 844 (a)(i) has the authority to write a prescription;
- 845 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
- 846 Controlled Substances Act; and

- 847 (iii) possesses the authority, in accordance with the individual's scope of practice, to
 848 prescribe a Schedule II controlled substance; and
- 849 (b) is licensed as:
- 850 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 851 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
 852 Act;
- 853 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
 854 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 855 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 856 [(49)] (47) "State central patient portal" means the website the department creates, in
 857 accordance with Section 26B-4-236, to facilitate patient safety, education, and an
 858 electronic medical cannabis order.
- 859 [(50)] (48) "State electronic verification system" means the system described in Section
 860 26B-4-202.
- 861 [(51)] (49) "Targeted marketing" means the promotion by a [~~qualified medical provider~~]
 862 recommending medical provider, medical clinic, or medical office that employs a [~~qualified medical provider~~]
 863 recommending medical provider of a medical cannabis
 864 recommendation service using any of the following methods:
- 865 (a) electronic communication to an individual who is at least 21 years old and has
 866 requested to receive promotional information;
- 867 (b) an in-person marketing event that is held in an area where only an individual who is
 868 at least 21 years old may access the event;
- 869 (c) other marketing material that is physically or digitally displayed in the office of the
 870 medical clinic or office that employs a [~~qualified medical provider~~] recommending
 871 medical provider; or
- 872 (d) a leaflet that a [~~qualified medical provider~~] recommending medical provider, medical
 873 clinic, or medical office that employs a [~~qualified medical provider~~] recommending
 874 medical provider shares with an individual who is at least 21 years old.
- 875 [(52)] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
 876 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 877 [(53)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.
- 878 Section 7. Section **26B-4-202** is amended to read:
- 879 **26B-4-202 . Electronic verification system.**
- 880 (1) The Department of Agriculture and Food, the department, the Department of Public

- 881 Safety, and the Division of Technology Services shall:
- 882 (a) enter into a memorandum of understanding in order to determine the function and
883 operation of the state electronic verification system in accordance with Subsection (2);
- 884 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
885 Procurement Code, to develop a request for proposals for a third-party provider to
886 develop and maintain the state electronic verification system in coordination with the
887 Division of Technology Services; and
- 888 (c) select a third-party provider who:
- 889 (i) meets the requirements contained in the request for proposals issued under
890 Subsection (1)(b); and
- 891 (ii) may not have any commercial or ownership interest in a cannabis production
892 establishment or a medical cannabis pharmacy.
- 893 (2) The Department of Agriculture and Food, the department, the Department of Public
894 Safety, and the Division of Technology Services shall ensure that the state electronic
895 verification system described in Subsection (1):
- 896 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
897 medical cannabis guardian card, provided that the card may not become active until:
- 898 (i) the relevant [~~qualified medical provider~~] recommending medical provider
899 completes the associated medical cannabis recommendation; or
- 900 (ii) [~~for a medical cannabis card related to a limited medical provider's~~
901 ~~recommendation,~~]the medical cannabis pharmacy completes the recording
902 described in Subsection (2)(d);
- 903 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
904 cannabis guardian card in accordance with Section 26B-4-213;
- 905 (c) allows a [~~qualified medical provider~~] recommending medical provider, or an
906 employee described in Subsection (3) acting on behalf of the [~~qualified medical~~
907 ~~provider~~] recommending medical provider, to:
- 908 (i) access dispensing and card status information regarding a patient:
- 909 (A) with whom the [~~qualified medical provider~~] recommending medical provider
910 has a provider-patient relationship; and
- 911 (B) for whom the [~~qualified medical provider~~] recommending medical provider
912 has recommended or is considering recommending a medical cannabis card;
- 913 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or
914 a cannabis product in a medicinal dosage form and optionally recommend dosing

- 915 guidelines;
- 916 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
917 or medical cannabis guardian cardholder:
- 918 (A) using telehealth services, for the [~~qualified medical provider~~] recommending
919 medical provider who originally recommended a medical cannabis treatment
920 during a face-to-face visit with the patient; or
- 921 (B) during a face-to-face visit with the patient, for a [~~qualified medical provider~~]
922 recommending medical provider who did not originally recommend the
923 medical cannabis treatment during a face-to-face visit; and
- 924 (iv) submit an initial application, renewal application, or application payment on
925 behalf of an individual applying for any of the following:
- 926 (A) a medical cannabis patient card;
927 (B) a medical cannabis guardian card; or
928 (C) a medical cannabis caregiver card;
- 929 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
930 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 931 (i) access the electronic verification system to review the history within the system of
932 a patient with whom the provider or agent is interacting, limited to read-only
933 access for medical cannabis pharmacy agents unless the medical cannabis
934 pharmacy's pharmacist in charge authorizes add and edit access;
- 935 (ii) record a patient's recommendation from a [~~limited medical provider~~]
936 recommending medical provider, including any directions of use, dosing
937 guidelines, or caregiver indications from the [~~limited medical provider~~]
938 recommending medical provider;
- 939 (iii) record a [~~limited medical provider's~~] recommending medical provider's renewal
940 of the provider's previous recommendation; and
- 941 (iv) submit an initial application, renewal application, or application payment on
942 behalf of an individual applying for any of the following:
- 943 (A) a medical cannabis patient card;
944 (B) a medical cannabis guardian card; or
945 (C) a medical cannabis caregiver card;
- 946 (e) connects with:
- 947 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
948 time and archive purchases of any cannabis in a medicinal dosage form, cannabis

- 949 product in a medicinal dosage form, or a medical cannabis device, including:
- 950 (A) the time and date of each purchase;
- 951 (B) the quantity and type of cannabis, cannabis product, or medical cannabis
952 device purchased;
- 953 (C) any cannabis production establishment, any medical cannabis pharmacy, or
954 any medical cannabis courier associated with the cannabis, cannabis product,
955 or medical cannabis device; and
- 956 (D) the personally identifiable information of the medical cannabis cardholder
957 who made the purchase; and
- 958 (ii) any commercially available inventory control system that a cannabis production
959 establishment utilizes in accordance with Section 4-41a-103 to use data that the
960 Department of Agriculture and Food requires by rule, in accordance with Title
961 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
962 tracking system that a licensee uses to track and confirm compliance;
- 963 (f) provides access to:
- 964 (i) the department to the extent necessary to carry out the department's functions and
965 responsibilities under this part;
- 966 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
967 functions and responsibilities of the Department of Agriculture and Food under
968 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 969 (iii) the Division of Professional Licensing to the extent necessary to carry out the
970 functions and responsibilities related to the participation of the following in the
971 recommendation and dispensing of medical cannabis:
- 972 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
973 Act;
- 974 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 975 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
976 Nurse Practice Act;
- 977 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
978 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 979 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
980 Assistant Act;
- 981 (g) provides access to and interaction with the state central patient portal;
- 982 (h) communicates dispensing information from a record that a medical cannabis

- 983 pharmacy submits to the state electronic verification system under Subsection
984 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 985 (i) provides access to state or local law enforcement only to verify the validity of an
986 individual's medical cannabis card for the administration of criminal justice and
987 through a database used by law enforcement; and
- 988 (j) creates a record each time a person accesses the system that identifies the person who
989 accesses the system and the individual whose records the person accesses.
- 990 (3)(a) An employee of a [~~qualified medical provider~~] recommending medical provider
991 may access the electronic verification system for a purpose described in Subsection
992 (2)(c) on behalf of the [~~qualified medical provider~~] recommending medical provider if:
- 993 (i) the [~~qualified medical provider~~] recommending medical provider has designated
994 the employee as an individual authorized to access the electronic verification
995 system on behalf of the [~~qualified medical provider~~] recommending medical
996 provider;
- 997 (ii) the [~~qualified medical provider~~] recommending medical provider provides written
998 notice to the department of the employee's identity and the designation described
999 in Subsection (3)(a)(i); and
- 1000 (iii) the department grants to the employee access to the electronic verification
1001 system.
- 1002 (b) An employee of a business that employs a [~~qualified medical provider~~]
1003 recommending medical provider may access the electronic verification system for a
1004 purpose described in Subsection (2)(c) on behalf of the [~~qualified medical provider~~]
1005 recommending medical provider if:
- 1006 (i) the [~~qualified medical provider~~] recommending medical provider has designated
1007 the employee as an individual authorized to access the electronic verification
1008 system on behalf of the [~~qualified medical provider~~] recommending medical
1009 provider;
- 1010 (ii) the [~~qualified medical provider~~] recommending medical provider and the
1011 employing business jointly provide written notice to the department of the
1012 employee's identity and the designation described in Subsection (3)(b)(i); and
- 1013 (iii) the department grants to the employee access to the electronic verification
1014 system.
- 1015 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1016 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

- 1017 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1018 Practice Act;
- 1019 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1020 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1021 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1022 Assistant Act.
- 1023 (b) A prescribing provider may access information in the electronic verification system
1024 regarding a patient the prescribing provider treats.
- 1025 (5) The department may release limited data that the system collects for the purpose of:
- 1026 (a) conducting medical and other department approved research;
- 1027 (b) providing the report required by Section 26B-4-222; and
- 1028 (c) other official department purposes.
- 1029 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1030 Administrative Rulemaking Act, to establish:
- 1031 (a) the limitations on access to the data in the state electronic verification system as
1032 described in this section; and
- 1033 (b) standards and procedures to ensure accurate identification of an individual requesting
1034 information or receiving information in this section.
- 1035 (7) Any person who negligently or recklessly releases any information in the state
1036 electronic verification system in violation of this section is guilty of a class C
1037 misdemeanor.
- 1038 (8) Any person who obtains or attempts to obtain information from the state electronic
1039 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1040 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1041 and intentionally use, release, publish, or otherwise make available to any other
1042 person information obtained from the state electronic verification system for any
1043 purpose other than a purpose specified in this section.
- 1044 (b) Each separate violation of this Subsection (9) is:
- 1045 (i) a third degree felony; and
- 1046 (ii) subject to a civil penalty not to exceed \$5,000.
- 1047 (c) A law enforcement officer who uses the database used by law enforcement to access
1048 information in the electronic verification system for a reason that is not the
1049 administration of criminal justice is guilty of a class B misdemeanor.
- 1050 (d) The department shall determine a civil violation of this Subsection (9) in accordance

- 1051 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1052 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
1053 Fund.
- 1054 (f) This Subsection (9) does not prohibit a person who obtains information from the state
1055 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1056 (i) including the information in the person's medical chart or file for access by a
1057 person authorized to review the medical chart or file;
- 1058 (ii) providing the information to a person in accordance with the requirements of the
1059 Health Insurance Portability and Accountability Act of 1996; or
- 1060 (iii) discussing or sharing that information about the patient with the patient.

