

**Evan J. Vickers** proposes the following substitute bill:

**Medical Cannabis Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Walt Brooks

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**LONG TITLE**

**General Description:**

This bill amends provisions related to medical cannabis.

**Highlighted Provisions:**

This bill:

- ▶ amends surveillance requirements;
- ▶ allows the Cannabis Production Establishment and Pharmacy Licensing Advisory Board (licensing board) to renew or approve medical cannabis courier licenses;
- ▶ allows the licensing board to renew licenses as necessary instead of only in December;
- ▶ amends reporting requirements;
- ▶ limits the number of licenses that the Department of Agriculture and Food (department) may issue for cannabis processing facilities;
- ▶ allows the department to issue letters of concern;
- ▶ removes the requirement that pharmacy and courier agent registration cards include the agent's employer on the card;
- ▶ allows for medical cannabis cardholders to bring their own opaque bag or box to transport medical cannabis from the pharmacy;
- ▶ requires medical cannabis pharmacies and couriers to report a change in ownership at least 45 days before the change occurs;
- ▶ requires qualified medical provider employee proxies to complete a course on health information privacy;
- ▶ removes certain information from the medical cannabis card;
- ▶ repeals provisions related to the Division of Finance and the medical cannabis program;
- ▶ aligns continuing education provisions of qualified medical providers and pharmacy medical providers;
- ▶ authorizes the creation of patient product information inserts;

- 29       ▸ moves the repeal date for the Cannabis Research Review Board earlier one year;
- 30       ▸ extends the repeal date for the Medical Cannabis Governance Structure Working Group;
- 31       ▸ includes a coordination clause with H.B. 21, Criminal Code Recodification and Cross
- 32 References, to align a definition and cross reference; and
- 33       ▸ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35       None

36 **Other Special Clauses:**

37       This bill provides a coordination clause.

38 **Utah Code Sections Affected:**

39 AMENDS:

40       **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

41       **4-41a-103**, as last amended by Laws of Utah 2023, Chapter 327

42       **4-41a-201**, as last amended by Laws of Utah 2024, Chapter 217

43       **4-41a-201.1**, as last amended by Laws of Utah 2024, Chapter 217

44       **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12

45       **4-41a-401**, as last amended by Laws of Utah 2024, Chapter 217

46       **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,  
47 Chapter 1

48       **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

49       **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

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

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

52       **4-41a-1102**, as last amended by Laws of Utah 2024, Chapters 217, 240

53       **4-41a-1106**, as last amended by Laws of Utah 2024, Chapter 217

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

55       **4-41a-1204**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
56 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,  
57 Laws of Utah 2023, Chapter 307

58       **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

59       **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

60       **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240

61       **26B-4-204**, as last amended by Laws of Utah 2024, Chapter 217

62       **26B-4-213**, as last amended by Laws of Utah 2024, Chapters 217, 240

63 **26B-4-219**, as last amended by Laws of Utah 2024, Chapter 507  
 64 **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240  
 65 **26B-4-243**, as enacted by Laws of Utah 2023, Chapter 281  
 66 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
 67 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
 68 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

69 REPEALS:

70 **4-41a-108**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and  
 71 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307  
 72 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and  
 73 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

74 **Utah Code Sections affected by Coordination Clause:**

75 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

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

78 *The following section is affected by a coordination clause at the end of this bill.*

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

80 **4-41a-102 . Definitions.**

81 As used in this chapter:

- 82 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be  
 83 injurious to health, including:  
 84 (a) pesticides;  
 85 (b) heavy metals;  
 86 (c) solvents;  
 87 (d) microbial life;  
 88 (e) artificially derived cannabinoid;  
 89 (f) toxins; or  
 90 (g) foreign matter.
- 91 (2) "Advertise" or "advertising" means information provided by a person in any medium:  
 92 (a) to the public; and  
 93 (b) that is not age restricted to an individual who is at least 21 years old.
- 94 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
 95 Section 26B-1-435.
- 96 (4)(a) "Anticompetitive business practice" [~~means any practice that reduces the amount~~

97 of competition in the medical cannabis market that would be considered an attempt to  
98 monopolize, as defined in Section 76-10-3103] means any practice that is an illegal  
99 anticompetitive activity under Section 76-10-3104.

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

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

103 (A) no longer acting independently; or

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

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

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

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

108 (iii) other conduct outlined in rule.

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

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

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

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

117 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board  
118 created in Section 26B-1-420.

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

120 (8) "Cannabis concentrate" means:

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

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

125 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not  
126 intended to be sold as a cannabis plant product.

127 (10) "Cannabis cultivation facility" means a person that:

128 (a) possesses cannabis;

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

130 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis

- 131 processing facility, or a medical cannabis research licensee.
- 132 (11) "Cannabis cultivation facility agent" means an individual who
- 133 holds a valid cannabis production establishment agent registration card with a cannabis
- 134 cultivation facility designation.
- 135 (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- 136 (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
- 137 a form that is recognizable as a portion of a cannabis plant.
- 138 (14) "Cannabis processing facility" means a person that:
- 139 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 140 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 141 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 142 cannabis or a cannabis extract; and
- 143 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 144 medical cannabis research licensee.
- 145 (15) "Cannabis processing facility agent" means an individual who
- 146 holds a valid cannabis production establishment agent registration card with a cannabis
- 147 processing facility designation.
- 148 (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 149 (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
- 150 processing facility, or an independent cannabis testing laboratory.
- 151 (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
- 152 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 153 (19) "Cannabis production establishment agent registration card" means a registration card
- 154 that the department issues that:
- 155 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 156 (b) designates the type of cannabis production establishment for which an individual is
- 157 authorized to act as an agent.
- 158 (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home
- 159 delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis
- 160 product.
- 161 (21) "Community location" means a public or private elementary or secondary school, a
- 162 church, a public library, a public playground, or a public park.
- 163 (22) "Cultivation space" means, quantified in square feet, the horizontal area in which a
- 164 cannabis cultivation facility cultivates cannabis, including each level of horizontal area

165 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants  
166 above other plants in multiple levels.

167 (23) "Delivery address" means:

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

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

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

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

172 (B) is not a community location; or

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

174 (24) "Department" means the Department of Agriculture and Food.

175 (25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,  
176 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
177 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

178 (26) "Government issued photo identification" means the same as that term is defined in  
179 Section 26B-4-201, including expired identification in accordance with Section  
180 26B-4-244.

181 (27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that  
182 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
183 shipments to a delivery address to fulfill electronic orders that the state central patient  
184 portal facilitates.

185 (28)(a) "Independent cannabis testing laboratory" means a person that:

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

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

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

191 (29) "Independent cannabis testing laboratory agent" means an individual who  
192 holds a valid cannabis production establishment agent registration card with an  
193 independent cannabis testing laboratory designation.

194 (30) "Inventory control system" means a system described in Section 4-41a-103.

195 (31) "Licensing board" or "board" means the Cannabis Production Establishment and  
196 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.

197 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.

198 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.

- 199 (34) "Medical cannabis courier" means a courier that:  
200 (a) the department licenses in accordance with Section 4-41a-1201; and  
201 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical  
202 cannabis shipments to fulfill electronic orders that the state central patient portal  
203 facilitates.
- 204 (35) "Medical cannabis courier agent" means an individual who:  
205 (a) is an employee of a medical cannabis courier; and  
206 (b) who holds a valid medical cannabis courier agent registration card.
- 207 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section  
208 26B-4-201.
- 209 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section  
210 26B-4-201.
- 211 (38) "Medical cannabis research license" means a license that the department issues to a  
212 research university for the purpose of obtaining and possessing medical cannabis for  
213 academic research.
- 214 (39) "Medical cannabis research licensee" means a research university that the department  
215 licenses to obtain and possess medical cannabis for academic research, in accordance  
216 with Section 4-41a-901.
- 217 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home  
218 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery  
219 address to fulfill an electronic medical cannabis order that the state central patient portal  
220 facilitates.
- 221 (41) "Medical cannabis treatment" means the same as that term is defined in Section  
222 26B-4-201.
- 223 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 224 (43) "Patient product information insert" means the same as that term is defined in Section  
225 26B-4-201.
- 226 [(43)] (44) "Pharmacy ownership limit" means an amount equal to 30% of the total number  
227 of medical cannabis pharmacy licenses issued by the department rounded down to the  
228 nearest whole number.
- 229 [(44)] (45) "Pharmacy medical provider" means the same as that term is defined in Section  
230 26B-4-201.
- 231 [(45)] (46) "Qualified medical provider" means the same as that term is defined in Section  
232 26B-4-201.

233 [~~(46)~~] (47) "Qualified Production Enterprise Fund" means the fund created in Section  
234 4-41a-104.

235 [~~(47)~~] (48) "Recommending medical provider" means the same as that term is defined in  
236 Section 26B-4-201.

237 [~~(48)~~] (49) "Research university" means the same as that term is defined in Section  
238 53B-7-702 and a private, nonprofit college or university in the state that:

239 (a) is accredited by the Northwest Commission on Colleges and Universities;  
240 (b) grants doctoral degrees; and  
241 (c) has a laboratory containing or a program researching a schedule I controlled  
242 substance described in Section 58-37-4.

243 [~~(49)~~] (50) "State electronic verification system" means the system described in Section  
244 26B-4-202.

245 [~~(50)~~] (51) "Targeted marketing" means the promotion of a cannabis product, medical  
246 cannabis brand, or a medical cannabis device using any of the following methods:

247 (a) electronic communication to an individual who is at least 21 years old and has  
248 requested to receive promotional information;  
249 (b) an in-person marketing event that is:  
250 (i) held inside a medical cannabis pharmacy; and  
251 (ii) in an area where only a medical cannabis cardholder may access the event;  
252 (c) other marketing material that is physically available or digitally displayed in a  
253 medical cannabis pharmacy; or  
254 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is  
255 provided to an individual when obtaining medical cannabis:  
256 (i) in the medical cannabis pharmacy;  
257 (ii) at the medical cannabis pharmacy's drive-through pick up window; or  
258 (iii) in a medical cannabis shipment.

259 [~~(51)~~] (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in  
260 Section 4-41-102.

261 [~~(52)~~] (53) "THC analog" means the same as that term is defined in Section 4-41-102.

262 [~~(53)~~] (54) "Total composite tetrahydrocannabinol" means all detectable forms of  
263 tetrahydrocannabinol.

264 [~~(54)~~] (55) "Total tetrahydrocannabinol" or "total THC" means the same as that term is  
265 defined in Section 4-41-102.

266 Section 2. Section **4-41a-103** is amended to read:



267 **4-41a-103 . Inventory control system.**

- 268 (1) Each cannabis production establishment and each medical cannabis pharmacy shall  
269 maintain an inventory control system that meets the requirements of this section.
- 270 (2) A cannabis production establishment and a medical cannabis pharmacy shall ensure that  
271 the inventory control system maintained by the establishment or pharmacy:
- 272 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis  
273 plant is eight inches tall and has a root ball until the cannabis is disposed of or sold,  
274 in the form of unprocessed cannabis or a cannabis product, to an individual with a  
275 medical cannabis card;
- 276 (b) maintains in real time a record of the amount of cannabis and cannabis products in  
277 the possession of the establishment or pharmacy; and
- 278 [~~(e) includes a video recording system that:~~]
- 279 [(i) ~~tracks all handling and processing of cannabis or a cannabis product in the~~  
280 ~~establishment or pharmacy;~~]
- 281 [(ii) ~~is tamper proof; and~~]
- 282 [(iii) ~~stores a video record for at least 45 days; and~~]
- 283 [~~(d)~~] (c) preserves compatibility with the state electronic verification system described in  
284 Section 26B-4-202.
- 285 (3) A cannabis production establishment and a medical cannabis pharmacy shall allow the  
286 following to access the cannabis production establishment's or the medical cannabis  
287 pharmacy's inventory control system at any time:
- 288 (a) the department; and
- 289 (b) the Department of Health and Human Services[~~; and~~] .
- 290 [~~(e) a financial institution that the Division of Finance validates, in accordance with~~  
291 ~~Subsection (6).~~]
- 292 (4) The department may establish compatibility standards for an inventory control system  
293 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
294 Act.
- 295 (5)(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
296 Administrative Rulemaking Act, establishing requirements for aggregate or batch  
297 records regarding the planting and propagation of cannabis before being tracked in an  
298 inventory control system described in this section.
- 299 (b) The department shall ensure that the rules described in Subsection (5)(a) address  
300 record-keeping for the amount of planted seed, number of cuttings taken, date and

301 time of cutting and planting, number of plants established, and number of plants  
302 culled or dead.

303 (6)(a) The department may provide reports from the inventory control system to a  
304 financial institution to allow them to reconcile transactions and other financial  
305 activity of cannabis production establishments, medical cannabis pharmacies, and  
306 medical cannabis couriers that use financial services that the financial institution  
307 provides.

308 (b) A report:

309 (i) may only include information related to financial transactions; and

310 (ii) may not include any identifying patient information.

311 [~~(6)(a) The Division of Finance shall, in consultation with the state treasurer:]~~

312 [~~(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
313 ~~make rules to:]~~

314 [~~(A) establish a process for validating financial institutions for access to an~~  
315 ~~inventory control system in accordance with Subsections (3)(c) and (6)(b); and]~~

316 [~~(B) establish qualifications for the validation described in Subsection (6)(a)(i)(A);]~~

317 [~~(ii) review applications the Division of Finance receives in accordance with the~~  
318 ~~process established under Subsection (6)(a)(i);]~~

319 [~~(iii) validate a financial institution that meets the qualifications described in~~  
320 ~~Subsection (6)(a)(i); and]~~

321 [~~(iv) provide a list of validated financial institutions to the department and the~~  
322 ~~Department of Health and Human Services.]~~

323 [~~(b) A financial institution that the Division of Finance validates under Subsection (6)(a):]~~

324 [~~(i) may only access an inventory control system for the purpose of reconciling~~  
325 ~~transactions and other financial activity of cannabis production establishments,~~  
326 ~~medical cannabis pharmacies, and medical cannabis couriers that use financial~~  
327 ~~services that the financial institution provides;]~~

328 [~~(ii) may only access information related to financial transactions; and]~~

329 [~~(iii) may not access any identifying patient information.]~~

330 Section 3. Section **4-41a-201** is amended to read:

331 **4-41a-201 . Cannabis production establishment -- License.**

332 (1) Except as provided in Subsection (14), a person may not operate a cannabis production  
333 establishment without a license that the department issues under this chapter.

334 (2)(a)(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a

- 335 licensing process that the department initiates after March 17, 2021, the  
336 department, through the licensing board, shall issue licenses in accordance with  
337 Section 4-41a-201.1.
- 338 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
339 the department shall make rules to specify a transparent and efficient process to:  
340 (A) solicit applications for a license under this section;  
341 (B) allow for comments and questions in the development of applications;  
342 (C) timely and objectively evaluate applications;  
343 (D) hold public hearings that the department deems appropriate; and  
344 (E) select applicants to receive a license.
- 345 (iii) The department may not issue a license to operate a cannabis production  
346 establishment to an applicant who is not eligible for a license under this section.
- 347 (b) An applicant is eligible for a license under this section if the applicant submits to the  
348 licensing board:
- 349 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis  
350 cultivation facility, addresses of no more than two facility locations, located in a  
351 zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will  
352 operate the cannabis production establishment;
- 353 (ii) the name and address of any individual who has:
- 354 (A) for a publicly traded company, a financial or voting interest of 10% or greater  
355 in the proposed cannabis production establishment;
- 356 (B) for a privately held company, a financial or voting interest in the proposed  
357 cannabis production establishment; or
- 358 (C) the power to direct or cause the management or control of a proposed cannabis  
359 production establishment;
- 360 (iii) an operating plan that:
- 361 (A) complies with Section 4-41a-204;
- 362 (B) includes operating procedures that comply with this chapter and any law the  
363 municipality or county in which the person is located adopts that is consistent  
364 with Section 4-41a-406; and
- 365 (C) the department or licensing board approves;
- 366 (iv) a statement that the applicant will obtain and maintain a liquid cash account with  
367 a financial institution or a performance bond that a surety authorized to transact  
368 surety business in the state issues in an amount of at least:

- 369 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;  
370 or  
371 (B) \$50,000 for each cannabis processing facility or independent cannabis testing  
372 laboratory for which the applicant applies;
- 373 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
374 department sets in accordance with Section 63J-1-504; and
- 375 (vi) a description of any investigation or adverse action taken by any licensing  
376 jurisdiction, government agency, law enforcement agency, or court in any state for  
377 any violation or detrimental conduct in relation to any of the applicant's  
378 cannabis-related operations or businesses.
- 379 (c)(i) A person may not locate a cannabis production establishment:
- 380 (A) within 1,000 feet of a community location; or  
381 (B) in or within 600 feet of a district that the relevant municipality or county has  
382 zoned as primarily residential.
- 383 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
384 from the nearest entrance to the cannabis production establishment by following  
385 the shortest route of ordinary pedestrian travel to the property boundary of the  
386 community location or residential area.
- 387 (iii) The licensing board may grant a waiver to reduce the proximity requirements in  
388 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not  
389 reasonably feasible for the applicant to site the proposed cannabis production  
390 establishment without the waiver.
- 391 (iv) An applicant for a license under this section shall provide evidence of  
392 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 393 (3) If the licensing board approves an application for a license under this section and  
394 Section 4-41a-201.1:
- 395 (a) the applicant shall pay the ~~[departmentan]~~ department an initial license fee in an  
396 amount that, subject to Subsection 4-41a-104(5), the department sets in accordance  
397 with Section 63J-1-504; and
- 398 (b) the department shall notify the Department of Public Safety of the license approval  
399 and the names of each individual described in Subsection (2)(b)(ii).
- 400 (4)(a) Except as provided in Subsection (4)(b), a cannabis production establishment shall  
401 obtain a separate license for each type of cannabis production establishment and each  
402 location of a cannabis production establishment.

- 403 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis  
404 processing facility license to a person to operate at the same physical location or at  
405 separate physical locations.
- 406 (5) If the licensing board receives more than one application for a cannabis production  
407 establishment within the same city or town, the licensing board shall consult with the  
408 local land use authority before approving any of the applications pertaining to that city  
409 or town.
- 410 (6) The licensing board may not issue a license to operate an independent cannabis testing  
411 laboratory to a person who:
- 412 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a  
413 cannabis processing facility, or a cannabis cultivation facility;
- 414 (b) has an owner, officer, director, or employee whose family member holds a license or  
415 has an ownership interest in a medical cannabis pharmacy, a cannabis processing  
416 facility, or a cannabis cultivation facility; or
- 417 (c) proposes to operate the independent cannabis testing laboratory at the same physical  
418 location as a medical cannabis pharmacy, a cannabis processing facility, or a  
419 cannabis cultivation facility.
- 420 (7) The licensing board may not issue a license to operate a cannabis production  
421 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
- 422 (a) has been convicted under state or federal law of:
- 423 (i) a felony in the preceding 10 years; or  
424 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 425 (b) is younger than 21 years old; or  
426 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 427 (8)(a) If an applicant for a cannabis production establishment license under this section  
428 holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing  
429 board may not give preference to the applicant based on the applicant's status as a  
430 holder of the license.
- 431 (b) If an applicant for a license to operate a cannabis cultivation facility under this  
432 section holds a license to operate a medical cannabis pharmacy under this title, the  
433 licensing board may give consideration to the applicant based on the applicant's  
434 status as a holder of a medical cannabis pharmacy license if:
- 435 (i) the applicant demonstrates that a decrease in costs to patients is more likely to  
436 result from the applicant's vertical integration than from a more competitive

- 437 marketplace; and
- 438 (ii) the licensing board finds multiple other factors, in addition to the existing license,
- 439 that support granting the new license.
- 440 (9) The licensing board may revoke a license under this part:
- 441 (a) if the cannabis production establishment does not begin cannabis production
- 442 operations within one year after the day on which the licensing board issues the
- 443 initial license;
- 444 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 445 cannabis production establishments or medical cannabis pharmacies;
- 446 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
- 447 active, under state or federal law of:
- 448 (i) a felony; or
- 449 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 450 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 451 the time of application, or fails to supplement the information described in
- 452 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 453 submission of the application within 14 calendar days after the licensee receives
- 454 notice of the investigation or adverse action;
- 455 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
- 456 for the requirements of this chapter or the rules the department makes in accordance
- 457 with this chapter;
- 458 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
- 459 that the cannabis production establishment no longer meets the minimum standards
- 460 for licensure and operation of the cannabis production establishment described in this
- 461 chapter;
- 462 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
- 463 laboratory fails to substantially meet the performance standards described in
- 464 Subsection (14)(b); or
- 465 (h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
- 466 board [~~identifies~~] finds that the licensee has participated in an anticompetitive
- 467 business [~~practices~~] practice.
- 468 (10)(a) A person who receives a cannabis production establishment license under this
- 469 chapter, if the municipality or county where the licensed cannabis production
- 470 establishment will be located requires a local land use permit, shall submit to the

- 471 licensing board a copy of the licensee's approved application for the land use permit  
472 within 120 days after the day on which the licensing board issues the license.
- 473 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved  
474 land use permit application in accordance with Subsection (10)(a), the licensing  
475 board may revoke the licensee's license.
- 476 (11) The department shall deposit the proceeds of a fee that the department imposes under  
477 this section into the Qualified Production Enterprise Fund.
- 478 (12) The department shall begin accepting applications under this part on or before January  
479 1, 2020.
- 480 (13)(a) The department's authority, and consequently the licensing board's authority, to  
481 issue a license under this section is plenary and is not subject to review.
- 482 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a  
483 license to an applicant is not subject to:
- 484 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
485 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 486 (14)(a) Notwithstanding this section, the department:
- 487 (i) may operate or partner with a research university to operate an independent  
488 cannabis testing laboratory;
- 489 (ii) if the department operates or partners with a research university to operate an  
490 independent cannabis testing laboratory, may not cease operating or partnering  
491 with a research university to operate the independent cannabis testing laboratory  
492 unless:
- 493 (A) the department issues at least two licenses to independent cannabis testing  
494 laboratories; and
- 495 (B) the department has ensured that the licensed independent cannabis testing  
496 laboratories have sufficient capacity to provide the testing necessary to support  
497 the state's medical cannabis market; and
- 498 (iii) after ceasing department or research university operations under Subsection  
499 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any  
500 time if:
- 501 (A) fewer than two licensed independent cannabis testing laboratories are  
502 operating; or
- 503 (B) the licensed independent cannabis testing laboratories become, in the  
504 department's determination, unable to fully meet the market demand for testing.

- 505 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,  
 506 Utah Administrative Rulemaking Act, to establish performance standards for the  
 507 operation of an independent cannabis testing laboratory, including deadlines for  
 508 testing completion.
- 509 (ii) A license that the department issues to an independent cannabis testing laboratory  
 510 is contingent upon substantial satisfaction of the performance standards described  
 511 in Subsection (14)(b)(i), as determined by the board.
- 512 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 513 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 514 (i) the cannabis production establishment shall submit a new application described in  
 515 Subsection (2)(b), subject to Subsection (2)(c);
- 516 (ii) within 30 days of the submission of the application, the board shall:
- 517 (A) conduct the application review described in Section 4-41a-201.1; and  
 518 (B) award a license to the cannabis production establishment for the remainder of  
 519 the term of the cannabis production establishment's license before the  
 520 ownership change if the cannabis production establishment meets the minimum  
 521 standards for licensure and operation of the cannabis production establishment  
 522 described in this chapter; and
- 523 (iii) if the board approves the license application, notwithstanding Subsection (3), the  
 524 cannabis production establishment shall pay a license fee that the department sets  
 525 in accordance with Section 63J-1-504 in an amount that covers the board's cost of  
 526 conducting the application review.