1061 Section 8. Section **26B-4-203** is amended to read:

1062 **26B-4-203 . Qualifying condition.**

- 1063 (1) By designating a particular condition under Subsection (2) for which the use of medical
1064 cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state
1065 that:
- 1066 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
1067 treatment for the condition; or
- 1068 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 1069 (2) For the purposes of this part, each of the following conditions is a qualifying condition:
- 1070 (a) HIV or acquired immune deficiency syndrome;
- 1071 (b) Alzheimer's disease;
- 1072 (c) amyotrophic lateral sclerosis;
- 1073 (d) cancer;
- 1074 (e) cachexia;
- 1075 (f) persistent nausea that is not significantly responsive to traditional treatment, except
1076 for nausea related to:
- 1077 (i) pregnancy;
- 1078 (ii) cannabis-induced cyclical vomiting syndrome; or
- 1079 (iii) cannabinoid hyperemesis syndrome;
- 1080 (g) Crohn's disease or ulcerative colitis;
- 1081 (h) epilepsy or debilitating seizures;
- 1082 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 1083 (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental
1084 health therapist, as that term is defined in Section 58-60-102, and that:

- 1085 (i) has been diagnosed by a healthcare provider or mental health provider employed
1086 or contracted by the United States Veterans Administration, evidenced by copies
1087 of medical records from the United States Veterans Administration that are
1088 included as part of the [~~qualified medical provider's~~] recommending medical
1089 provider's pre-treatment assessment and medical record documentation; or
- 1090 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
1091 the patient, by a provider who is:
- 1092 (A) a licensed board-eligible or board-certified psychiatrist;
- 1093 (B) a licensed psychologist with a master's-level degree;
- 1094 (C) a licensed clinical social worker with a master's-level degree;
- 1095 (D) a licensed advanced practice registered nurse who is qualified to practice
1096 within the psychiatric mental health nursing specialty and who has completed
1097 the clinical practice requirements in psychiatric mental health nursing,
1098 including in psychotherapy, in accordance with Subsection 58-31b-302(5)(g);
1099 or
- 1100 (E) a licensed physician assistant who is qualified to specialize in mental health
1101 care under Section 58-70a-501.1;
- 1102 (k) autism;
- 1103 (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- 1104 (m) a condition resulting in the individual receiving hospice care;
- 1105 (n) a rare condition or disease that:
- 1106 (i) affects less than 200,000 individuals in the United States, as defined in Section
1107 526 of the Federal Food, Drug, and Cosmetic Act; and
- 1108 (ii) is not adequately managed despite treatment attempts using:
- 1109 (A) conventional medications other than opioids or opiates; or
- 1110 (B) physical interventions;
- 1111 (o) pain lasting longer than two weeks that is not adequately managed, in the [~~qualified~~
1112 ~~medical provider's~~] recommending medical provider's opinion, despite treatment
1113 attempts using:
- 1114 (i) conventional medications other than opioids or opiates; or
- 1115 (ii) physical interventions;
- 1116 (p) pain that is expected to last for two weeks or longer for an acute condition, including
1117 a surgical procedure, for which a medical professional may generally prescribe
1118 opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and

1119 (q) a condition that the Compassionate Use Board approves under Section 26B-1-421,
1120 on an individual, case-by-case basis.

1121 Section 9. Section **26B-4-204** is amended to read:

1122 **26B-4-204 . Treatment recommendation.**

1123 (1)(a)(i) [~~Except as provided in Subsection (1)(b), an individual may not recommend~~
1124 ~~a medical cannabis treatment unless the department registers the individual as a~~
1125 ~~qualified medical provider in accordance with this section.] A recommending
1126 medical provider may recommend medical cannabis.~~

1127 (ii) Notwithstanding Subsection (1)(a)(i), a [~~qualified medical provider~~
1128 recommending medical provider who is podiatrist licensed under Title 58, Chapter
1129 5a, Podiatric Physician Licensing Act, may not recommend a medical cannabis
1130 treatment except within the course and scope of a practice of podiatry, as that term
1131 is defined in Section 58-5a-102.

1132 [~~(b) An individual who meets the recommending qualifications may recommend a~~
1133 ~~medical cannabis treatment as a limited medical provider without registering under~~
1134 ~~Subsection (1)(a) if:~~]

1135 [(i) ~~the individual recommends the use of medical cannabis to the patient through an~~
1136 ~~order described in Subsection (1)(c) after:~~]

1137 [(A) ~~a face-to-face visit for an initial recommendation or the renewal of a~~
1138 ~~recommendation for a patient for whom the limited medical provider did not~~
1139 ~~make the patient's original recommendation; or]~~

1140 [(B) ~~a visit using telehealth services for a renewal of a recommendation for a~~
1141 ~~patient for whom the limited medical provider made the patient's original~~
1142 ~~recommendation; and]~~

1143 [(ii) ~~the individual's recommendation or renewal would not cause the total number of~~
1144 ~~the individual's patients who have a valid medical cannabis patient card or~~
1145 ~~provisional patient card resulting from the individual's recommendation to exceed~~
1146 ~~15.]~~

1147 [(e) (b) [~~The individual described in Subsection (1)(b) shall-~~] A recommending medical
1148 provider may communicate the individual's recommendation through an order for the
1149 medical cannabis pharmacy to record the individual's recommendation or renewal in
1150 the state electronic verification system under the individual's recommendation that:

1151 (i)(A) the individual or the individual's employee sends electronically to a medical
1152 cannabis pharmacy; or

- 1153 (B) the individual gives to the patient in writing for the patient to deliver to a
 1154 medical cannabis pharmacy; and
- 1155 (ii) may include:
- 1156 (A) directions of use or dosing guidelines; and
- 1157 (B) an indication of a need for a caregiver in accordance with Subsection
 1158 26B-4-213(3)(c).
- 1159 ~~[(d)]~~ (c) If the ~~[limited medical provider]~~ recommending medical provider gives the
 1160 patient a written recommendation to deliver to a medical cannabis pharmacy under
 1161 Subsection ~~[(1)(e)(i)(B), the limited medical provider]~~ (1)(b)(i)(B), the recommending
 1162 medical provider shall ensure that the document includes all of the information that is
 1163 included on a prescription the provider would issue for a controlled substance,
 1164 including:
- 1165 (i) the date of issuance;
- 1166 (ii) the provider's name, address and contact information, controlled substance license
 1167 information, and signature; and
- 1168 (iii) the patient's name, address and contact information, age, and diagnosed
 1169 qualifying condition.
- 1170 ~~[(e)]~~ (d) In considering making a recommendation as a ~~[limited medical provider]~~
 1171 recommending medical provider, an individual may consult information that the
 1172 department makes available on the department's website for recommending providers.
- 1173 ~~[(2)(a)]~~ The department shall, within 15 days after the day on which the department
 1174 receives an application from an individual, register and issue a qualified medical
 1175 provider registration card to the individual if the individual:]
- 1176 [(i) provides to the department the individual's name and address;]
- 1177 [(ii) provides to the department an acknowledgment that the individual has completed
 1178 four hours of continuing education related to medical cannabis;]
- 1179 [(iii) provides to the department evidence that the individual meets the
 1180 recommending qualifications;]
- 1181 [(iv) for an applicant on or after November 1, 2021, provides to the department the
 1182 information described in Subsection (10)(a); and]
- 1183 [(v) pays the department a fee in an amount that:]
- 1184 [(A) the department sets, in accordance with Section 63J-1-504; and]
- 1185 [(B) does not exceed \$300 for an initial registration.]
- 1186 (b) The department may not register an individual as a qualified medical provider if the

1187 individual is:]

1188 [(i) a pharmacy medical provider; or]

1189 [(ii) an owner, officer, director, board member, employee, or agent of a cannabis

1190 production establishment, a medical cannabis pharmacy, or a medical cannabis

1191 courier.]

1192 [~~(3)~~] (2)[(a) An individual shall complete the continuing education related to medical

1193 cannabis in the following amounts:]

1194 [(i) for an individual as a condition precedent to registration, four hours; and]

1195 [(ii) for a qualified medical provider as a condition precedent to renewal, four hours

1196 every two years.]

1197 [~~(b)~~] (a) The department may, in consultation with the Division of Professional

1198 Licensing, develop continuing education related to medical cannabis.

1199 [~~(c)~~] (b) The continuing education described in this Subsection [~~(3)~~] (2) may discuss:

1200 (i) the provisions of this part;

1201 (ii) general information about medical cannabis under federal and state law;

1202 (iii) the latest scientific research on the endocannabinoid system and medical

1203 cannabis, including risks and benefits;

1204 (iv) recommendations for medical cannabis as it relates to the continuing care of a

1205 patient in pain management, risk management, potential addiction, or palliative

1206 care; and

1207 (v) best practices for recommending the form and dosage of medical cannabis based

1208 on the qualifying condition underlying a medical cannabis recommendation.