527 Section 4. Section **4-41a-201.1** is amended to read:

528 **4-41a-201.1 . Cannabis Production Establishment and Pharmacy Licensing**

529 **Advisory Board -- Composition -- Duties.**

- 530 (1) There is created within the department the Cannabis Production Establishment and  
 531 Pharmacy Licensing Advisory Board.
- 532 (2) The commissioner shall:
- 533 (a) appoint the members of the [~~board~~] licensing board;
- 534 (b) submit the name of each individual that the commissioner appoints under Subsection  
 535 (2)(a) to the governor for confirmation or rejection; and
- 536 (c) if the governor rejects an appointee that the commissioner submits under Subsection  
 537 (2)(b), appoint another individual in accordance with this Subsection (2).
- 538 (3)(a) Except as provided in Subsection [~~(3)(e)~~] (3)(b), the [~~board~~] licensing board shall



- 539 consist of the following eight members:
- 540 (i) the following seven voting members whom the commissioner appoints:
- 541 (A) one member of the public;
- 542 (B) one member with knowledge and experience in the pharmaceutical or
- 543 nutraceutical manufacturing industry;
- 544 (C) one member representing law enforcement;
- 545 (D) one member whom an organization representing medical cannabis patients
- 546 recommends;
- 547 (E) a chemist who has experience with cannabis and who is associated with a
- 548 research university;
- 549 (F) a pharmacist who is not associated with the medical cannabis industry; and
- 550 (G) an accountant; and
- 551 (ii) the commissioner or the commissioner's designee as a non-voting member, except
- 552 to cast a deciding vote in the event of a tie.
- 553 (b) The commissioner may appoint a ninth member to the [board] licensing board who
- 554 has a background in the cannabis cultivation and processing industry.
- 555 (c) The commissioner or the commissioner's designee shall serve as the chair of the [
- 556 board] licensing board.
- 557 (d) An individual is not eligible for appointment to be a member of the [board] licensing
- 558 board if the individual:
- 559 (i) has any commercial or ownership interest in a cannabis production establishment,
- 560 medical cannabis pharmacy, or medical cannabis courier;
- 561 (ii) has an owner, officer, director, or employee whose family member holds a license
- 562 or has an ownership interest in a cannabis production establishment, medical
- 563 cannabis pharmacy, or medical cannabis courier; or
- 564 (iii) is employed or contracted to lobby on behalf of any cannabis production
- 565 establishment, medical cannabis pharmacy, or medical cannabis courier.
- 566 (4)(a) Except as provided in Subsection (4)(b), a voting [board] licensing board member
- 567 shall serve a term of four years, beginning July 1 and ending June 30.
- 568 (b) Notwithstanding Subsection (4)(a), for the initial appointments to the [board]
- 569 licensing board, the commissioner shall stagger the length of the terms of [board]
- 570 licensing board members to ensure that the commissioner appoints two or three [board]
- 571 licensing board members every two years.
- 572 (c) As a [board] licensing board member's term expires:

- 573 (i) the [board] licensing board member is eligible for reappointment; and  
574 (ii) the commissioner shall make an appointment, in accordance with Subsection (2),  
575 for the new term before the end of the member's term.
- 576 (d) When a vacancy occurs on the [board] licensing board for any reason other than the  
577 expiration of a [board] licensing board member's term, the commissioner shall appoint  
578 a replacement to the vacant position, in accordance with Subsection (2), for the  
579 unexpired term.
- 580 (e) In making appointments, the commissioner shall ensure that no two members of the [  
581 board] licensing board are employed by or represent the same company or nonprofit  
582 organization.
- 583 (f) The commissioner may remove a [board] licensing board member for cause, neglect  
584 of duty, inefficiency, or malfeasance.
- 585 (5)(a)(i) Five members of the [board] licensing board constitute a quorum of the [  
586 board] licensing board.
- 587 (ii) An action of the majority of the [board] licensing board members when a quorum  
588 is present constitutes an action of the [board] licensing board.
- 589 (b) The department shall provide staff support to the [board] licensing board.
- 590 (c) A member of the [board] licensing board may not receive compensation or benefits  
591 for the member's service, but may receive per diem and travel expenses in accordance  
592 with:
- 593 (i) Section 63A-3-106;  
594 (ii) Section 63A-3-107; and  
595 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
596 and 63A-3-107.
- 597 (6) The [board] licensing board shall:
- 598 (a) meet as called by the chair to review cannabis production establishment~~[-and]~~ ,  
599 medical cannabis pharmacy, and medical cannabis courier license applications;
- 600 (b) review each license application for compliance with:
- 601 (i) this chapter; and  
602 (ii) department rules;
- 603 (c) conduct a public hearing to consider the license application;
- 604 (d) approve the department's license application forms and checklists; and  
605 (e) make a determination on each license application.
- 606 (7) The [board] licensing board shall hold a public hearing to review a cannabis production

- 607 establishment's or medical cannabis pharmacy's license if the establishment:
- 608 (a) changes ownership by an interest of 20% or more;
- 609 (b) changes or adds a location;
- 610 (c) upgrades to a different licensing tier under department rule;
- 611 (d) changes extraction or formulation standard operating procedures;
- 612 (e) adds an industrial hemp processing or cultivation license to the same location as the
- 613 cannabis production establishment's processing facility; or
- 614 (f) as necessary based on the recommendation of the department.
- 615 (8) In a public hearing held under Subsection (7), the [board] licensing board may consider
- 616 the following in determining whether to approve a request to change pharmacy locations:
- 617 (a) medical cannabis availability, quality, and variety;
- 618 (b) whether geographic dispersal among licensees is sufficient to reasonably maximize
- 619 access to the largest number of medical cannabis cardholders;
- 620 (c) the extent to which the pharmacy can increase efficiency and reduce the cost to
- 621 patients of medical cannabis; and
- 622 (d) the factors listed in Subsection 4-41a-1004(7).
- 623 (9) In a public hearing held pursuant to Subsection (7), the [board] licensing board may not
- 624 approve a request to change a medical cannabis pharmacy location outside of the
- 625 pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).
- 626 (10)(a) The [board] licensing board shall meet [~~annually in December~~] as necessary to
- 627 consider cannabis production establishment[ ~~and~~], medical cannabis pharmacy, and
- 628 medical cannabis courier license renewal applications.
- 629 (b) During the meeting described in Subsection (10)(a):
- 630 (i) a representative from each applicant for renewal shall:
- 631 (A) attend in person or electronically; or
- 632 (B) submit information before the meeting, as the [board] licensing board may
- 633 require, for the [board's] licensing board's consideration;
- 634 (ii) the [board] licensing board shall consider, for each cannabis cultivation facility
- 635 seeking renewal, information including:
- 636 (A) the amount of biomass the licensee produced during the current calendar year;
- 637 (B) the amount of biomass the licensee projects to produce during the following
- 638 year;
- 639 (C) the amount of hemp waste the licensee currently holds;
- 640 (D) the current square footage or acres of growing area the licensee uses; and

- 641 (E) the square footage or acres of growing area the licensee projects to use in the  
642 following year;
- 643 (iii) the [board] licensing board shall consider, for each cannabis processing facility  
644 seeking renewal, information including:  
645 (A) methods and procedures for extraction;  
646 (B) standard operating procedures; and  
647 (C) a complete listing of the medical dosage forms that the licensee produces; and  
648 (iv) the [board] licensing board shall consider, for each cannabis pharmacy seeking  
649 renewal, information including:  
650 (A) product availability, quality, and variety;  
651 (B) the pharmacy's operating procedures and practices; and  
652 (C) the factors listed in Subsection 4-41a-1003(1).
- 653 (c) Following consideration of the information provided under Subsection (10)(b), the [  
654 board] licensing board may elect to approve, deny, or issue conditional approval of a  
655 cannabis production establishment or pharmacy license renewal application.
- 656 (d) The information a licensee or license applicant provides to the [board] licensing board  
657 for a license determination constitutes a protected record under Subsection 63G-2-305  
658 (1) or (2) if the applicant or licensee provides the [board] licensing board with the  
659 information regarding business confidentiality required in Section 63G-2-309.
- 660 (11)(a) In cooperation with the attorney general, the [board] licensing board may  
661 investigate information received by the department indicating that a licensee is  
662 potentially engaging in anticompetitive business practices.
- 663 (b) In investigating potential anticompetitive business practices under this section, the  
664 attorney general may issue civil investigative demands as set forth in Section  
665 76-10-3107.
- 666 (12) The department shall:
- 667 (a) provide staff support for the licensing board;  
668 (b) assist the licensing board in conducting meetings; and  
669 (c) review all submitted applications for completion and accuracy.
- 670 Section 5. Section **4-41a-205** is amended to read:
- 671 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities.**
- 672 (1) Except as provided in Subsection (2)(a), the department shall issue at least five but not  
673 more than eight licenses to operate a cannabis cultivation facility.
- 674 (2)(a) The department may issue a number of licenses to operate a cannabis cultivation

675 facility that, in addition to the licenses described in Subsection (1), does not cause the  
676 total number of licenses to exceed 15 if the department determines, in consultation  
677 with the Department of Health and Human Services and after an annual or more  
678 frequent analysis of the current and anticipated market for medical cannabis, that  
679 each additional license is necessary to provide an adequate supply, quality, or variety  
680 of medical cannabis to medical cannabis cardholders.

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

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

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

690 (i) complying with a regulatory environment;

691 (ii) tracking inventory; and

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

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

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

696 (d) the extent to which the applicant can increase efficiency and reduce the cost to  
697 patients of medical cannabis.

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

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

701 Section 6. Section **4-41a-401** is amended to read:

702 **4-41a-401 . Cannabis production establishment -- General operating**  
703 **requirements.**

704 (1)(a) A cannabis production establishment shall operate in accordance with the  
705 operating plan described in Sections 4-41a-201 and 4-41a-204.

706 (b) A cannabis production establishment shall notify the department before a change in  
707 the cannabis production establishment's operating plan.

708 (c)(i) If a cannabis production establishment changes the cannabis production

- 709 establishment's operating plan, the establishment shall ensure that the new  
710 operating plan complies with this chapter.
- 711 (ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
712 Utah Administrative Rulemaking Act, a process to:
- 713 (A) review a change notification described in Subsection (1)(b);  
714 (B) identify for the cannabis production establishment each point of  
715 noncompliance between the new operating plan and this chapter;  
716 (C) provide an opportunity for the cannabis production establishment to address  
717 each identified point of noncompliance; and  
718 (D) suspend or revoke a license if the cannabis production establishment fails to  
719 cure the noncompliance.
- 720 (2) A cannabis production establishment shall operate:
- 721 (a) except as provided in Subsection (5), in a facility that is accessible only by an  
722 individual with a valid cannabis production establishment agent registration card  
723 issued under Section 4-41a-301; and  
724 (b) at the physical address provided to the department under Section 4-41a-201.
- 725 (3) A cannabis production establishment may not employ an individual who is younger than  
726 21 years old.
- 727 (4) A cannabis production establishment may not employ an individual who has been  
728 convicted, under state or federal law, of:
- 729 (a) a felony in the preceding 10 years; or  
730 (b) after December 3, 2018, a misdemeanor for drug distribution.
- 731 (5) A cannabis production establishment may authorize an individual who is at least 18  
732 years old and is not a cannabis production establishment agent to access the cannabis  
733 production establishment if the cannabis production establishment:
- 734 (a) tracks and monitors the individual at all times while the individual is at the cannabis  
735 production establishment; and  
736 (b) maintains a record of the individual's access, including arrival and departure.
- 737 (6) A cannabis production establishment shall operate in a facility that has:
- 738 (a) a single, secure public entrance;  
739 (b) a security system with a backup power source that:
- 740 (i) detects and records entry into the cannabis production establishment; and  
741 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis  
742 production establishment is closed; and

743 (c) a lock or equivalent restrictive security feature on any area where the cannabis  
744 production establishment stores cannabis or a cannabis product.

745 (7)(a) A cannabis production establishment shall maintain a video surveillance system  
746 that:

747 (i) tracks all handling and processing of cannabis or a cannabis product in the  
748 establishment;

749 (ii) is tamper proof; and

750 (iii) stores a video record for at least 45 days.

751 (b) A cannabis production establishment shall provide the department access to the  
752 video surveillance system upon request.

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

754 **4-41a-801 . Enforcement -- Fine -- Citation.**

755 (1)(a) If a person that is a cannabis production establishment, ~~[or]~~ a cannabis production  
756 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy  
757 agent, or a medical cannabis courier, violates this chapter, the department may:

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

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

762 ~~[(c)]~~ (iii) assess the person an administrative penalty that the department establishes  
763 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
764 Act~~[-]~~ ; or

765 (iv) provide a letter of concern in accordance with Subsection (8).

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

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

771 (3)(a) The department may take an action described in Subsection (3)(b) if the  
772 department concludes, upon investigation, that, for a person that is a cannabis  
773 production establishment,~~[or]~~ a cannabis production establishment agent, a medical  
774 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis  
775 courier:

776 (i) the person has violated the provisions of this chapter, a rule made under this

- 777 chapter, or an order issued under this chapter; or
- 778 (ii) the person produced cannabis or a cannabis product batch that contains a  
779 substance, other than cannabis, that poses a significant threat to human health.
- 780 (b) If the department makes the determination about a person described in Subsection  
781 (3)(a), the department [~~shall~~] may:
- 782 (i) issue the person a written administrative citation;
- 783 (ii) attempt to negotiate a stipulated settlement;
- 784 (iii) seize, embargo, or destroy the cannabis or cannabis product batch;
- 785 (iv) order the person to cease and desist from the action that creates a violation; [~~and~~]  
786 or
- 787 (v) direct the person to appear before an adjudicative proceeding conducted under  
788 Title 63G, Chapter 4, Administrative Procedures Act.
- 789 (4) The department may, for a person subject to an uncontested citation, a stipulated  
790 settlement, or a finding of a violation in an adjudicative proceeding under this section,  
791 for a fine amount not already specified in law, assess the person, who is not an  
792 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that  
793 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
794 Administrative Rulemaking Act.
- 795 (5) The department may not revoke a [~~cannabis production establishment's~~] license without  
796 first directing the [~~cannabis production establishment~~] licensee to appear before an  
797 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative  
798 Procedures Act.
- 799 (6) If within 20 calendar days after the day on which a department serves a citation for a  
800 violation of this chapter, the person that is the subject of the citation fails to request a  
801 hearing to contest the citation, the citation becomes the department's final order.
- 802 (7) The department may, for a person who fails to comply with a citation under this section:  
803 (a) refuse to issue or renew the person's license or [~~cannabis production establishment~~]  
804 agent registration card; or
- 805 (b) suspend, revoke, or place on probation the person's license or [~~cannabis production~~  
806 ~~establishment~~] registration card.
- 807 (8)(a) A letter of concern shall describe:
- 808 (i) the violation including the statute or rule being violated;
- 809 (ii) possible options to remedy the issue; and
- 810 (iii) possible consequences for not remedying the violation.



- 811 (b) Under a letter of concern, the department shall provide the person at least 30 days to  
 812 remedy the violation.
- 813 (c) If the person fails to remedy the violation described in a letter of concern, the  
 814 department may take other enforcement action as described in this section.
- 815 (d) If a letter of concern is resolved without an enforcement action being taken under  
 816 Subsection (8)(c), the department may not report that a letter of concern was issued to  
 817 the licensing board.
- 818 ~~[(8)]~~ (9)(a) Except where a criminal penalty is expressly provided for a specific violation  
 819 of this chapter, or where civil and criminal penalties are provided for violations of  
 820 Section 76-10-31, if an individual:
- 821 (i) violates a provision of this chapter, the individual is:
- 822 (A) guilty of an infraction; and
- 823 (B) subject to a \$100 fine; or
- 824 (ii) intentionally or knowingly violates a provision of this chapter or violates this  
 825 chapter three or more times, the individual is:
- 826 (A) guilty of a class B misdemeanor; and
- 827 (B) subject to a \$1,000 fine.
- 828 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty  
 829 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the  
 830 conduct underlying the violation described in Subsection (8)(a).
- 831 ~~[(9)]~~ (10) Nothing in this section prohibits:
- 832 (a) the department from referring potential criminal activity to law enforcement[-] ; or  
 833 (b) the attorney general from investigating or prosecuting individuals or businesses for  
 834 violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.
- 835 Section 8. Section **4-41a-802** is amended to read:
- 836 **4-41a-802 . Report.**
- 837 (1) At or before the November interim meeting each year, the department shall report to the  
 838 Health and Human Services Interim Committee on:
- 839 (a) the number of applications and renewal applications that the department receives  
 840 under this chapter;
- 841 (b) the number of each type of [~~cannabis production facility~~] license that the department [  
 842 licenses] issues in each county;
- 843 (c) the amount of cannabis that licensees grow;
- 844 (d) the amount of cannabis that licensees manufacture into cannabis products;

- 845 (e) the number of licenses the department revokes under this chapter;
- 846 (f) the department's operation of an independent cannabis testing laboratory under
- 847 Section 4-41a-201, including:
- 848 (i) the cannabis and cannabis products the department tested; and
- 849 (ii) the results of the tests the department performed;
- 850 (g) the expenses incurred and revenues generated under this chapter;[~~and~~]
- 851 (h) the total quantity of medical cannabis shipments;
- 852 (i) the number of overall purchases of medical cannabis from each medical cannabis
- 853 pharmacy; and
- 854 [~~(h)~~] (j) an analysis of product availability in medical cannabis pharmacies in
- 855 consultation with the Department of Health and Human Services.
- 856 (2) The department may not include personally identifying information in the report
- 857 described in this section.
- 858 (3) The department shall report to the working group described in Section 36-12-8.2 as
- 859 requested by the working group.
- 860 Section 9. Section **4-41a-1001** is amended to read:
- 861 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**
- 862 (1) A person may not:
- 863 (a) operate as a medical cannabis pharmacy without a license that the department issues
- 864 under this part;
- 865 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
- 866 person to exceed the pharmacy ownership limit;
- 867 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
- 868 partial ownership share would cause the person to exceed the pharmacy ownership
- 869 limit; or
- 870 (d) enter into any contract or agreement that allows the person to directly or indirectly
- 871 control the operations of a medical cannabis pharmacy if the person's control of the
- 872 medical cannabis pharmacy would cause the person to effectively exceed the
- 873 pharmacy ownership limit.
- 874 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the [~~department shall issue a license to operate a medical cannabis pharmacy through~~
- 875 ~~the licensing board created under Section 4-41a-201.1]~~ licensing board shall issue
- 876 a license to operate a medical cannabis pharmacy.
- 877
- 878 (ii) The [~~department]~~ licensing board may not issue a license to operate a medical

- 879 cannabis pharmacy to an applicant who is not eligible for a license under this  
880 section.
- 881 (b) An applicant is eligible for a license under this section if the applicant submits to the [  
882 department] licensing board:
- 883 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
884 operate the medical cannabis pharmacy;
- 885 (ii) the name and address of an individual who:
- 886 (A) for a publicly traded company, has a financial or voting interest of 10% or  
887 greater in the proposed medical cannabis pharmacy;
- 888 (B) for a privately held company, a financial or voting interest in the proposed  
889 medical cannabis pharmacy; or
- 890 (C) has the power to direct or cause the management or control of a proposed  
891 medical cannabis pharmacy;
- 892 (iii) for each application that the applicant submits to the department, a statement  
893 from the applicant that the applicant will obtain and maintain:
- 894 (A) a performance bond in the amount of \$100,000 issued by a surety authorized  
895 to transact surety business in the state; or
- 896 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 897 (iv) an operating plan that:
- 898 (A) complies with Section 4-41a-1004;
- 899 (B) includes operating procedures to comply with the operating requirements for a  
900 medical cannabis pharmacy described in this part and with a relevant municipal  
901 or county law that is consistent with Section 4-41a-1106; and
- 902 (C) the department approves;
- 903 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
904 department sets in accordance with Section 63J-1-504; and
- 905 (vi) a description of any investigation or adverse action taken by any licensing  
906 jurisdiction, government agency, law enforcement agency, or court in any state for  
907 any violation or detrimental conduct in relation to any of the applicant's  
908 cannabis-related operations or businesses.
- 909 (c)(i) A person may not locate a medical cannabis pharmacy:
- 910 (A) within 200 feet of a community location; or
- 911 (B) in or within 600 feet of a district that the relevant municipality or county has  
912 zoned as primarily residential.

- 913 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
914 from the nearest entrance to the medical cannabis pharmacy establishment by  
915 following the shortest route of ordinary pedestrian travel to the property boundary  
916 of the community location or residential area.
- 917 (iii) The [department] licensing board may grant a waiver to reduce the proximity  
918 requirements in Subsection (2)(c)(i) by up to 20% if the department determines  
919 that it is not reasonably feasible for the applicant to cite the proposed medical  
920 cannabis pharmacy without the waiver.
- 921 (iv) An applicant for a license under this section shall provide evidence of  
922 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 923 (d) The [department] licensing board may not issue a license to an eligible applicant that  
924 the department has selected to receive a license until the selected eligible applicant  
925 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 926 (e) If the [department] licensing board receives more than one application for a medical  
927 cannabis pharmacy within the same city or town, the department shall consult with  
928 the local land use authority before approving any of the applications pertaining to that  
929 city or town.
- 930 (f) In considering the issuance of a medical cannabis pharmacy license under this  
931 section, the [department] licensing board may consider the extent to which the  
932 pharmacy can increase efficiency and reduce cost to patients of medical cannabis.
- 933 (3) If the [department] licensing board selects an applicant for a medical cannabis pharmacy  
934 license under this section, the department shall:
- 935 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
936 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 937 (b) notify the Department of Public Safety of the license approval and the names of each  
938 individual described in Subsection (2)(b)(ii); and
- 939 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the  
940 department sets in accordance with Section 63J-1-504, for any change in location,  
941 ownership, or company structure.
- 942 (4) The [department] licensing board may not issue a license to operate a medical cannabis  
943 pharmacy to an applicant if an individual described in Subsection (2)(b)(ii):
- 944 (a) has been convicted under state or federal law of:
- 945 (i) a felony in the preceding 10 years; or  
946 (ii) after December 3, 2018, a misdemeanor for drug distribution;

- 947 (b) is younger than 21 years old; or
- 948 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 949 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds
- 950 another license under this chapter, the [department] licensing board may not give
- 951 preference to the applicant based on the applicant's status as a holder of the license.
- 952 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
- 953 license to operate a cannabis cultivation facility under this section, the [department]
- 954 licensing board may give consideration to the applicant's status as a holder of the
- 955 license if:
- 956 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
- 957 result from the applicant's vertical integration than from a more competitive
- 958 marketplace; and
- 959 (ii) the department finds multiple other factors, in addition to the existing license, that
- 960 support granting the new license.
- 961 (6) The [~~licensing board~~] licensing board may revoke a license under this part:
- 962 (a) if the medical cannabis pharmacy does not begin operations within one year after the
- 963 day on which the department issues an announcement of the department's intent to
- 964 award a license to the medical cannabis pharmacy;
- 965 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 966 cannabis production establishments or medical cannabis pharmacies;
- 967 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
- 968 active, under state or federal law of:
- 969 (i) a felony; or
- 970 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 971 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 972 the time of application, or fails to supplement the information described in
- 973 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 974 submission of the application within 14 calendar days after the licensee receives
- 975 notice of the investigation or adverse action;
- 976 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
- 977 requirements of this chapter or the rules the department makes in accordance with
- 978 this chapter;
- 979 (f) if, after a change of ownership described in Subsection [~~(11)(e)~~] (10)(c), the
- 980 department determines that the medical cannabis pharmacy no longer meets the

981 minimum standards for licensure and operation of the medical cannabis pharmacy  
982 described in this chapter; or

983 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
984 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the [board]  
985 licensing board finds that the licensee has participated in anticompetitive business  
986 practices.

987 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if  
988 the municipality or county where the licensed medical cannabis pharmacy will be  
989 located requires a local land use permit, shall submit to the department a copy of the  
990 licensee's approved application for the land use permit within 120 days after the day  
991 on which the department issues the license.

992 (b) If a licensee fails to submit to the department a copy the licensee's approved land use  
993 permit application in accordance with Subsection (7)(a), the department may revoke  
994 the licensee's license.

995 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
996 Qualified Production Enterprise Fund.

997 [~~9~~] The department shall begin accepting applications under this part on or before March 1,  
998 2020.]

999 [~~10~~] (9)(a) The [department's] licensing board's authority to issue a license under this  
1000 section is plenary and is not subject to review.

1001 (b) Notwithstanding Subsection (2), the decision of the department to award a license to  
1002 an applicant is not subject to:

1003 (i) Title 63G, Chapter 6a, Part 16, Protests; or

1004 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

1005 [~~11~~] (10)(a) A medical cannabis pharmacy license is not transferrable or assignable.

1006 (b) A medical cannabis pharmacy shall report in writing to the department no later than [  
1007 ~~10~~] 45 business days before the date of any change of ownership of the medical  
1008 cannabis pharmacy.

1009 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

1010 (i) concurrent with the report described in Subsection [~~11~~](b)] (10)(b), the medical  
1011 cannabis pharmacy shall submit a new application described in Subsection (2)(b),  
1012 subject to Subsection (2)(c);

1013 (ii) within 30 days of the submission of the application, the [department] licensing  
1014 board shall:

- 1015 (A) conduct an application review; and  
 1016 (B) award a license to the medical cannabis pharmacy for the remainder of the  
 1017 term of the medical cannabis pharmacy's license before the ownership change  
 1018 if the medical cannabis pharmacy meets the minimum standards for licensure  
 1019 and operation of the medical cannabis pharmacy described in this chapter; and  
 1020 (iii) if the department approves the license application, notwithstanding Subsection  
 1021 (3), the medical cannabis pharmacy shall pay a license fee that the department sets  
 1022 in accordance with Section 63J-1-504 in an amount that covers the department's  
 1023 cost of conducting the application review.

1024 Section 10. Section **4-41a-1005** is amended to read:

1025 **4-41a-1005 . Maximum number of licenses.**

- 1026 (1)(a) Except as provided in Subsection (1)(b) or (d), if a sufficient number of applicants  
 1027 apply, the department shall issue up to 15 medical cannabis pharmacy licenses in  
 1028 accordance with this section.
- 1029 (b) If an insufficient number of qualified applicants apply for the available number of  
 1030 medical cannabis pharmacy licenses, the department shall issue a medical cannabis  
 1031 pharmacy license to each qualified applicant.
- 1032 (c) The department may issue the licenses described in Subsection (1)(a) in accordance  
 1033 with this Subsection (1)(c).
- 1034 (i) Using one procurement process, the department may issue eight licenses to an  
 1035 initial group of medical cannabis pharmacies and six licenses to a second group of  
 1036 medical cannabis pharmacies.
- 1037 (ii) The department shall:
- 1038 (A) divide the state into no less than four geographic regions, set by the  
 1039 department in rule;
- 1040 (B) issue at least one license in each geographic region during each phase of  
 1041 issuing licenses; and
- 1042 (C) complete the process of issuing medical cannabis pharmacy licenses no later  
 1043 than July 1, 2020.
- 1044 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that  
 1045 the license recipient will locate the medical cannabis pharmacy within Dagget,  
 1046 Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.
- 1047 (d)(i) The department may issue licenses to operate a medical cannabis pharmacy in  
 1048 addition to the licenses described in Subsection (1)(a) if the department

1049 determines, in consultation with the Department of Health and Human Services  
1050 and after an annual or more frequent analysis of the current and anticipated market  
1051 for medical cannabis, that each additional license is necessary to provide an  
1052 adequate supply, quality, or variety of medical cannabis to medical cannabis  
1053 cardholders.