1209 [~~(4)~~] (3)(a) Except as provided in Subsection [~~(4)~~](b) (3)(b), a [~~qualified medical provider~~]

1210 recommending medical provider may not recommend a medical cannabis treatment

1211 to more than 1.5% of the total amount of medical cannabis patient cardholders.

1212 (b) If a [~~qualified medical provider~~] recommending medical provider receives payment

1213 from an insurance plan for services provided under this chapter, then the patient

1214 whose insurance plan was billed does not count toward the 1.5% patient cap

1215 described in Subsection [~~(4)~~](a) (3)(a).

1216 [~~(5)~~] (4) A recommending medical provider may recommend medical cannabis to an

1217 individual under this part only in the course of a provider-patient relationship after the

1218 recommending medical provider has completed and documented in the patient's medical

1219 record a thorough assessment of the patient's condition and medical history based on the

1220 appropriate standard of care for the patient's condition.

- 1221 ~~[(6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that~~
 1222 ~~the person or the person's employee recommends a medical cannabis treatment.]~~
- 1223 ~~[(b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical~~
 1224 ~~provider, medical clinic, or medical office that employs a qualified medical provider~~
 1225 ~~may advertise only the following:]~~
- 1226 ~~[(i) a green cross;]~~
 1227 ~~[(ii) the provider's or clinic's name and logo;]~~
 1228 ~~[(iii) a qualifying condition that the individual treats;]~~
 1229 ~~[(iv) that the qualified medical provider, medical clinic, or medical office evaluates~~
 1230 ~~patients for medical cannabis recommendations;]~~
 1231 ~~[(v) a scientific study regarding medical cannabis use; or]~~
 1232 ~~[(vi) contact information.]~~
- 1233 ~~[(c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical~~
 1234 ~~provider, medical clinic, or medical office that employs a qualified medical provider~~
 1235 ~~may engage in targeted marketing, as determined by the department through rule, for~~
 1236 ~~advertising medical cannabis recommendation services.]~~
- 1237 ~~[(7)(a) A qualified medical provider registration card expires two years after the day on~~
 1238 ~~which the department issues the card.]~~
- 1239 ~~[(b) The department shall renew a qualified medical provider's registration card if the~~
 1240 ~~provider:]~~
- 1241 ~~[(i) applies for renewal;]~~
 1242 ~~[(ii) is eligible for a qualified medical provider registration card under this section,~~
 1243 ~~including maintaining an unrestricted license under the recommending~~
 1244 ~~qualifications;]~~
 1245 ~~[(iii) certifies to the department in a renewal application that the information in~~
 1246 ~~Subsection (2)(a) is accurate or updates the information;]~~
 1247 ~~[(iv) submits a report detailing the completion of the continuing education~~
 1248 ~~requirement described in Subsection (3); and]~~
 1249 ~~[(v) pays the department a fee in an amount that:]~~
- 1250 ~~[(A) the department sets, in accordance with Section 63J-1-504; and]~~
 1251 ~~[(B) does not exceed \$50 for a registration renewal.]~~
- 1252 ~~[(8) The department may revoke the registration of a qualified medical provider who fails~~
 1253 ~~to maintain compliance with the requirements of this section.]~~
- 1254 ~~[(9) A recommending medical provider may not:]~~

- 1255 ~~[(a) receive any compensation or benefit for the qualified medical provider's medical~~
 1256 ~~cannabis treatment recommendation from:]~~
- 1257 ~~[(i) a cannabis production establishment or an owner, officer, director, board~~
 1258 ~~member, employee, or agent of a cannabis production establishment;]~~
- 1259 ~~[(ii) a medical cannabis pharmacy or an owner, officer, director, board member,~~
 1260 ~~employee, or agent of a medical cannabis pharmacy; or]~~
- 1261 ~~[(iii) a recommending medical provider or pharmacy medical provider; or]~~
- 1262 ~~[(b) provide a medical cannabis recommendation at a medical clinic or medical office~~
 1263 ~~that is violating the advertising limitations described in Subsection (6).]~~
- 1264 ~~[(10)]~~ (5)(a) ~~[Each quarter, a qualified medical provider shall report to the department, in~~
 1265 ~~a manner designated by the department.]~~ The department shall host a recommending
 1266 provider contact list on the department's website that contains the information
 1267 described in Subsection (5)(b).
- 1268 ~~[(i) if applicable, that the qualified medical provider or the entity that employs the~~
 1269 ~~qualified medical provider represents online or on printed material that the~~
 1270 ~~qualified medical provider is a qualified medical provider or offers medical~~
 1271 ~~cannabis recommendations to patients; and]~~
- 1272 ~~[(ii)(A) for cash payment without insurance, the fee amount that the qualified~~
 1273 ~~medical provider or the entity that employs the qualified medical provider~~
 1274 ~~charges a patient for a medical cannabis recommendation as an actual cash~~
 1275 ~~rate; and]~~
- 1276 ~~[(B) whether the qualified medical provider or the entity that employs the~~
 1277 ~~qualified medical provider bills insurance.]~~
- 1278 (b) ~~[The department shall:]~~ A recommending medical provider that elects to be included
 1279 on the contact list shall provide the department the following:
- 1280 ~~[(i) ensure that the following information related to qualified medical providers and~~
 1281 ~~entities described in Subsection (10)(a)(i) is available on the department's website~~
 1282 ~~or on the health care price transparency tool under Subsection (10)(b)(ii).]~~
- 1283 ~~[(A)]~~ (i) the name of the [qualified medical provider] recommending medical provider
 1284 and, if applicable, the name of the entity that employs the [qualified medical
 1285 provider] recommending medical provider;
- 1286 ~~[(B)]~~ (ii) the address of the [qualified medical provider's] recommending medical
 1287 provider's office or, if applicable, the entity that employs the [qualified medical
 1288 provider] recommending medical provider; and

1289 ~~[(C)]~~ (iii)(A) the fee amount ~~[described in Subsection (10)(a)(ii)(A); and]~~ charged
 1290 by the qualified medical provider; or

1291 (B) whether the recommending medical provider or entity that employs the
 1292 recommending medical provider bills insurance.

1293 ~~[(ii)]~~ (c) The department shall share data collected under this Subsection ~~[(10)]~~ (5) with
 1294 the state auditor for use in the health care price transparency tool~~[-described in~~
 1295 ~~Section 67-3-11].~~

1296 Section 10. Section **26B-4-205** is amended to read:

1297 **26B-4-205 . Standard of care -- Physicians and pharmacists not liable -- No**
 1298 **private right of action.**

1299 (1) An individual described in Subsection (2) is not subject to the following solely for
 1300 violating a federal law or regulation that would otherwise prohibit recommending,
 1301 prescribing, or dispensing medical cannabis, a medical cannabis product, or a
 1302 cannabis-based drug that the United States Food and Drug Administration has not
 1303 approved:

1304 (a) civil or criminal liability; or

1305 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
 1306 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act,
 1307 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter
 1308 70a, Utah Physician Assistant Act.

1309 (2) The limitations of liability described in Subsection (1) apply to:

1310 ~~[(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,~~
 1311 ~~an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
 1312 ~~Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice~~
 1313 ~~Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician~~
 1314 ~~assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act:]~~

1315 ~~[(i)(A) whom the department has registered as a qualified medical provider; or]~~

1316 ~~[(B) who makes a recommendation as a limited medical provider; and]~~

1317 ~~[(ii)]~~ (a) a recommending medical provider who recommends treatment with cannabis in
 1318 a medicinal dosage form or a cannabis product in a medicinal dosage form to a
 1319 patient in accordance with this part; and

1320 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

1321 (i) whom the department has registered as a pharmacy medical provider; and

1322 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a

1323 medicinal dosage form or a cannabis product in a medicinal dosage form to a
 1324 medical cannabis cardholder in accordance with this part.

1325 (3) Nothing in this section or part reduces or in any way negates the duty of an individual
 1326 described in Subsection (2) to use reasonable and ordinary care in the treatment of a
 1327 patient:

1328 (a) who may have a qualifying condition; and

1329 (b)(i) for whom the individual described in Subsection [~~(2)(a)(i) or (ii)~~] (2)(a) has
 1330 recommended or might consider recommending a treatment with cannabis or a
 1331 cannabis product; or

1332 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
 1333 dosing or dispensing of cannabis or a cannabis product.

1334 (4)(a) As used in this Subsection (4), "healthcare facility" means a health care facility as
 1335 defined in Section 26B-2-201.

1336 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
 1337 medical cannabis on the premises of the healthcare facility by a medical cannabis
 1338 cardholder who resides at or is actively receiving treatment or care at the healthcare
 1339 facility.

1340 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
 1341 subject to civil or criminal liability for carrying out employment duties, including:

1342 (i) providing or supervising care to a medical cannabis cardholder; or

1343 (ii) in accordance with a caregiver designation under Section 26B-4-214 for a
 1344 medical cannabis cardholder residing at the healthcare facility, purchasing,
 1345 transporting, or possessing medical cannabis for the relevant patient and in
 1346 accordance with the designation.

1347 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
 1348 Subsection (4)(b).