1054 (ii) The department shall:

1055 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1056 Act, make rules to establish criteria and processes for the consultation,  
1057 analysis, and application for a license described in Subsection (1)(d)(i); and

1058 (B) report to the Executive Appropriations Committee of the Legislature before  
1059 each time the department issues an additional license under Subsection  
1060 (1)(d)(i) regarding the results of the consultation and analysis described in  
1061 Subsection (1)(d)(i) and the application of the criteria described in Subsection  
1062 (1)(d)(ii)(A).

1063 (2)(a) If there are more qualified applicants than there are available licenses for medical  
1064 cannabis pharmacies, the department shall:

1065 (i) evaluate each applicant and award the license to the applicant that best  
1066 demonstrates:

1067 (A) experience with establishing and successfully operating a business that  
1068 involves complying with a regulatory environment, tracking inventory, and  
1069 training, evaluating, and monitoring employees;

1070 (B) an operating plan that will best ensure the safety and security of patrons and  
1071 the community;

1072 (C) positive connections to the local community;

1073 (D) the suitability of the proposed location and the location's accessibility for  
1074 qualifying patients;

1075 (E) the extent to which the applicant can increase efficiency and reduce the cost of  
1076 medical cannabis for patients; and

1077 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a  
1078 comparatively high likelihood of success; and

1079 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably  
1080 maximize access to the largest number of medical cannabis cardholders.

1081 (b) In making the evaluation described in Subsection (2)(a), the department may give  
1082 increased consideration to applicants who indicate a willingness to[=]



- 1083            [~~(i)~~] operate as a home delivery medical cannabis pharmacy that accepts electronic  
 1084            medical cannabis orders that the state central patient portal facilitates[~~;~~ and] .  
 1085            [~~(ii) accept payments through:~~]  
 1086            [~~(A) a payment provider that the Division of Finance approves, in consultation~~  
 1087            ~~with the state treasurer, in accordance with Section 4-41a-108; or]~~  
 1088            [~~(B) a financial institution in accordance with Subsection 4-41a-108(4).]~~
- 1089 (3) The department may conduct a face-to-face interview with an applicant for a license that  
 1090 the department evaluates under Subsection (2).
- 1091            Section 11. Section **4-41a-1101** is amended to read:  
 1092            **4-41a-1101 . Operating requirements -- General.**
- 1093 (1)(a) A medical cannabis pharmacy shall operate:  
 1094            (i) at the physical address provided to the department under Section 4-41a-1001; and  
 1095            (ii) in accordance with the operating plan provided to the department under Section  
 1096            4-41a-1001 and, if applicable, Section 4-41a-1004.
- 1097            (b) A medical cannabis pharmacy shall notify the department before a change in the  
 1098            medical cannabis pharmacy's physical address or operating plan.
- 1099 (2) An individual may not enter a medical cannabis pharmacy unless the individual:  
 1100            (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and  
 1101            (b) except as provided in Subsection (4):  
 1102            (i) possesses a valid:  
 1103                       (A) medical cannabis pharmacy agent registration card;  
 1104                       (B) pharmacy medical provider registration card; or  
 1105                       (C) medical cannabis card;  
 1106            (ii) is an employee of the department performing an inspection under Section  
 1107            4-41a-1103; or  
 1108            (iii) is another individual as the department provides.
- 1109 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21  
 1110 years old.
- 1111 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an  
 1112 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider  
 1113 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and  
 1114 monitors the individual at all times while the individual is at the medical cannabis  
 1115 pharmacy and maintains a record of the individual's access.
- 1116 (5) A medical cannabis pharmacy shall operate in a facility that has:

- 1117 (a) a single, secure public entrance;
- 1118 (b) a security system with a backup power source that:
- 1119 (i) detects and records entry into the medical cannabis pharmacy; and
- 1120 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1121 cannabis pharmacy is closed; and
- 1122 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1123 cannabis product.
- 1124 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 1125 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1126 4-41a-1102(2).
- 1127 (7) Except for an emergency situation described in Subsection [~~26B-4-213(3)(e)~~]
- 1128 26B-4-213(3)(b), a medical cannabis pharmacy may not allow any individual to
- 1129 consume cannabis on the property or premises of the medical cannabis pharmacy.
- 1130 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first
- 1131 indicating on the cannabis or cannabis product label the name of the medical cannabis
- 1132 pharmacy.
- 1133 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1134 following information regarding each recommendation underlying a transaction:
- 1135 (i) the recommending medical provider's name, address, and telephone number;
- 1136 (ii) the patient's name and address;
- 1137 (iii) the date of issuance;
- 1138 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1139 medical provider did not recommend specific directions of use or dosing
- 1140 guidelines; and
- 1141 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 1142 cardholder who completed the transaction.
- 1143 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 1144 not sell medical cannabis unless the medical cannabis has a label securely affixed
- 1145 to the container indicating the following minimum information:
- 1146 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1147 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1148 (C) the date of the sale;
- 1149 (D) the name of the patient;
- 1150 (E) the name of the recommending medical provider who recommended the

- 1151 medical cannabis treatment;
- 1152 (F) directions for use and cautionary statements, if any;
- 1153 (G) the amount dispensed and the cannabinoid content;
- 1154 (H) the suggested use date;
- 1155 (I) for unprocessed cannabis flower, the legal use termination date; and
- 1156 (J) any other requirements that the department determines, in consultation with the
- 1157 Division of Professional Licensing and the Board of Pharmacy.
- 1158 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
- 1159 following information under Subsection (9)(b)(i) if the information is already
- 1160 provided on the product label that a cannabis production establishment affixes:
- 1161 (A) a unique identification number;
- 1162 (B) directions for use and cautionary statements;
- 1163 (C) amount and cannabinoid content; and
- 1164 (D) a suggested use date.
- 1165 (iii) If the size of a medical cannabis container does not allow sufficient space to
- 1166 include the labeling requirements described in Subsection (9)(b)(i), the medical
- 1167 cannabis pharmacy may provide the following information described in
- 1168 Subsection (9)(b)(i) on a supplemental label attached to the container or an
- 1169 informational enclosure that accompanies the container:
- 1170 (A) the cannabinoid content;
- 1171 (B) the suggested use date; and
- 1172 (C) any other requirements that the department determines.
- 1173 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 1174 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1175 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 1176 (a) upon receipt of an order from a limited medical provider in accordance with
- 1177 Subsections 26B-4-204(1)(b) through (d):
- 1178 (i) for a written order or an electronic order under circumstances that the department
- 1179 determines, contact the limited medical provider or the limited medical provider's
- 1180 office to verify the validity of the recommendation; and
- 1181 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 1182 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
- 1183 to verification under Subsection (10)(a)(i), enter the limited medical provider's
- 1184 recommendation or renewal, including any associated directions of use, dosing

- 1185 guidelines, or caregiver indication, in the state electronic verification system;
- 1186 (b) in processing an order for a holder of a conditional medical cannabis card described
- 1187 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
- 1188 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
- 1189 recommending medical provider or the recommending medical provider's office to
- 1190 verify the validity of the recommendation before processing the cardholder's order;
- 1191 (c) unless the medical cannabis cardholder has had a consultation under Subsection
- 1192 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
- 1193 purchase of cannabis, a cannabis product, or a medical cannabis device, personal
- 1194 counseling with the pharmacy medical provider; and
- 1195 (d) provide a telephone number or website by which the cardholder may contact a
- 1196 pharmacy medical provider for counseling.
- 1197 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
- 1198 that allows an individual to deposit unused or excess medical cannabis or cannabis
- 1199 residue from a medical cannabis device in a locked box or other secure receptacle
- 1200 within the medical cannabis pharmacy.
- 1201 (b) A medical cannabis pharmacy with a disposal program described in Subsection
- 1202 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
- 1203 medical provider can access deposited medical cannabis.
- 1204 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 1205 (i) rendering the deposited medical cannabis unusable and unrecognizable before
- 1206 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 1207 (ii) disposing of the deposited medical cannabis in accordance with:
- 1208 (A) federal and state law, rules, and regulations related to hazardous waste;
- 1209 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1210 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 1211 (D) other regulations that the department makes in accordance with Title 63G,
- 1212 Chapter 3, Utah Administrative Rulemaking Act.
- 1213 (12) A medical cannabis pharmacy:
- 1214 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
- 1215 Practice Act, as a pharmacy medical provider;
- 1216 (b) may employ a physician who has the authority to write a prescription and is licensed
- 1217 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 1218 Osteopathic Medical Practice Act, as a pharmacy medical provider;

- 1219 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works  
 1220 onsite during all business hours;
- 1221 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the  
 1222 pharmacist-in-charge to oversee the operation of and generally supervise the medical  
 1223 cannabis pharmacy;[-and]
- 1224 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis  
 1225 products the medical cannabis pharmacy maintains in the medical cannabis  
 1226 pharmacy's inventory[-] ;
- 1227 (f) shall maintain a video surveillance system that:
- 1228 (i) tracks all handling of medical cannabis in the pharmacy;  
 1229 (ii) is tamper proof; and  
 1230 (iii) stores a video record for at least 45 days;
- 1231 (g) shall provide the department access to the video surveillance system upon request;  
 1232 and
- 1233 (h) if a patient product information insert is available, shall provide a patient who  
 1234 purchases a medical cannabis product the medical cannabis product's patient product  
 1235 information insert using any of the following methods:
- 1236 (i) a physical document;  
 1237 (ii) an email message;  
 1238 (iii) a text message; or  
 1239 (iv) a quick response code.

1240 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
 1241 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
 1242 by a medical cannabis pharmacy.

1243 Section 12. Section **4-41a-1102** is amended to read:

1244 **4-41a-1102 . Dispensing -- Amount a medical cannabis pharmacy may dispense --**  
 1245 **Reporting -- Form of cannabis or cannabis product.**

1246 (1)(a) A medical cannabis pharmacy may not sell a product other than:

- 1247 [~~(i) cannabis in a medicinal dosage form that the medical cannabis pharmacy~~  
 1248 ~~acquired from another medical cannabis pharmacy or a cannabis processing~~  
 1249 ~~facility that is licensed under Section 4-41a-201;]~~
- 1250 [~~(ii)~~] (i) [a cannabis product in a medicinal dosage form] medical cannabis that the  
 1251 medical cannabis pharmacy acquired from another medical cannabis pharmacy or  
 1252 a cannabis processing facility that is licensed under Section 4-41a-201;

- 1253            [(iii)] (ii) a medical cannabis device; or  
1254            [(iv)] (iii) educational material related to the medical use of cannabis.
- 1255            (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an  
1256            individual with:  
1257            (i)(A) a medical cannabis card; or  
1258                    (B) a Department of Health and Human Services registration described in  
1259                    Subsection 26B-4-213(10); and  
1260            (ii) a corresponding government issued photo identification.
- 1261            (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
1262            cannabis-based drug that the United States Food and Drug Administration has  
1263            approved.
- 1264            (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a  
1265            medical cannabis device or medical cannabis to an individual described in Subsection  
1266            26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless  
1267            the individual or minor has the approval of the Compassionate Use Board in  
1268            accordance with Subsection 26B-1-421(5).
- 1269            (2) A medical cannabis pharmacy:  
1270            (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the  
1271            legal dosage limit of:  
1272            (i) unprocessed cannabis that:  
1273                    (A) is in a medicinal dosage form; and  
1274                    (B) carries a label clearly displaying the amount of tetrahydrocannabinol and  
1275                    cannabidiol in the cannabis; and  
1276            (ii) a cannabis product that is in a medicinal dosage form; and  
1277            (b) may not dispense:  
1278            (i) except for a medical cannabis cardholder approved under Subsection 26B-4-245(2),  
1279            more medical cannabis than described in Subsection (2)(a); or  
1280            (ii) any medical cannabis to an individual whose recommending medical provider did  
1281            not recommend directions of use and dosing guidelines, until the individual  
1282            consults with the pharmacy medical provider in accordance with Subsection  
1283            26B-4-231(5).
- 1284            (3)(a) A medical cannabis pharmacy shall:  
1285            (i)(A) access the state electronic verification system before dispensing [~~cannabis~~  
1286            ~~or a cannabis product~~] medical cannabis to a medical cannabis cardholder in

1287 order to determine if the cardholder or, where applicable, the associated patient  
1288 has met the maximum amount of medical cannabis described in Subsection (2);  
1289 and  
1290 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has  
1291 met the maximum amount described in Subsection (2), decline the sale, and  
1292 notify the recommending medical provider who made the underlying  
1293 recommendation;

1294 (ii) submit a record to the state electronic verification system each time the medical  
1295 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1296 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews  
1297 each medical cannabis transaction before dispensing the medical cannabis to the  
1298 cardholder in accordance with pharmacy practice standards;

1299 (iv) package any medical cannabis~~[that is]~~ in a container that:

1300 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related  
1301 to a container for unprocessed cannabis flower in the definition of "medicinal  
1302 dosage form" in Section 26B-4-201; and

1303 (B) is tamper-resistant and tamper-evident;~~[-and]~~  
1304 [~~(C) provides an opaque bag or box for the medical cannabis cardholder's use in~~  
1305 ~~transporting the container in public;~~]

1306 (v) for a product that is a cube that is designed for ingestion through chewing or  
1307 holding in the mouth for slow dissolution, include a separate, off-label warning  
1308 about the risks of over-consumption; and

1309 (vi) beginning January 1, 2024, for ~~[a cannabis product]~~ medical cannabis that is  
1310 cannabis flower, vaporizer cartridges, or concentrate, provide the product's terpene  
1311 profiles collected under Subsection 4-41a-701(4) at or before the point of sale.

1312 (b) A medical cannabis cardholder transporting or possessing the container described in  
1313 Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box  
1314 that the medical cannabis pharmacist provides.

1315 (c) A medical cannabis pharmacy shall provide an opaque bag or box for the medical  
1316 cannabis cardholder to use in transporting the medical cannabis in public if the  
1317 medical cannabis cardholder does not provide an opaque bag or box.

1318 (4)(a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not  
1319 sell medical cannabis in the form of a cigarette or a medical cannabis device that is  
1320 intentionally designed or constructed to resemble a cigarette.

- 1321 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
1322 cannabis material into a vapor without the use of a flame and that delivers cannabis to  
1323 an individual's respiratory system.
- 1324 (5)(a) A medical cannabis pharmacy may not give, at no cost, a product that the medical  
1325 cannabis pharmacy is allowed to sell under Subsection (1)(a)(i)[;] or (ii)[; ~~or (iii)~~].
- 1326 (b) A medical cannabis pharmacy may give, at no cost, educational material related to  
1327 the medical use of cannabis.
- 1328 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices  
1329 regardless of whether the seller has a cannabis-related license under this chapter or Title  
1330 26B, Utah Health and Human Services Code.
- 1331 Section 13. Section **4-41a-1106** is amended to read:
- 1332 **4-41a-1106 . Medical cannabis pharmacy agent -- Registration.**
- 1333 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
1334 cannabis pharmacy unless the department registers the individual as a medical cannabis  
1335 pharmacy agent.
- 1336 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent,  
1337 have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or  
1338 have the power to direct or cause the management or control of a medical cannabis  
1339 pharmacy.
- 1340 (3)(a) The department shall, within 15 days after the day on which the department  
1341 receives a complete application from a medical cannabis pharmacy on behalf of a  
1342 prospective medical cannabis pharmacy agent, register and issue a medical cannabis  
1343 pharmacy agent registration card to the prospective agent if the medical cannabis  
1344 pharmacy:
- 1345 (i) provides to the department:
- 1346 (A) the prospective agent's name and address;
- 1347 (B) the name and location of the licensed medical cannabis pharmacy where the  
1348 prospective agent seeks to act as the medical cannabis pharmacy agent; and
- 1349 (C) the submission required under Subsection (3)(b); and
- 1350 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104  
1351 (5), the department sets in accordance with Section 63J-1-504.
- 1352 (b) Each prospective agent described in Subsection (3)(a) shall:
- 1353 (i) submit to the department:
- 1354 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and



- 1355 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging  
1356 the registration of the prospective agent's fingerprints in the Federal Bureau of  
1357 Investigation Next Generation Identification System's Rap Back Service; and
- 1358 (ii) consent to a fingerprint background check by:
- 1359 (A) the Bureau of Criminal Identification; and
- 1360 (B) the Federal Bureau of Investigation.
- 1361 (c) The Bureau of Criminal Identification shall:
- 1362 (i) check the fingerprints the prospective agent submits under Subsection (3)(b)  
1363 against the applicable state, regional, and national criminal records databases,  
1364 including the Federal Bureau of Investigation Next Generation Identification  
1365 System;
- 1366 (ii) report the results of the background check to the department;
- 1367 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1368 Subsection (3)(b) for search by future submissions to the local and regional  
1369 criminal records databases, including latent prints;
- 1370 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation  
1371 Next Generation Identification System's Rap Back Service for search by future  
1372 submissions to national criminal records databases, including the Next Generation  
1373 Identification System and latent prints; and
- 1374 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1375 receives notifications for an individual with whom the department maintains an  
1376 authorizing relationship.
- 1377 (d) The department shall:
- 1378 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an  
1379 amount that the department sets in accordance with Section 63J-1-504 for the  
1380 services that the Bureau of Criminal Identification or another authorized agency  
1381 provides under this section; and
- 1382 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal  
1383 Identification.
- 1384 [~~(4) The department shall designate, on an individual's medical cannabis pharmacy agent  
1385 registration card the name of the medical cannabis pharmacy where the individual is  
1386 registered as an agent.~~]
- 1387 [(~~5~~)] (4) A medical cannabis pharmacy agent shall comply with a certification standard that  
1388 the department develops in collaboration with the Division of Professional Licensing

1389 and the Board of Pharmacy, or a third-party certification standard that the department  
1390 designates by rule, in collaboration with the Division of Professional Licensing and the  
1391 Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
1392 Rulemaking Act.

1393 ~~[(6)]~~ (5) The department shall ensure that the certification standard described in Subsection [  
1394 ~~(5)]~~ (4) includes training in:

1395 (a) Utah medical cannabis law; and  
1396 (b) medical cannabis pharmacy best practices.

1397 ~~[(7)]~~ (6) The department may revoke the medical cannabis pharmacy agent registration card  
1398 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an  
1399 individual who:

1400 (a) violates the requirements of this chapter; or  
1401 (b) is convicted under state or federal law of:

1402 (i) a felony within the preceding 10 years; or  
1403 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1404 ~~[(8)]~~ (7)(a) A medical cannabis pharmacy agent registration card expires two years after  
1405 the day on which the department issues or renews the card.

1406 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
1407 agent:

1408 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
1409 section;

1410 (ii) certifies to the department in a renewal application that the information in  
1411 Subsection (3)(a) is accurate or updates the information; and  
1412 (iii) pays to the department a renewal fee in an amount that:

1413 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
1414 Section 63J-1-504; and  
1415 (B) may not exceed the cost of the relatively lower administrative burden of  
1416 renewal in comparison to the original application process.

1417 ~~[(9)]~~ (8)(a) As a condition precedent to registration and renewal of a medical cannabis  
1418 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1419 (i) complete at least one hour of continuing education regarding patient privacy and  
1420 federal health information privacy laws that is offered by the department under  
1421 Subsection ~~[(9)(b)]~~ (8)(b) or an accredited or approved continuing education  
1422 provider that the department recognizes as offering continuing education

- 1423 appropriate for the medical cannabis pharmacy practice; and
- 1424 (ii) make a continuing education report to the department in accordance with a
- 1425 process that the department establishes by rule, in accordance with Title 63G,
- 1426 Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the
- 1427 Division of Professional Licensing and the Board of Pharmacy.
- 1428 (b) The department may, in consultation with the Division of Professional Licensing,
- 1429 develop the continuing education described in this Subsection [~~(9)~~] (8).
- 1430 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each
- 1431 medical cannabis pharmacy agent working in the medical cannabis pharmacy who
- 1432 has access to the state electronic verification system is in compliance with this
- 1433 Subsection [~~(9)~~] (8).
- 1434 (d) A medical cannabis pharmacy agent may not access the electronic verification
- 1435 system following the termination of the medical cannabis pharmacy agent's
- 1436 employment.
- 1437 [~~(10)~~] (9) A medical cannabis pharmacy shall:
- 1438 (a) maintain a list of employees that have a medical cannabis pharmacy agent
- 1439 registration card; and
- 1440 (b) provide the list to the department upon request.
- 1441 Section 14. Section **4-41a-1202** is amended to read:
- 1442 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
- 1443 **couriers -- License.**
- 1444 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1445 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
- 1446 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders
- 1447 that the state central patient portal facilitates, including rules regarding the safe and
- 1448 controlled delivery of medical cannabis shipments.
- 1449 (2) A person may not operate as a medical cannabis courier without a license that the [
- 1450 ~~department~~] licensing board issues under this section.
- 1451 (3)(a) Subject to Subsections (5) and (6), the [~~department~~] licensing board shall issue a
- 1452 license to operate as a medical cannabis courier to an applicant who is eligible for a
- 1453 license under this section.
- 1454 (b) An applicant is eligible for a license under this section if the applicant submits to the [
- 1455 ~~department~~] licensing board:
- 1456 (i) the name and address of an individual who:

- 1457 (A) has a financial or voting interest of 10% or greater in the proposed medical  
1458 cannabis courier; or
- 1459 (B) has the power to direct or cause the management or control of a proposed  
1460 cannabis production establishment;
- 1461 (ii) an operating plan that includes operating procedures to comply with the operating  
1462 requirements for a medical cannabis courier described in this chapter; and
- 1463 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
1464 department sets in accordance with Section 63J-1-504.
- 1465 (4) If the [department] licensing board determines that an applicant is eligible for a license  
1466 under this section, the department shall:
- 1467 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
1468 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1469 (b) notify the Department of Public Safety of the license approval and the names of each  
1470 individual described in Subsection (3)(b)(i).
- 1471 (5) The [department] licensing board may not issue a license to operate as a medical  
1472 cannabis courier to an applicant if an individual described in Subsection (3)(b)(i):
- 1473 (a) has been convicted under state or federal law of:
- 1474 (i) a felony in the preceding 10 years; or
- 1475 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1476 (b) is younger than 21 years old.
- 1477 (6) The [department] licensing board may revoke a license under this part if:
- 1478 (a) the medical cannabis courier does not begin operations within one year after the day  
1479 on which the department issues the initial license;
- 1480 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1481 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is  
1482 active, under state or federal law of:
- 1483 (i) a felony; or
- 1484 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1485 (d) after a change of ownership described in Subsection (14)(c), the [department]  
1486 licensing board determines that the medical cannabis courier no longer meets the  
1487 minimum standards for licensure and operation of the medical cannabis courier  
1488 described in this chapter.
- 1489 (7) The department shall deposit the proceeds of a fee imposed by this section [in] into the  
1490 Qualified Production Enterprise Fund.

- 1491 (8) The [department's] licensing board's authority to issue a license under this section is  
1492 plenary and is not subject to review.
- 1493 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of  
1494 application, from each individual who has a financial or voting interest of 10% or  
1495 greater in the applicant or who has the power to direct or cause the management or  
1496 control of the applicant:
- 1497 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
  - 1498 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
1499 registration of the individual's fingerprints in the Federal Bureau of Investigation  
1500 Next Generation Identification System's Rap Back Service; and
  - 1501 (c) consent to a fingerprint background check by:
    - 1502 (i) the Bureau of Criminal Identification; and
    - 1503 (ii) the Federal Bureau of Investigation.
- 1504 (10) The Bureau of Criminal Identification shall:
- 1505 (a) check the fingerprints the applicant submits under Subsection (9) against the  
1506 applicable state, regional, and national criminal records databases, including the  
1507 Federal Bureau of Investigation Next Generation Identification System;
  - 1508 (b) report the results of the background check to the department;
  - 1509 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)  
1510 for search by future submissions to the local and regional criminal records databases,  
1511 including latent prints;
  - 1512 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1513 Generation Identification System's Rap Back Service for search by future  
1514 submissions to national criminal records databases, including the Next Generation  
1515 Identification System and latent prints; and
  - 1516 (e) establish a privacy risk mitigation strategy to ensure that the department only  
1517 receives notifications for an individual with whom the department maintains an  
1518 authorizing relationship.
- 1519 (11) The department shall:
- 1520 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an  
1521 amount that the department sets in accordance with Section 63J-1-504 for the  
1522 services that the Bureau of Criminal Identification or another authorized agency  
1523 provides under this section; and
  - 1524 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.