1349 Section 11. Section **26B-4-213** is amended to read:

1350 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
 1351 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

1352 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
 1353 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
 1354 application in accordance with this section or Section 26B-4-214, the department
 1355 shall:

1356 (i) issue a medical cannabis patient card to an individual described in Subsection

- 1357 (2)(a);
- 1358 (ii) issue a medical cannabis guardian card to an individual described in Subsection
- 1359 (2)(b);
- 1360 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 1361 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
- 1362 26B-4-214(4).
- 1363 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
- 1364 recommendation for a patient in the state electronic verification system, either by
- 1365 the provider or the provider's employee or by a medical cannabis pharmacy
- 1366 medical provider or medical cannabis pharmacy in accordance with Subsection
- 1367 4-41a-1101(10)(a), the department shall issue to the patient an electronic
- 1368 conditional medical cannabis card, in accordance with this Subsection (1)(b).
- 1369 (ii) A conditional medical cannabis card is valid for the lesser of:
- 1370 (A) 60 days; or
- 1371 (B) the day on which the department completes the department's review and issues
- 1372 a medical cannabis card under Subsection (1)(a), denies the patient's medical
- 1373 cannabis card application, or revokes the conditional medical cannabis card
- 1374 under Subsection (8).
- 1375 (iii) The department may issue a conditional medical cannabis card to an individual
- 1376 applying for a medical cannabis patient card for which approval of the
- 1377 Compassionate Use Board is not required.
- 1378 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
- 1379 obligations under law applicable to a holder of the medical cannabis card for
- 1380 which the individual applies and for which the department issues the conditional
- 1381 medical cannabis card.
- 1382 (2)(a) An individual is eligible for a medical cannabis patient card if:
- 1383 (i)(A) the individual is at least 21 years old; or
- 1384 (B) the individual is 18, 19, or 20 years old, the individual petitions the
- 1385 Compassionate Use Board under Section 26B-1-421, and the Compassionate
- 1386 Use Board recommends department approval of the petition;
- 1387 (ii) the individual is a Utah resident;
- 1388 (iii) the individual's recommending medical provider recommends treatment with
- 1389 medical cannabis in accordance with Subsection (4);
- 1390 (iv) the individual signs an acknowledgment stating that the individual received the

- 1391 information described in Subsection (9); and
- 1392 (v) the individual pays to the department a fee in an amount that, subject to
- 1393 Subsection 26B-1-310(5), the department sets in accordance with Section
- 1394 63J-1-504.
- 1395 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
- 1396 (A) is at least 18 years old;
- 1397 (B) is a Utah resident;
- 1398 (C) is the parent or legal guardian of a minor for whom the minor's recommending
- 1399 medical provider recommends a medical cannabis treatment, the individual
- 1400 petitions the Compassionate Use Board under Section 26B-1-421, and the
- 1401 Compassionate Use Board recommends department approval of the petition;
- 1402 (D) the individual signs an acknowledgment stating that the individual received
- 1403 the information described in Subsection (9); and
- 1404 (E) pays to the department a fee in an amount that, subject to Subsection
- 1405 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
- 1406 the cost of the criminal background check described in Section 26B-4-215.
- 1407 (ii) The department shall notify the Department of Public Safety of each individual
- 1408 that the department registers for a medical cannabis guardian card.
- 1409 (c)(i) A minor is eligible for a provisional patient card if:
- 1410 (A) the minor has a qualifying condition;
- 1411 (B) the minor's recommending medical provider recommends a medical cannabis
- 1412 treatment to address the minor's qualifying condition;
- 1413 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 1414 Board under Section 26B-1-421, and the Compassionate Use Board
- 1415 recommends department approval of the petition; and
- 1416 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 1417 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1418 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 1419 (ii) The department shall automatically issue a provisional patient card to the minor
- 1420 described in Subsection (2)(c)(i) at the same time the department issues a medical
- 1421 cannabis guardian card to the minor's parent or legal guardian.
- 1422 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
- 1423 through (C) does not qualify for a medical cannabis guardian card under Subsection
- 1424 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance

- 1425 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
1426 access to the recommended medical cannabis treatment.
- 1427 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
1428 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 1429 (i) through an electronic application connected to the state electronic verification
1430 system;
- 1431 (ii) with the recommending medical provider; and
- 1432 (iii) with information including:
- 1433 (A) the applicant's name, gender, age, and address;
- 1434 (B) the number of the applicant's government issued photo identification;
- 1435 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1436 receiving a medical cannabis treatment under the cardholder's medical cannabis
1437 guardian card; and
- 1438 (D) for a provisional patient card, the name of the minor's parent or legal guardian
1439 who holds the associated medical cannabis guardian card.
- 1440 (b) The department shall ensure that a medical cannabis card the department issues
1441 under this section contains the information described in Subsection (3)(a)(iii).
- 1442 (c)(i) If a recommending medical provider determines that, because of age, illness, or
1443 disability, a medical cannabis patient cardholder requires assistance in
1444 administering the medical cannabis treatment that the recommending medical
1445 provider recommends, the recommending medical provider may indicate the
1446 cardholder's need in the state electronic verification system, either directly or ~~for~~
1447 ~~a limited medical provider,~~ through the order described in Subsections [
1448 ~~26B-4-204(1)(e) and (d)] 26B-4-204(1)(b) and (c).~~
- 1449 (ii) If a recommending medical provider makes the indication described in
1450 Subsection (3)(c)(i):
- 1451 (A) the department shall add a label to the relevant medical cannabis patient card
1452 indicating the cardholder's need for assistance;
- 1453 (B) any adult who is 18 years old or older and who is physically present with the
1454 cardholder at the time the cardholder needs to use the recommended medical
1455 cannabis treatment may handle the medical cannabis treatment and any
1456 associated medical cannabis device as needed to assist the cardholder in
1457 administering the recommended medical cannabis treatment; and
- 1458 (C) an individual of any age who is physically present with the cardholder in the

1459 event of an emergency medical condition, as that term is defined in Section
 1460 31A-1-301, may handle the medical cannabis treatment and any associated
 1461 medical cannabis device as needed to assist the cardholder in administering the
 1462 recommended medical cannabis treatment.

1463 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may
 1464 not:

1465 (A) ingest or inhale medical cannabis;

1466 (B) possess, transport, or handle medical cannabis or a medical cannabis device
 1467 outside of the immediate area where the cardholder is present or with an intent
 1468 other than to provide assistance to the cardholder; or

1469 (C) possess, transport, or handle medical cannabis or a medical cannabis device
 1470 when the cardholder is not in the process of being dosed with medical cannabis.

1471 (4) To recommend a medical cannabis treatment to a patient or to renew a recommendation,
 1472 a recommending medical provider shall:

1473 (a) visit with the patient face-to-face for an initial recommendation unless the patient:

1474 (i) prefers a virtual visit; and

1475 (ii)(A) is on hospice or has a terminal illness according to the patient's medical
 1476 provider; or

1477 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or
 1478 a nursing care facility, as defined in Section 26B-2-201;

1479 (b) before recommending or renewing a recommendation for medical cannabis in a
 1480 medicinal dosage form or a cannabis product in a medicinal dosage form:

1481 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
 1482 guardian's government issued photo identification described in Subsection (3)(a);

1483 (ii) review any record related to the patient and, for a minor patient, the patient's
 1484 parent or legal guardian ~~[in:]~~ accessible to the recommending medical provider
 1485 including in the controlled substance database created in Section 58-37f-201; and

1486 ~~[(A) for a qualified medical provider, the state electronic verification system; and]~~

1487 ~~[(B) the controlled substance database created in Section 58-37f-201; and]~~

1488 (iii) consider the recommendation in light of the patient's qualifying condition,
 1489 history of substance use or opioid use disorder, and history of medical cannabis
 1490 and controlled substance use during a visit with the patient; and

1491 (c) state in the recommending medical provider's recommendation that the patient:

1492 (i) suffers from a qualifying condition, including the type of qualifying condition; and

- 1493 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a
1494 cannabis product in a medicinal dosage form.
- 1495 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
1496 department issues under this section is valid for the lesser of:
- 1497 (i) an amount of time that the recommending medical provider determines; or
1498 (ii) one year from the day the card is issued.
- 1499 (b)(i) A medical cannabis card that the department issues in relation to a terminal
1500 illness described in Section 26B-4-203 expires after one year.
- 1501 (ii) The recommending medical provider may revoke a recommendation that the
1502 provider made in relation to a terminal illness described in Section 26B-4-203 if
1503 the medical cannabis cardholder no longer has the terminal illness.
- 1504 (c) A medical cannabis card that the department issues in relation to acute pain as
1505 described in Section 26B-4-203 expires 30 days after the day on which the
1506 department first issues a conditional or full medical cannabis card.
- 1507 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable
1508 if:
- 1509 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
1510 or (b); or
- 1511 (ii) the cardholder received the medical cannabis card through the recommendation of
1512 the Compassionate Use Board under Section 26B-1-421.
- 1513 (b) The recommending medical provider who made the underlying recommendation for
1514 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
1515 card through phone or video conference with the cardholder, at the recommending
1516 medical provider's discretion.
- 1517 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
1518 shall pay to the department a renewal fee in an amount that:
- 1519 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with
1520 Section 63J-1-504; and
- 1521 (ii) may not exceed the cost of the relatively lower administrative burden of renewal
1522 in comparison to the original application process.
- 1523 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1524 patient card renews automatically at the time the minor's parent or legal guardian
1525 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1526 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis

- 1527 card with the patient's name.
- 1528 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
1529 purchase, in accordance with this part and the recommendation underlying the
1530 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
1531 dosage form, or a medical cannabis device.
- 1532 (ii) A cardholder under this section may possess or transport, in accordance with this
1533 part and the recommendation underlying the card, cannabis in a medicinal dosage
1534 form, a cannabis product in a medicinal dosage form, or a medical cannabis
1535 device.
- 1536 (iii) To address the qualifying condition underlying the medical cannabis treatment
1537 recommendation:
- 1538 (A) a medical cannabis patient cardholder or a provisional patient cardholder may
1539 use medical cannabis or a medical cannabis device; and
- 1540 (B) a medical cannabis guardian cardholder may assist the associated provisional
1541 patient cardholder with the use of medical cannabis or a medical cannabis
1542 device.
- 1543 (8)(a) The department may revoke a medical cannabis card that the department issues
1544 under this section if:
- 1545 (i) the recommending medical provider withdraws the medical provider's
1546 recommendation for medical cannabis; or
- 1547 (ii) the cardholder:
- 1548 (A) violates this part; or
- 1549 (B) is convicted under state or federal law of, after March 17, 2021, a drug
1550 distribution offense.
- 1551 (b) The department may not refuse to issue a medical cannabis card to a patient solely
1552 based on a prior revocation under Subsection (8)(a)(i).
- 1553 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
1554 Administrative Rulemaking Act, a process to provide information regarding the
1555 following to an individual receiving a medical cannabis card:
- 1556 (a) risks associated with medical cannabis treatment;
- 1557 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1558 medical cannabis treatment is an effective treatment or cure for that condition, as
1559 described in Subsection 26B-4-203(1); and
- 1560 (c) other relevant warnings and safety information that the department determines.