- 1525 (12) The [department] licensing board shall renew a license under this section every year if,  
1526 at the time of renewal:
- 1527 (a) the licensee meets the requirements of this section; and
- 1528 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
1529 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1530 (13) A person applying for a medical cannabis courier license shall submit to the [  
1531 department] licensing board a proposed operating plan that complies with this section  
1532 and that includes:
- 1533 (a) a description of the physical characteristics of any proposed facilities, including a  
1534 floor plan and an architectural elevation, and delivery vehicles;
- 1535 (b) a description of the credentials and experience of each officer, director, or owner of  
1536 the proposed medical cannabis courier;
- 1537 (c) the medical cannabis courier's employee training standards;
- 1538 (d) a security plan; and
- 1539 (e) storage and delivery protocols, both short and long term, to ensure that medical  
1540 cannabis shipments are stored and delivered in a manner that is sanitary and  
1541 preserves the integrity of the cannabis.
- 1542 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1543 (b) A medical cannabis courier shall report in writing to the department no later than [10]  
1544 45 business days before the date of any change of ownership of the medical cannabis  
1545 courier.
- 1546 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1547 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis  
1548 courier shall submit a new application described in Subsection (3)(b);
- 1549 (ii) within 30 days of the submission of the application, the [department] licensing  
1550 board shall:
- 1551 (A) conduct an application review; and
- 1552 (B) award a license to the medical cannabis courier for the remainder of the term  
1553 of the medical cannabis courier's license before the ownership change if the  
1554 medical cannabis courier meets the minimum standards for licensure and  
1555 operation of the medical cannabis courier described in this chapter; and
- 1556 (iii) if the [department] licensing board approves the license application,  
1557 notwithstanding Subsection (4), the medical cannabis courier shall pay a license  
1558 fee that the department sets in accordance with Section 63J-1-504 in an amount

1559 that covers the [board] licensing board's cost of conducting the application review.

1560 (15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding  
1561 the transportation of medical cannabis.

1562 (b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed  
1563 home delivery medical cannabis pharmacy or a licensed medical cannabis courier  
1564 may advertise:

1565 (i) a green cross;

1566 (ii) the pharmacy's or courier's name and logo; and

1567 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1568 Section 15. Section **4-41a-1204** is amended to read:

1569 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**  
1570 **card -- Rebuttable presumption.**

1571 (1) An individual may not serve as a medical cannabis courier agent unless the department  
1572 registers the individual as a medical cannabis courier agent.

1573 (2)(a) The department shall, within 15 days after the day on which the department  
1574 receives a complete application from a medical cannabis courier on behalf of a  
1575 medical cannabis courier agent, register and issue a medical cannabis courier agent  
1576 registration card to the prospective agent if the medical cannabis courier:

1577 (i) provides to the department:

1578 (A) the prospective agent's name and address;

1579 (B) the name and address of the medical cannabis courier;

1580 (C) the name and address of each home delivery medical cannabis pharmacy with  
1581 which the medical cannabis courier contracts to deliver medical cannabis  
1582 shipments; and

1583 (D) the submission required under Subsection (2)(b);

1584 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
1585 law of:

1586 (A) a felony; or

1587 (B) after December 3, 2018, a misdemeanor for drug distribution; and

1588 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),  
1589 the department sets in accordance with Section 63J-1-504.

1590 (b) Each prospective agent described in Subsection (2)(a) shall:

1591 (i) submit to the department:

1592 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

- 1593 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging  
1594 the registration of the prospective agent's fingerprints in the Federal Bureau of  
1595 Investigation Next Generation Identification System's Rap Back Service; and  
1596 (ii) consent to a fingerprint background check by:  
1597 (A) the Bureau of Criminal Identification; and  
1598 (B) the Federal Bureau of Investigation.
- 1599 (c) The Bureau of Criminal Identification shall:  
1600 (i) check the fingerprints the prospective agent submits under Subsection (2)(b)  
1601 against the applicable state, regional, and national criminal records databases,  
1602 including the Federal Bureau of Investigation Next Generation Identification  
1603 System;  
1604 (ii) report the results of the background check to the department;  
1605 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1606 Subsection (2)(b) for search by future submissions to the local and regional  
1607 criminal records databases, including latent prints;  
1608 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation  
1609 Next Generation Identification System's Rap Back Service for search by future  
1610 submissions to national criminal records databases, including the Next Generation  
1611 Identification System and latent prints; and  
1612 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1613 receives notifications for an individual with whom the department maintains an  
1614 authorizing relationship.
- 1615 (d) The department shall:  
1616 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an  
1617 amount that the department sets in accordance with Section 63J-1-504 for the  
1618 services that the Bureau of Criminal Identification or another authorized agency  
1619 provides under this section; and  
1620 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal  
1621 Identification.
- 1622 [~~(3) The department shall designate on an individual's medical cannabis courier agent~~  
1623 ~~registration card the name of the medical cannabis pharmacy where the individual is~~  
1624 ~~registered as an agent and each home delivery medical cannabis courier for which the~~  
1625 ~~medical cannabis courier delivers medical cannabis shipments.]~~
- 1626 [(4)] (3)(a) A medical cannabis courier agent shall comply with a certification standard



- 1627 that the department develops, in collaboration with the Division of Professional  
1628 Licensing and the Board of Pharmacy, or a third-party certification standard that the  
1629 department designates by rule in collaboration with the Division of Professional  
1630 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3,  
1631 Utah Administrative Rulemaking Act.
- 1632 (b) The department shall ensure that the certification standard described in Subsection [  
1633 ~~(4)(a)~~] (3)(a) includes training in:
- 1634 (i) Utah medical cannabis law;
- 1635 (ii) the medical cannabis shipment process; and
- 1636 (iii) medical cannabis courier agent best practices.
- 1637 [~~(5)~~] (4)(a) A medical cannabis courier agent registration card expires two years after the  
1638 day on which the department issues or renews the card.
- 1639 (b) A medical cannabis courier agent may renew the agent's registration card if the agent:
- 1640 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 1641 (ii) certifies to the department in a renewal application that the information in  
1642 Subsection (2)(a) is accurate or updates the information; and
- 1643 (iii) pays to the department a renewal fee in an amount that:
- 1644 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
1645 Section 63J-1-504; and
- 1646 (B) may not exceed the cost of the relatively lower administrative burden of  
1647 renewal in comparison to the original application process.
- 1648 [~~(6)~~] (5) The department may revoke or refuse to issue or renew the medical cannabis  
1649 courier agent registration card of an individual who:
- 1650 (a) violates the requirements of this chapter; or
- 1651 (b) is convicted under state or federal law of:
- 1652 (i) a felony within the preceding 10 years; or
- 1653 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1654 [~~(7)~~] (6) A medical cannabis courier agent whom the department has registered under this  
1655 section shall carry the agent's medical cannabis courier agent registration card with the  
1656 agent at all times when:
- 1657 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis  
1658 pharmacy, or a delivery address; and
- 1659 (b) the agent is handling a medical cannabis shipment.
- 1660 [~~(8)~~] (7) If a medical cannabis courier agent handling a medical cannabis shipment

1661 possesses the shipment in compliance with Subsection [(7)] (6):  
1662 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and  
1663 (b) there is no probable cause, based solely on the agent's possession of the medical  
1664 cannabis shipment that the agent is engaging in illegal activity.

1665 [(9)] (8)(a) A medical cannabis courier agent who violates Subsection [(7)] (6) is:

1666 (i) guilty of an infraction; and

1667 (ii) subject to a \$100 fine.

1668 (b) An individual who is guilty of a violation described in Subsection [(9)(a)] (8)(a) is  
1669 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for  
1670 the conduct underlying the violation described in Subsection [(9)(a)] (8)(a).

1671 [(10)] (9) A medical cannabis courier shall:

1672 (a) maintain a list of employees who have a medical cannabis courier agent card; and

1673 (b) provide the list to the department upon request.

1674 Section 16. Section **26B-1-435** is amended to read:

1675 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**  
1676 **Duties.**

1677 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1678 (2)(a) The advisory board shall consist of the following members:

1679 (i) appointed by the executive director:

1680 (A) a qualified medical provider who has recommended medical cannabis to at  
1681 least 100 patients before being appointed;

1682 (B) a medical research professional;

1683 (C) a mental health specialist;

1684 (D) an individual who represents an organization that advocates for medical  
1685 cannabis patients;

1686 (E) an individual who holds a medical cannabis patient card; and

1687 (F) a member of the general public who does not hold a medical cannabis card; and

1688 (ii) appointed by the commissioner of the Department of Agriculture and Food:

1689 (A) an individual who owns or operates a licensed cannabis cultivation facility, as  
1690 defined in Section 4-41a-102;

1691 (B) an individual who owns or operates a licensed medical cannabis pharmacy;  
1692 and

1693 (C) a law enforcement officer.

1694 (b) The commissioner of the Department of Agriculture and Food shall ensure that at

- 1695           least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or  
1696           operates a licensed cannabis processing facility.
- 1697 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four  
1698           year term.
- 1699           (b) When appointing the initial membership of the advisory board, the executive director  
1700           and the commissioner of the Department of Agriculture and Food shall coordinate to  
1701           appoint four advisory board members to serve a term of two years to ensure that  
1702           approximately half of the board is appointed every two years.
- 1703 (4)(a) If an advisory board member is no longer able to serve as a member, a new  
1704           member shall be appointed in the same manner as the original appointment.
- 1705           (b) A member appointed in accordance with Subsection (4)(a) shall serve for the  
1706           remainder of the unexpired term of the original appointment.
- 1707 (5)(a) A majority of the advisory board members constitutes a quorum.
- 1708           (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1709           (c) For a term lasting one year, the advisory board shall annually designate members of  
1710           the advisory board to serve as chair and vice-chair.
- 1711           (d) When designating the chair and vice-chair, the advisory board shall ensure that at  
1712           least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1713 (6) An advisory board member may not receive compensation or benefits for the member's  
1714           service on the advisory board but may receive per diem and reimbursement for travel  
1715           expenses incurred as an advisory board member in accordance with:
- 1716           (a) Sections 63A-3-106 and 63A-3-107; and
- 1717           (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1718           63A-3-107.
- 1719 (7) The department shall:
- 1720           (a) provide staff support for the advisory board; and
- 1721           (b) assist the advisory board in conducting meetings.
- 1722 (8) The advisory board may recommend:
- 1723           (a) to the department or the Department of Agriculture and Food changes to current or  
1724           proposed medical cannabis rules or statutes; and
- 1725           (b) to the appropriate legislative committee whether the advisory board supports a  
1726           change to medical cannabis statutes.
- 1727 (9) The advisory board shall:
- 1728           (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,

- 1729 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis  
1730 Production Establishments and Pharmacies;
- 1731 (b) consult with the Department of Agriculture and Food regarding the issuance of an  
1732 additional:
- 1733 (i) cultivation facility license under Section 4-41a-205; or  
1734 (ii) pharmacy license under Section 4-41a-1005;
- 1735 (c) consult with the department regarding cannabis patient education;
- 1736 (d) consult regarding the reasonableness of any fees set by the department or the  
1737 Department of Agriculture and Food that pertain to the medical cannabis program;  
1738 and
- 1739 (e) consult regarding any issue pertaining to medical cannabis when asked by the  
1740 department or the Utah Department of Agriculture and Food.

1741 Section 17. Section **26B-4-201** is amended to read:

1742 **26B-4-201 . Definitions.**

1743 As used in this part:

- 1744 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and  
1745 tetrahydrocannabinolic acid.
- 1746 (2) "Administration of criminal justice" means the performance of detection, apprehension,  
1747 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1748 (3) "Advertise" means information provided by a person in any medium:
- 1749 (a) to the public; and  
1750 (b) that is not age restricted to an individual who is at least 21 years old.
- 1751 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
1752 Section 26B-1-435.
- 1753 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board  
1754 created in Section 26B-1-420.
- 1755 (6) "Cannabis" means marijuana.
- 1756 (7) "Cannabis processing facility" means the same as that term is defined in Section  
1757 4-41a-102.
- 1758 (8) "Cannabis product" means a product that:
- 1759 (a) is intended for human use; and  
1760 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
1761 concentration of 0.3% or greater on a dry weight basis.
- 1762 (9) "Cannabis production establishment" means the same as that term is defined in Section

- 1763 4-41a-102.
- 1764 (10) "Cannabis production establishment agent" means the same as that term is defined in  
1765 Section 4-41a-102.
- 1766 (11) "Cannabis production establishment agent registration card" means the same as that  
1767 term is defined in Section 4-41a-102.
- 1768 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that  
1769 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
1770 applicant for a medical cannabis card to access medical cannabis during the department's  
1771 review of the application.
- 1772 (13) "Controlled substance database" means the controlled substance database created in  
1773 Section 58-37f-201.
- 1774 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1775 (15) "Department" means the Department of Health and Human Services.
- 1776 (16) "Designated caregiver" means:
- 1777 (a) an individual:
- 1778 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
1779 guardian card designates as the patient's caregiver; and
- 1780 (ii) who registers with the department under Section 26B-4-214; or
- 1781 (b)(i) a facility that an individual designates as a designated caregiver in accordance  
1782 with Subsection 26B-4-214(1)(b); or
- 1783 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1784 (17) "Directions of use" means recommended routes of administration for a medical  
1785 cannabis treatment and suggested usage guidelines.
- 1786 (18) "Dosing guidelines" means a quantity range and frequency of administration for a  
1787 recommended treatment of medical cannabis.
- 1788 (19) "Government issued photo identification" means any of the following forms of  
1789 identification:
- 1790 (a) a valid state-issued driver license or identification card;
- 1791 (b) a valid United States federal-issued photo identification, including:
- 1792 (i) a United States passport;
- 1793 (ii) a United States passport card;
- 1794 (iii) a United States military identification card; or
- 1795 (iv) a permanent resident card or alien registration receipt card; or
- 1796 (c) a foreign passport.