- 1561 (10) The department may establish procedures by rule, in accordance with Title 63G,
1562 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
1563 issuance provisions of this section.
- 1564 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1565 Utah Administrative Rulemaking Act, a process to allow an individual from another
1566 state to register with the department in order to purchase medical cannabis or a
1567 medical cannabis device from a medical cannabis pharmacy while the individual is
1568 visiting the state.
- 1569 (b) The department may only provide the registration process described in Subsection
1570 (11)(a):
- 1571 (i) to a nonresident patient; and
1572 (ii) for no more than two visitation periods per calendar year of up to 21 calendar
1573 days per visitation period.
- 1574 (12)(a) A person may submit to the department a request to conduct a research study
1575 using medical cannabis cardholder data that the state electronic verification system
1576 contains.
- 1577 (b) The department shall review a request described in Subsection (12)(a) to determine
1578 whether an institutional review board, as that term is defined in Section 26B-4-201,
1579 could approve the research study.
- 1580 (c) At the time an individual applies for a medical cannabis card, the department shall
1581 notify the individual:
- 1582 (i) of how the individual's information will be used as a cardholder;
1583 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1584 consent under Subsection (12)(d), the individual consents to the use of the
1585 individual's information for external research; and
1586 (iii) that the individual may withdraw consent for the use of the individual's
1587 information for external research at any time, including at the time of application.
- 1588 (d) An applicant may, through the medical cannabis card application, and a medical
1589 cannabis cardholder may, through the state central patient portal, withdraw the
1590 applicant's or cardholder's consent to participate in external research at any time.
- 1591 (e) The department may release, for the purposes of a study described in this Subsection
1592 (12), information about a cardholder under this section who consents to participate
1593 under Subsection (12)(c).
- 1594 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of

1595 consent:

1596 (i) applies to external research that is initiated after the withdrawal of consent; and

1597 (ii) does not apply to research that was initiated before the withdrawal of consent.

1598 (g) The department may establish standards for a medical research study's validity, by
1599 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1600 Act.

1601 (13) The department shall record the issuance or revocation of a medical cannabis card
1602 under this section in the controlled substance database.

1603 Section 12. Section **26B-4-214** is amended to read:

1604 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1605 **Revocation.**

1606 (1)(a) A cardholder described in Section 26B-4-213 may designate, through the state
1607 central patient portal, up to two individuals, or an individual and a facility in
1608 accordance with Subsection (1)(b), to serve as a designated caregiver for the
1609 cardholder.

1610 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
1611 following types of facilities as one of the caregivers described in Subsection (1)(a):

1612 (A) for a patient or resident, an assisted living facility, as that term is defined in
1613 Section 26B-2-201;

1614 (B) for a patient or resident, a nursing care facility, as that term is defined in
1615 Section 26B-2-201; or

1616 (C) for a patient, a general acute hospital, as that term is defined in Section
1617 26B-2-201.

1618 (ii) A facility may:

1619 (A) assign one or more employees to assist patients with medical cannabis
1620 treatment under the caregiver designation described in this Subsection (1)(b);
1621 and

1622 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1623 medical cannabis courier on behalf of the medical cannabis cardholder within
1624 the facility who designated the facility as a caregiver.

1625 (iii) The department shall make rules to regulate the practice of facilities and facility
1626 employees serving as designated caregivers under this Subsection (1)(b).

1627 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
1628 with the minor and the minor's [~~qualified medical provider~~] recommending medical

1629 provider, may designate, through the state central patient portal, up to two individuals
1630 to serve as a designated caregiver for the minor, if the department determines that the
1631 parent or legal guardian is not eligible for a medical cannabis guardian card under
1632 Section 26B-4-213.

1633 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient
1634 with a terminal illness described in Section 26B-4-203, the department shall issue
1635 to the designated caregiver an electronic conditional medical cannabis caregiver
1636 card, in accordance with this Subsection (1)(d).

1637 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

1638 (A) 60 days; or

1639 (B) the day on which the department completes the department's review and issues
1640 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
1641 medical cannabis caregiver card application, or revokes the conditional
1642 medical cannabis caregiver card under 26B-4-246.

1643 (iii) The department may issue a conditional medical cannabis card to an individual
1644 applying for a medical cannabis patient card for which approval of the
1645 Compassionate Use Board is not required.

1646 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1647 obligations under law applicable to a holder of the medical cannabis card for
1648 which the individual applies and for which the department issues the conditional
1649 medical cannabis card.

1650 (2) An individual that the department registers as a designated caregiver under this section
1651 and a facility described in Subsection (1)(b):

1652 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1653 card;

1654 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
1655 the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1656 dosage form, or a medical cannabis device on behalf of the designating medical
1657 cannabis cardholder;

1658 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1659 or for a service that the designated caregiver provides in relation to the role as a
1660 designated caregiver; and

1661 (d) may accept reimbursement from the designating medical cannabis cardholder for
1662 direct costs the designated caregiver incurs for assisting with the designating

- 1663 cardholder's medicinal use of cannabis.
- 1664 (3)(a) The department shall:
- 1665 (i) within 15 days after the day on which an individual submits an application in
1666 compliance with this section, issue a medical cannabis card to the applicant if the
1667 applicant:
- 1668 (A) is designated as a caregiver under Subsection (1);
1669 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1670 (C) complies with this section; and
- 1671 (ii) notify the Department of Public Safety of each individual that the department
1672 registers as a designated caregiver.
- 1673 (b) The department shall ensure that a medical cannabis caregiver card contains the
1674 information described in Subsections (5)(b) and (3)(c)(i).
- 1675 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
1676 caregiver who already holds a medical cannabis caregiver card, the individual with
1677 the medical cannabis caregiver card:
- 1678 (i) shall report to the department the information required of applicants under
1679 Subsection (5)(b) regarding the new designation;
1680 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1681 to file an application for another medical cannabis caregiver card;
1682 (iii) may receive an additional medical cannabis caregiver card in relation to each
1683 additional medical cannabis patient who designates the caregiver; and
1684 (iv) is not subject to an additional background check.
- 1685 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1686 (a) is at least 21 years old;
1687 (b) is a Utah resident;
1688 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
1689 the department sets in accordance with Section 63J-1-504, plus the cost of the
1690 criminal background check described in Section 26B-4-215;
1691 (d) signs an acknowledgment stating that the applicant received the information
1692 described in Subsection 26B-4-213(9) .
- 1693 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1694 (a) submit an application for a medical cannabis caregiver card to the department
1695 through an electronic application connected to the state electronic verification
1696 system; and

- 1697 (b) submit the following information in the application described in Subsection (5)(a):
 1698 (i) the applicant's name, gender, age, and address;
 1699 (ii) the name, gender, age, and address of the cardholder described in Section
 1700 26B-4-213 who designated the applicant;
 1701 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
 1702 gender, and age of the minor receiving a medical cannabis treatment in relation to
 1703 the medical cannabis guardian cardholder; and
 1704 (iv) any additional information that the department requests to assist in matching the
 1705 application with the designating medical cannabis patient.
- 1706 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
 1707 department issues under this section is valid for the lesser of:
 1708 (a) an amount of time that the cardholder described in Section 26B-4-213 who
 1709 designated the caregiver determines; or
 1710 (b) the amount of time remaining before the card of the cardholder described in Section
 1711 26B-4-213 expires.
- 1712 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
 1713 caregiver's medical cannabis caregiver card renews automatically at the time the
 1714 cardholder described in Section 26B-4-213 who designated the caregiver:
 1715 (i) renews the cardholder's card; and
 1716 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1717 (b) The department shall provide a method in the card renewal process to allow a
 1718 cardholder described in Section 26B-4-213 who has designated a caregiver to:
 1719 (i) signify that the cardholder renews the caregiver's designation;
 1720 (ii) remove a caregiver's designation; or
 1721 (iii) designate a new caregiver.
- 1722 (8) The department shall record the issuance or revocation of a medical cannabis card under
 1723 this section in the controlled substance database.
- 1724 Section 13. Section **26B-4-231** is amended to read:
 1725 **26B-4-231 . Partial filling -- Pharmacy medical provider directions of use.**
- 1726 (1) As used in this section, "partially fill" means to provide less than the full amount of
 1727 cannabis or cannabis product that the recommending medical provider recommends, if
 1728 the recommending medical provider recommended specific dosing guidelines.
- 1729 (2) A pharmacy medical provider may partially fill a recommendation for a medical
 1730 cannabis treatment at the request of the recommending medical provider who issued the

- 1731 medical cannabis treatment recommendation or the medical cannabis cardholder.
- 1732 (3) The department shall make rules, in collaboration with the Division of Professional
1733 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1734 Administrative Rulemaking Act, specifying how to record the date, quantity supplied,
1735 and quantity remaining of a partially filled medical cannabis treatment recommendation.
- 1736 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical
1737 cannabis cardholder, determine different dosing guidelines, subject to the dosing limits
1738 in Subsection 4-41a-1102(2), to fill the quantity remaining of a partially filled medical
1739 cannabis treatment recommendation if:
- 1740 (a) the pharmacy medical provider determined dosing guidelines for the partial fill under
1741 Subsection 4-41a-1102(5) or (6); and
- 1742 (b) the medical cannabis cardholder reports that:
- 1743 (i) the partial fill did not substantially affect the qualifying condition underlying the
1744 medical cannabis recommendation; or
- 1745 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
1746 unable to successfully use the partial fill.
- 1747 (5) If a recommending medical provider recommends treatment with medical cannabis but
1748 wishes for the pharmacy medical provider to determine directions of use and dosing
1749 guidelines:
- 1750 (a) the recommending medical provider shall provide to the pharmacy medical provider,
1751 either through the state electronic verification system or through a medical cannabis
1752 pharmacy's recording of a recommendation under the order of a [~~limited medical~~
1753 ~~provider~~] recommending medical provider, any of the following information that the
1754 recommending medical provider feels would be needed to provide appropriate
1755 directions of use and dosing guidelines:
- 1756 (i) information regarding the qualifying condition underlying the recommendation;
1757 (ii) information regarding prior treatment attempts with medical cannabis; and
1758 (iii) portions of the patient's current medication list; and
- 1759 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
1760 pharmacy medical provider shall:
- 1761 (i) review pertinent medical records, including the recommending medical provider
1762 documentation described in Subsection (5)(a); and
- 1763 (ii) after completing the review described in Subsection (5)(b)(i) and consulting with
1764 the recommending medical provider as needed, determine the best course of

- 1765 treatment through consultation with the cardholder regarding:
- 1766 (A) the patient's qualifying condition underlying the recommendation from the
- 1767 recommending medical provider;
- 1768 (B) indications for available treatments;
- 1769 (C) directions of use and dosing guidelines; and
- 1770 (D) potential adverse reactions.

1771 Section 14. Section **26B-4-245** is amended to read:

1772 **26B-4-245 . Purchasing and use limitations.**

- 1773 (1) An individual with a medical cannabis card:
- 1774 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1775 (i) unprocessed cannabis in a medicinal dosage form; and
- 1776 (ii) a cannabis product in a medicinal dosage form;
- 1777 (b) may not purchase:
- 1778 (i) except as provided in Subsection (2), more medical cannabis than described in
- 1779 Subsection (1)(a); or
- 1780 (ii) if the relevant recommending medical provider did not recommend directions of
- 1781 use and dosing guidelines, until the individual consults with the pharmacy medical
- 1782 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and
- 1783 (c) may not use a route of administration that the relevant recommending medical
- 1784 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231
- 1785 (5), has not recommended.
- 1786 (2)(a) A [~~qualified medical provider~~] recommending medical provider may petition the
- 1787 department to waive the 28-day period limit described in Subsection (1)(a) for a
- 1788 medical cannabis cardholder if the medical cannabis cardholder:
- 1789 (i) has been diagnosed with a terminal illness;
- 1790 (ii) has a life expectancy of six months or less; and
- 1791 (iii) needs the waiver for palliative purposes.
- 1792 (b) The department shall:
- 1793 (i) consult with the Compassionate Use Board to determine whether the waiver
- 1794 should be granted;
- 1795 (ii) issue a response to the petition within 10 days from the day on which the petition
- 1796 is received.
- 1797 (c) The department may waive the 28-day period limit for no more than 180 days.
- 1798 (d) A petition described in this Subsection (2) may be combined with the petition

1799 described in Subsection 26B-1-421(6).

1800 Section 15. Section **58-1-513** is enacted to read:

1801 **58-1-513 . Recommending medical provider cannabis advertisement -- Payment**
1802 **restriction -- Unprofessional conduct.**

1803 (1) As used in this section:

1804 (a) "Recommending medical provider" means the same as that term is defined in Section
1805 26B-4-201.

1806 (b) "Targeted marketing" means the same as that term is defined in Section 26B-4-201.

1807 (2)(a) Except as provided in Subsections (2)(b) and (c), a person may not advertise that
1808 the person or the person's employee recommends a medical cannabis treatment.

1809 (b) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical
1810 provider, medical clinic, or medical office that employs a recommending medical
1811 provider may advertise only the following:

1812 (i) a green cross;

1813 (ii) the provider's or clinic's name and logo;

1814 (iii) a qualifying condition that the individual treats;

1815 (iv) that the recommending medical provider, medical clinic, or medical office
1816 evaluates patients for medical cannabis recommendations;

1817 (v) a scientific study regarding medical cannabis use; or

1818 (vi) contact information.

1819 (c) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical
1820 provider, medical clinic, or medical office that employs a recommending medical
1821 provider may engage in targeted marketing, as determined by the Department of
1822 Health and Human Services through rule, for advertising medical cannabis
1823 recommendation services.

1824 (3)(a) A recommending medical provider may not:

1825 (i) receive any compensation or benefit for the recommending medical provider's
1826 medical cannabis treatment recommendation from:

1827 (A) a cannabis production establishment or an owner, officer, director, board
1828 member, employee, or agent of a cannabis production establishment;

1829 (B) a medical cannabis pharmacy or an owner, officer, director, board member,
1830 employee, or agent of a medical cannabis pharmacy; or

1831 (C) a recommending medical provider or pharmacy medical provider; or

1832 (ii) provide a medical cannabis recommendation at a medical clinic or medical office

1833 that is violating the advertising limitations described in Subsection (2).

1834 (b) A violation of Subsection (3)(a) is unprofessional conduct.

1835 Section 16. Section **58-5a-102** is amended to read:

1836 **58-5a-102 . Definitions.**

1837 In addition to the definitions under Section 58-1-102, as used in this chapter:

1838 (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.

1839 (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.

1840 (3) "Indirect supervision" means the same as that term is defined by the division by rule
1841 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1842 (4) "Medical assistant" means an unlicensed individual working under the indirect
1843 supervision of a licensed podiatric physician and engaging in specific tasks assigned by
1844 the licensed podiatric physician in accordance with the standards and ethics of the
1845 podiatry profession.

1846 (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment
1847 of conditions affecting the human foot and ankle and their manifestations of systemic
1848 conditions, and wound debridement on the limbs and torso, by all appropriate and lawful
1849 means.

1850 (6) "Unlawful conduct" includes:

1851 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and

1852 (b) for an individual who is not licensed under this chapter:

1853 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot
1854 doctor, foot specialist, or D.P.M.; or

1855 (ii) implying or representing that the individual is qualified to practice podiatry.

1856 (7)(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:

1857 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;

1858 (ii) communicating to a third party, without the consent of the patient, information
1859 the individual acquires in treating the patient, except as necessary for professional
1860 consultation regarding treatment of the patient;

1861 (iii) allowing the individual's name or license to be used by an individual who is not
1862 licensed to practice podiatry under this chapter;

1863 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
1864 unlicensed individual to practice podiatry;

1865 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
1866 impairs the individual's ability to practice podiatry;

- 1867 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including
 1868 controlled substances, as defined in Section 58-37-2;
- 1869 (vii) gross incompetency in the practice of podiatry;
- 1870 (viii) willfully and intentionally making a false statement or entry in hospital records,
 1871 medical records, or reports;
- 1872 (ix) willfully making a false statement in reports or claim forms to governmental
 1873 agencies or insurance companies with the intent to secure payment not rightfully
 1874 due;
- 1875 (x) willfully using false or fraudulent advertising;
- 1876 (xi) conduct the division defines as unprofessional conduct by rule made in
 1877 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1878 (xii) falsely making an entry in, or altering, a medical record with the intent to
 1879 conceal:
- 1880 (A) a wrongful or negligent act or omission of an individual licensed under this
 1881 chapter or an individual under the direction or control of an individual licensed
 1882 under this chapter; or
- 1883 (B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection 58-1-501
 1884 (1); or
- 1885 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid
 1886 Research and Medical Cannabis.
- 1887 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
 1888 Part 2, Cannabinoid Research and Medical Cannabis, when ~~[registered as a~~
 1889 ~~qualified medical provider or acting as a limited medical provider, as those terms are]~~
 1890 acting as a recommending medical provider, as that term is defined in Section
 1891 26B-4-201, recommending the use of medical cannabis within the scope of a practice
 1892 of podiatry.
- 1893 Section 17. Section **58-31b-305** is amended to read:
- 1894 **58-31b-305 . Term of license -- Expiration -- Renewal.**
- 1895 (1)(a) The division shall issue each license or certification under this chapter in
 1896 accordance with a two-year renewal cycle established by rule.
- 1897 (b) The division may by rule extend or shorten a renewal period by as much as one year
 1898 to stagger the renewal cycles the division administers.
- 1899 (2) The division shall renew the license of a licensee who, at the time of renewal:
- 1900 (a) completes and submits an application for renewal in a form prescribed by the

- 1901 division;
- 1902 (b) pays a renewal fee established by the division under Section 63J-1-504;
- 1903 (c) views a suicide prevention video described in Section 58-1-601 and submits proof in
- 1904 the form required by the division; and
- 1905 (d) meets continuing competency requirements as established by rule.
- 1906 (3) In addition to the renewal requirements under Subsection (2), a person licensed as an
- 1907 advanced practice registered nurse shall be currently certified by a program approved by
- 1908 the division in collaboration with the board and submit evidence satisfactory to the
- 1909 division of that qualification or if licensed prior to July 1, 1992, meet the requirements
- 1910 established by rule.
- 1911 (4) In addition to the requirements described in Subsections (2) and (3), an advanced
- 1912 practice registered nurse licensee specializing in psychiatric mental health nursing who,
- 1913 as of the day on which the division originally issued the licensee's license had not
- 1914 completed the division's clinical practice requirements in psychiatric and mental health
- 1915 nursing, shall, to qualify for renewal:
- 1916 (a) if renewing less than two years after the day on which the division originally issued
- 1917 the license, demonstrate satisfactory progress toward completing the clinical practice
- 1918 requirements; or
- 1919 (b) have completed the clinical practice requirements.
- 1920 (5) Each license or certification automatically expires on the expiration date shown on the
- 1921 license or certification unless renewed in accordance with Section 58-1-308.
- 1922 [~~(6) The division shall accept and apply toward an hour requirement that the division~~
- 1923 ~~establishes under Subsection (2)(d) continuing education that an advanced practice~~
- 1924 ~~registered nurse completes in accordance with Section 26B-4-204.]~~
- 1925 Section 18. Section **58-31b-502** is amended to read:
- 1926 **58-31b-502 . Unprofessional conduct.**
- 1927 (1) "Unprofessional conduct" includes:
- 1928 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
- 1929 diagnosis, personal effects, or any other matter about which the licensee is privileged
- 1930 to know because of the licensee's or person with a certification's position or practice
- 1931 as a nurse or practice as a medication aide certified;
- 1932 (b) failure to provide nursing service or service as a medication aide certified in a
- 1933 manner that demonstrates respect for the patient's human dignity and unique personal
- 1934 character and needs without regard to the patient's race, religion, ethnic background,

- 1935 socioeconomic status, age, sex, or the nature of the patient's health problem;
- 1936 (c) engaging in sexual relations with a patient during any:
- 1937 (i) period when a generally recognized professional relationship exists between the
- 1938 person licensed or certified under this chapter and the patient; or
- 1939 (ii) extended period when a patient has reasonable cause to believe a professional
- 1940 relationship exists between the person licensed or certified under the provisions of
- 1941 this chapter and the patient;
- 1942 (d)(i) as a result of any circumstance under Subsection (1)(c), exploiting or using
- 1943 information about a patient or exploiting the licensee's or the person with a
- 1944 certification's professional relationship between the licensee or holder of a
- 1945 certification under this chapter and the patient; or
- 1946 (ii) exploiting the patient by use of the licensee's or person with a certification's
- 1947 knowledge of the patient obtained while acting as a nurse or a medication aide
- 1948 certified;
- 1949 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
- 1950 (f) unauthorized taking or personal use of nursing supplies from an employer;
- 1951 (g) unauthorized taking or personal use of a patient's personal property;
- 1952 (h) unlawful or inappropriate delegation of nursing care;
- 1953 (i) failure to exercise appropriate supervision of persons providing patient care services
- 1954 under supervision of the licensed nurse;
- 1955 (j) employing or aiding and abetting the employment of an unqualified or unlicensed
- 1956 person to practice as a nurse;
- 1957 (k) failure to file or record any medical report as required by law, impeding or
- 1958 obstructing the filing or recording of such a report, or inducing another to fail to file
- 1959 or record such a report;
- 1960 (l) breach of a statutory, common law, regulatory, or ethical requirement of
- 1961 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 1962 (m) failure to pay a penalty imposed by the division;
- 1963 (n) violating Section 58-31b-801;
- 1964 (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8,
- 1965 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
- 1966 Pharmacy, if applicable;
- 1967 (p) performing or inducing an abortion in violation of the requirements of Section
- 1968 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified

- 1969 under the provisions of this chapter is found guilty of a crime in connection with the
 1970 violation;
- 1971 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:
 1972 (i) a wrongful or negligent act or omission of an individual licensed under this
 1973 chapter or an individual under the direction or control of an individual licensed
 1974 under this chapter; or
 1975 (ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);
 1976 (r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 1977 Medical Cannabis; or
 1978 (s) for an advance practice registered nurse, designating a child as do not resuscitate
 1979 without parental consent.
- 1980 (2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
 1981 Part 2, Cannabinoid Research and Medical Cannabis, when [~~registered as a qualified~~
 1982 ~~medical provider, or acting as a limited medical provider, as those terms are]~~ acting as a
 1983 recommending medical provider, as that term is defined in Section 26B-4-201,
 1984 recommending the use of medical cannabis.
- 1985 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
 1986 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
 1987 define unprofessional conduct for an advanced practice registered nurse described in
 1988 Subsection (2).
- 1989 Section 19. Section **58-67-304** is amended to read:
 1990 **58-67-304 . License renewal requirements.**
- 1991 (1) As a condition precedent for license renewal, each licensee shall, during each two-year
 1992 licensure cycle or other cycle defined by division rule:
 1993 (a) complete qualified continuing professional education requirements in accordance
 1994 with the number of hours and standards defined by division rule made in
 1995 collaboration with the board;
 1996 (b) appoint a contact person for access to medical records and an alternate contact
 1997 person for access to medical records in accordance with Subsection 58-67-302(1)(i);
 1998 (c) if the licensee practices medicine in a location with no other persons licensed under
 1999 this chapter, provide some method of notice to the licensee's patients of the identity
 2000 and location of the contact person and alternate contact person for the licensee; and
 2001 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
 2002 successfully complete the educational methods and programs described in Subsection

- 2003 58-67-807(4).
- 2004 (2) If a renewal period is extended or shortened under Section 58-67-303, the continuing
2005 education hours required for license renewal under this section are increased or
2006 decreased proportionally.
- 2007 (3)(a) An application to renew a license under this chapter shall:
- 2008 (i) require a physician to answer the following question: "Do you perform elective
2009 abortions in Utah in a location other than a hospital?"; and
- 2010 (ii) immediately following the question, contain the following statement: "For
2011 purposes of the immediately preceding question, elective abortion means an
2012 abortion other than one of the following: removal of a dead fetus, removal of an
2013 ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an
2014 abortion that is necessary to avert a serious physical risk of substantial impairment
2015 of a major bodily function of a woman, an abortion of a fetus that has a defect that
2016 is uniformly diagnosable and uniformly lethal, or an abortion where the woman is
2017 pregnant as a result of rape or incest."
- 2018 (b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure
2019 compliance with the definitions and requirements of Title 76, Chapter 7, Part 3,
2020 Abortion, and Title 76, Chapter 7a, Abortion Prohibition.
- 2021 (4) In order to assist the Department of Health and Human Services in fulfilling the
2022 department's responsibilities relating to the licensing of a health care facility and the
2023 enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion
2024 Prohibition, if a physician responds positively to the question described in Subsection
2025 (3)(a)(i) the division shall, within 30 days after the day on which the division renews the
2026 physician's license under this chapter, inform the Department of Health and Human
2027 Services in writing:
- 2028 (a) of the name and business address of the physician; and
- 2029 (b) that the physician responded positively to the question described in Subsection
2030 (3)(a)(i).
- 2031 (5) The division shall accept and apply toward the hour requirement in Subsection (1)(a)
2032 any continuing education that a physician completes in accordance with [~~Sections~~
2033 ~~26B-4-204 and~~] Section 26B-4-219.
- 2034 Section 20. Section **58-67-502** is amended to read:
- 2035 **58-67-502 . Unprofessional conduct.**
- 2036 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- 2037 (a) using or employing the services of any individual to assist a licensee in any manner
 2038 not in accordance with the generally recognized practices, standards, or ethics of the
 2039 profession, state law, or division rule;
- 2040 (b) making a material misrepresentation regarding the qualifications for licensure under
 2041 Section 58-67-302.7 or 58-67-302.8;
- 2042 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
 2043 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 2044 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 2045 Medical Cannabis;
- 2046 (e) performing or inducing an abortion in violation of the requirements of Section
 2047 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
 2048 this chapter is found guilty of a crime in connection with the violation;
- 2049 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2050 (i) a wrongful or negligent act or omission of an individual licensed under this
 2051 chapter or an individual under the direction or control of an individual licensed
 2052 under this chapter; or
- 2053 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2054 (g) performing, or causing to be performed, upon an individual who is less than 18 years
 2055 old:
- 2056 (i) a primary sex characteristic surgical procedure; or
 2057 (ii) a secondary sex characteristic surgical procedure; or
- 2058 (h) designating a child as do not resuscitate without parental consent.
- 2059 (2) "Unprofessional conduct" does not include:
- 2060 (a) in compliance with Section 58-85-103:
- 2061 (i) obtaining an investigational drug or investigational device;
 2062 (ii) administering the investigational drug to an eligible patient; or
 2063 (iii) treating an eligible patient with the investigational drug or investigational device;
 2064 or
- 2065 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 2066 Cannabis:
- 2067 (i) when [~~registered as a qualified medical provider or acting as a limited medical~~
 2068 ~~provider, as those terms are-~~] acting as a recommending medical provider, as that
 2069 term is defined in Section 26B-4-201, recommending the use of medical cannabis;
 2070 or

- 2071 (ii) when registered as a pharmacy medical provider, as that term is defined in
2072 Section 26B-4-201, providing pharmacy medical provider services in a medical
2073 cannabis pharmacy.
- 2074 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
2075 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
2076 define unprofessional conduct for a physician described in Subsection (2)(b).
2077 Section 21. Section **58-68-304** is amended to read:
2078 **58-68-304 . License renewal requirements.**
- 2079 (1) As a condition precedent for license renewal, each licensee shall, during each two-year
2080 licensure cycle or other cycle defined by division rule:
- 2081 (a) complete qualified continuing professional education requirements in accordance
2082 with the number of hours and standards defined by division rule in collaboration with
2083 the board;
- 2084 (b) appoint a contact person for access to medical records and an alternate contact
2085 person for access to medical records in accordance with Subsection 58-68-302(1)(i);
2086 (c) if the licensee practices osteopathic medicine in a location with no other persons
2087 licensed under this chapter, provide some method of notice to the licensee's patients
2088 of the identity and location of the contact person and alternate contact person for
2089 access to medical records for the licensee in accordance with Subsection
2090 58-68-302(1)(j); and
- 2091 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
2092 successfully complete the educational methods and programs described in Subsection
2093 58-68-807(4).
- 2094 (2) If a renewal period is extended or shortened under Section 58-68-303, the continuing
2095 education hours required for license renewal under this section are increased or
2096 decreased proportionally.
- 2097 (3)(a) An application to renew a license under this chapter shall:
- 2098 (i) require a physician to answer the following question: "Do you perform elective
2099 abortions in Utah in a location other than a hospital?"; and
- 2100 (ii) immediately following the question, contain the following statement: "For
2101 purposes of the immediately preceding question, elective abortion means an
2102 abortion other than one of the following: removal of a dead fetus, removal of an
2103 ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an
2104 abortion that is necessary to avert a serious physical risk of substantial impairment

2105 of a major bodily function of a woman, an abortion of a fetus that has a defect that
 2106 is uniformly diagnosable and uniformly lethal, or an abortion where the woman is
 2107 pregnant as a result of rape or incest."

2108 (b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure
 2109 compliance with the definitions and requirements of Title 76, Chapter 7, Part 3,
 2110 Abortion, and Title 76, Chapter 7a, Abortion Prohibition.

2111 (4) In order to assist the Department of Health and Human Services in fulfilling the
 2112 department's responsibilities relating to the licensing of a health care facility and the
 2113 enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion
 2114 Prohibition, if a physician responds positively to the question described in Subsection
 2115 (3)(a)(i), the division shall, within 30 days after the day on which it renews the
 2116 physician's license under this chapter, inform the Department of Health and Human
 2117 Services in writing:

2118 (a) of the name and business address of the physician; and

2119 (b) that the physician responded positively to the question described in Subsection
 2120 (3)(a)(i).

2121 (5) The division shall accept and apply toward the hour requirement in Subsection (1)(a)
 2122 any continuing education that a physician completes in accordance with [~~Sections~~
 2123 ~~26B-4-204 and~~] Section 26B-4-219.

2124 Section 22. Section **58-68-502** is amended to read:

2125 **58-68-502 . Unprofessional conduct.**

2126 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

2127 (a) using or employing the services of any individual to assist a licensee in any manner
 2128 not in accordance with the generally recognized practices, standards, or ethics of the
 2129 profession, state law, or division rule;

2130 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
 2131 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2132 (c) making a material misrepresentation regarding the qualifications for licensure under
 2133 Section 58-68-302.5;

2134 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 2135 Medical Cannabis;

2136 (e) performing or inducing an abortion in violation of the requirements of Section
 2137 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
 2138 this chapter is found guilty of a crime in connection with the violation;

- 2139 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2140 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2141 chapter or an individual under the direction or control of an individual licensed
- 2142 under this chapter; or
- 2143 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2144 (g) performing or causing to be performed, upon an individual who is less than 18 years
- 2145 old:
- 2146 (i) a primary sex characteristic surgical procedure; or
- 2147 (ii) a secondary sex characteristic surgical procedure; or
- 2148 (h) designating a child as do not resuscitate without parental consent.
- 2149 (2) "Unprofessional conduct" does not include:
- 2150 (a) in compliance with Section 58-85-103:
- 2151 (i) obtaining an investigational drug or investigational device;
- 2152 (ii) administering the investigational drug to an eligible patient; or
- 2153 (iii) treating an eligible patient with the investigational drug or investigational device;
- 2154 or
- 2155 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
- 2156 Cannabis:
- 2157 (i) when [~~registered as a qualified medical provider or acting as a limited medical~~
- 2158 ~~provider, as those terms are]~~ acting as a recommending medical provider, as that
- 2159 term is defined in Section 26B-4-201, recommending the use of medical cannabis;
- 2160 or
- 2161 (ii) when registered as a pharmacy medical provider, as that term is defined in
- 2162 Section 26B-4-201, providing pharmacy medical provider services in a medical
- 2163 cannabis pharmacy.
- 2164 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
- 2165 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2166 define unprofessional conduct for a physician described in Subsection (2)(b).
- 2167 Section 23. Section **58-70a-303** is amended to read:
- 2168 **58-70a-303 . Term of license -- Expiration -- Renewal.**
- 2169 (1)(a) The division shall issue each license under this chapter in accordance with a
- 2170 two-year renewal cycle established by division rule.
- 2171 (b) The division may by rule extend or shorten a renewal period by as much as one year
- 2172 to stagger the renewal cycles it administers.

2173 (2) At the time of renewal, the licensee shall show compliance with continuing education
2174 renewal requirements.

2175 (3) Each license issued under this chapter expires on the expiration date shown on the
2176 license unless renewed in accordance with Section 58-1-308.

2177 [~~(4) The division shall accept and apply toward an hour requirement that the division
2178 establishes under Subsection (2) continuing education that a physician assistant
2179 completes in accordance with Section 26B-4-204.~~]

2180 Section 24. Section **58-70a-503** is amended to read:

2181 **58-70a-503 . Unprofessional conduct.**

2182 (1) "Unprofessional conduct" includes:

2183 (a) violation of a patient confidence to any person who does not have a legal right and a
2184 professional need to know the information concerning the patient;

2185 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
2186 or offering to prescribe, sell, furnish, give away, or administer any prescription drug
2187 except for a legitimate medical purpose upon a proper diagnosis indicating use of that
2188 drug in the amounts prescribed or provided;

2189 (c) prescribing prescription drugs for oneself or administering prescription drugs to
2190 oneself, except those that have been legally prescribed for the physician assistant by a
2191 licensed practitioner and that are used in accordance with the prescription order for
2192 the condition diagnosed;

2193 (d) in a practice that has physician assistant ownership interests, failure to allow a
2194 physician the independent final decision making authority on treatment decisions for
2195 the physician's patient;

2196 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2197 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2198 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:

2199 (i) a wrongful or negligent act or omission of an individual licensed under this
2200 chapter or an individual under the direction or control of an individual licensed
2201 under this chapter; or

2202 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);

2203 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
2204 Medical Cannabis; or

2205 (h) designating a child as do not resuscitate without parental consent.

2206 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter

2207 4, Part 2, Cannabinoid Research and Medical Cannabis, when [~~registered as a~~
 2208 ~~qualified medical provider or acting as a limited medical provider, as those terms are]~~
 2209 acting as a recommending medical provider, as that term is defined in Section
 2210 26B-4-201, recommending the use of medical cannabis.

2211 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in
 2212 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
 2213 define unprofessional conduct for a physician assistant described in Subsection (2)(a).

2214 Section 25. Section **80-4-109** is amended to read:

2215 **80-4-109 . Consideration of cannabis during proceedings.**

2216 (1) As used in this section:

- 2217 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 2218 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 2219 (c)(i) "Chronic" means repeated or patterned.
- 2220 (ii) "Chronic" does not mean an isolated incident.
- 2221 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- 2222 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- 2223 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 2224 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
 2225 26B-4-201.
- 2226 (h) "[~~Qualified~~] Recommending medical provider" means the same as that term is
 2227 defined in Section 26B-4-201.

2228 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
 2229 determination, or otherwise considers an individual's possession or use of medical
 2230 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not
 2231 consider or treat the individual's possession or use any differently than the lawful
 2232 possession or use of any prescribed controlled substance if:

- 2233 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
 2234 Production Establishments and Pharmacies;
- 2235 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or
- 2236 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
 2237 Cannabinoid Research and Medical Cannabis; and
- 2238 (ii) the individual reasonably complies with the directions of use and dosing
 2239 guidelines determined by the individual's [~~qualified medical provider~~]
 2240 recommending medical provider or through a consultation described in Subsection

- 2241 26B-4-230(5).
- 2242 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis
2243 product is not abuse or neglect of a child unless there is evidence showing that:
- 2244 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
2245 because of cannabis being introduced to the child's body in another manner; or
- 2246 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
2247 ingestion of cannabis or chronic introduction of cannabis to the child's body in
2248 another manner.
- 2249 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
2250 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is
2251 not contrary to the best interests of a child if:
- 2252 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
2253 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
2254 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
2255 medical cannabis unreasonably deviates from the directions of use and dosing
2256 guidelines determined by the parent's or guardian's ~~[qualified medical provider]~~
2257 recommending medical provider or through a consultation described in Subsection
2258 26B-4-230(5); or
- 2259 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
2260 Subsection 58-37-3.7(2) or (3).
- 2261 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection
2262 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
2263 cannabis product is contrary to the best interests of a child, if there is evidence showing
2264 a nexus between the parent's or guardian's use of cannabis or a cannabis product and
2265 behavior that would separately constitute abuse or neglect of the child.

2266 Section 26. **Effective Date.**

2267 This bill takes effect on May 7, 2025.