- 1797 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that  
1798 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
1799 shipments to a delivery address to fulfill electronic orders that the state central patient  
1800 portal facilitates.
- 1801 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1802 (22) "Legal dosage limit" means an amount that:
- 1803 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the  
1804 relevant recommending medical provider or the state central patient portal or  
1805 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),  
1806 recommends; and
- 1807 (b) may not exceed:
- 1808 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and  
1809 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in  
1810 total, greater than 20 grams of active tetrahydrocannabinol.
- 1811 (23) "Legal use termination date" means a date on the label of a container of unprocessed  
1812 cannabis flower:
- 1813 (a) that is 60 days after the date of purchase of the cannabis; and  
1814 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the  
1815 primary residence of the relevant medical cannabis patient cardholder.
- 1816 (24) "Limited medical provider" means an individual who:
- 1817 (a) meets the recommending qualifications; and  
1818 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of  
1819 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1820 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1821 (26) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product  
1822 in a medicinal dosage form.
- 1823 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis  
1824 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1825 (28) "Medical cannabis cardholder" means:
- 1826 (a) a holder of a medical cannabis card; or  
1827 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1828 (i) within the scope of the facility's or assigned employee's performance of the role of  
1829 a medical cannabis patient cardholder's caregiver designation under Subsection  
1830 26B-4-214(1)(b); and

- 1831 (ii) while in possession of documentation that establishes:  
1832 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);  
1833 (B) the identity of the individual presenting the documentation; and  
1834 (C) the relation of the individual presenting the documentation to the caregiver  
1835 designation.
- 1836 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder  
1837 may print or store on an electronic device or a physical card or document that:  
1838 (a) the department issues to an individual whom a medical cannabis patient cardholder  
1839 or a medical cannabis guardian cardholder designates as a designated caregiver; and  
1840 (b) is connected to the electronic verification system.
- 1841 (30) "Medical cannabis courier" means the same as that term is defined in Section  
1842 4-41a-102.
- 1843 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or  
1844 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal  
1845 dosage form.  
1846 (b) "Medical cannabis device" does not include a device that:  
1847 (i) facilitates cannabis combustion; or  
1848 (ii) an individual uses to ingest substances other than cannabis.
- 1849 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may  
1850 print or store on an electronic device or a physical card or document that:  
1851 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1852 condition; and  
1853 (b) is connected to the electronic verification system.
- 1854 (33) "Medical cannabis patient card" means an electronic document that a cardholder may  
1855 print or store on an electronic device or a physical card or document that:  
1856 (a) the department issues to an individual with a qualifying condition; and  
1857 (b) is connected to the electronic verification system.
- 1858 (34) "Medical cannabis pharmacy" means a person that:  
1859 (a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a  
1860 medicinal dosage form from a cannabis processing facility or another medical  
1861 cannabis pharmacy or a medical cannabis device; or  
1862 (ii) possesses medical cannabis or a medical cannabis device; and  
1863 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical  
1864 cannabis cardholder.

- 1865 (35) "Medical cannabis pharmacy agent" means an individual who holds a valid medical  
1866 cannabis pharmacy agent registration card issued by the department.
- 1867 (36) "Medical cannabis pharmacy agent registration card" means a registration card issued  
1868 by the department that authorizes an individual to act as a medical cannabis pharmacy  
1869 agent.
- 1870 (37) "Medical cannabis shipment" means the same as that term is defined in Section  
1871 4-41a-102.
- 1872 (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis  
1873 product in a medicinal dosage form, or a medical cannabis device.
- 1874 (39)(a) "Medicinal dosage form" means:
- 1875 (i) for processed medical cannabis, the following with a specific and consistent  
1876 cannabinoid content:
- 1877 (A) a tablet;
- 1878 (B) a capsule;
- 1879 (C) a concentrated liquid or viscous oil;
- 1880 (D) a liquid suspension that does not exceed 30 milliliters;
- 1881 (E) a topical preparation;
- 1882 (F) a transdermal preparation;
- 1883 (G) a sublingual preparation;
- 1884 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
1885 rectangular cuboid shape;
- 1886 (I) a resin or wax;
- 1887 (J) an aerosol;
- 1888 (K) a suppository preparation; or
- 1889 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform  
1890 spherical shape, is homogeneous in color and texture, and each piece is a single  
1891 serving; or
- 1892 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1893 (A) contains cannabis flower in a quantity that varies by no more than 10% from  
1894 the stated weight at the time of packaging;
- 1895 (B) at any time the medical cannabis cardholder transports or possesses the  
1896 container in public, is contained within an opaque bag or box that the medical  
1897 cannabis pharmacy provides; and
- 1898 (C) is labeled with the container's content and weight, the date of purchase, the



1899 legal use termination date, and a barcode that provides information connected  
 1900 to an inventory control system.

1901 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1902 (i) the medical cannabis cardholder has recently removed from the container

1903 described in Subsection (39)(a)(ii) for use; and

1904 (ii) does not exceed the quantity described in Subsection (39)(a)(ii).

1905 (c) "Medicinal dosage form" does not include:

1906 (i) any unprocessed cannabis flower outside of the container described in Subsection  
 1907 (39)(a)(ii), except as provided in Subsection (39)(b);

1908 (ii) any unprocessed cannabis flower in a container described in Subsection  
 1909 (39)(a)(ii) after the legal use termination date;

1910 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the  
 1911 cannabis on a nail or other metal object that is heated by a flame, including a  
 1912 blowtorch;

1913 (iv) a liquid suspension that is branded as a beverage;

1914 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not  
 1915 measured in grams, milligrams, or milliliters; or

1916 (vi) a substance that contains or is covered to any degree with chocolate.

1917 (40) "Nonresident patient" means an individual who:

1918 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1919 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
 1920 card under the laws of another state, district, territory, commonwealth, or insular  
 1921 possession of the United States; and

1922 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

1923 (41) "Patient product information insert" means a single page document or webpage that  
 1924 contains information about a medical cannabis product regarding:

1925 (a) how to use the product;

1926 (b) common side effects;

1927 (c) serious side effects;

1928 (d) dosage;

1929 (e) contraindications;

1930 (f) safe storage;

1931 (g) information on when a product should not be used; and

1932 (h) other information the department deems appropriate in consultation with the

- 1933           cannabis processing facility that created the product.
- 1934    ~~[(41)]~~ (42) "Pharmacy medical provider" means the medical provider required to be on site
- 1935           at a medical cannabis pharmacy under Section 26B-4-219.
- 1936    ~~[(42)]~~ (43) "Provisional patient card" means a card that:
- 1937           (a) the department issues to a minor with a qualifying condition for whom:
- 1938               (i) a recommending medical provider has recommended a medical cannabis
- 1939               treatment; and
- 1940               (ii) the department issues a medical cannabis guardian card to the minor's parent or
- 1941               legal guardian; and
- 1942           (b) is connected to the electronic verification system.
- 1943    ~~[(43)]~~ (44) "Qualified medical provider" means an individual:
- 1944           (a) who meets the recommending qualifications; and
- 1945           (b) whom the department registers to recommend treatment with cannabis in a medicinal
- 1946           dosage form under Section 26B-4-204.
- 1947    ~~[(44)]~~ (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
- 1948           26B-1-310.
- 1949    ~~[(45)]~~ (46) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1950    ~~[(46)]~~ (47) "Recommend" or "recommendation" means, for a recommending medical
- 1951           provider, the act of suggesting the use of medical cannabis treatment, which:
- 1952           (a) certifies the patient's eligibility for a medical cannabis card; and
- 1953           (b) may include, at the recommending medical provider's discretion, directions of use,
- 1954           with or without dosing guidelines.
- 1955    ~~[(47)]~~ (48) "Recommending medical provider" means a qualified medical provider or a
- 1956           limited medical provider.
- 1957    ~~[(48)]~~ (49) "Recommending qualifications" means that an individual:
- 1958           (a)(i) has the authority to write a prescription;
- 1959               (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
- 1960               Controlled Substances Act; and
- 1961               (iii) possesses the authority, in accordance with the individual's scope of practice, to
- 1962               prescribe a Schedule II controlled substance; and
- 1963           (b) is licensed as:
- 1964               (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1965               (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1966               Act;

- 1967 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
 1968 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1969 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1970 [(49)] (50) "State central patient portal" means the website the department creates, in  
 1971 accordance with Section 26B-4-236, to facilitate patient safety, education, and an  
 1972 electronic medical cannabis order.
- 1973 [(50)] (51) "State electronic verification system" means the system described in Section  
 1974 26B-4-202.
- 1975 [(51)] (52) "Targeted marketing" means the promotion by a qualified medical provider,  
 1976 medical clinic, or medical office that employs a qualified medical provider of a medical  
 1977 cannabis recommendation service using any of the following methods:
- 1978 (a) electronic communication to an individual who is at least 21 years old and has  
 1979 requested to receive promotional information;
- 1980 (b) an in-person marketing event that is held in an area where only an individual who is  
 1981 at least 21 years old may access the event;
- 1982 (c) other marketing material that is physically or digitally displayed in the office of the  
 1983 medical clinic or office that employs a qualified medical provider; or
- 1984 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that  
 1985 employs a qualified medical provider shares with an individual who is at least 21  
 1986 years old.
- 1987 [(52)] (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a  
 1988 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 1989 [(53)] (54) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1990 Section 18. Section **26B-4-202** is amended to read:
- 1991 **26B-4-202 . Electronic verification system.**
- 1992 (1) The Department of Agriculture and Food, the department, the Department of Public  
 1993 Safety, and the Division of Technology Services shall:
- 1994 (a) enter into a memorandum of understanding in order to determine the function and  
 1995 operation of the state electronic verification system in accordance with Subsection  
 1996 (2);
- 1997 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
 1998 Procurement Code, to develop a request for proposals for a third-party provider to  
 1999 develop and maintain the state electronic verification system in coordination with the  
 2000 Division of Technology Services; and

- 2001 (c) select a third-party provider who:
- 2002 (i) meets the requirements contained in the request for proposals issued under
- 2003 Subsection (1)(b); and
- 2004 (ii) may not have any commercial or ownership interest in a cannabis production
- 2005 establishment or a medical cannabis pharmacy.
- 2006 (2) The Department of Agriculture and Food, the department, the Department of Public
- 2007 Safety, and the Division of Technology Services shall ensure that the state electronic
- 2008 verification system described in Subsection (1):
- 2009 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
- 2010 medical cannabis guardian card, provided that the card may not become active until:
- 2011 (i) the relevant qualified medical provider completes the associated medical cannabis
- 2012 recommendation; or
- 2013 (ii) for a medical cannabis card related to a limited medical provider's
- 2014 recommendation, the medical cannabis pharmacy completes the recording
- 2015 described in Subsection (2)(d);
- 2016 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
- 2017 cannabis guardian card in accordance with Section 26B-4-213;
- 2018 (c) allows a qualified medical provider, or an employee described in Subsection (3)
- 2019 acting on behalf of the qualified medical provider, to:
- 2020 (i) access dispensing and card status information regarding a patient:
- 2021 (A) with whom the qualified medical provider has a provider-patient relationship;
- 2022 and
- 2023 (B) for whom the qualified medical provider has recommended or is considering
- 2024 recommending a medical cannabis card;
- 2025 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or
- 2026 a cannabis product in a medicinal dosage form and optionally recommend dosing
- 2027 guidelines;
- 2028 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
- 2029 or medical cannabis guardian cardholder:
- 2030 (A) using telehealth services, for the qualified medical provider who originally
- 2031 recommended a medical cannabis treatment during a face-to-face visit with the
- 2032 patient; or
- 2033 (B) during a face-to-face visit with the patient, for a qualified medical provider
- 2034 who did not originally recommend the medical cannabis treatment during a

- 2035 face-to-face visit; and
- 2036 (iv) submit an initial application, renewal application, or application payment on
- 2037 behalf of an individual applying for any of the following:
- 2038 (A) a medical cannabis patient card;
- 2039 (B) a medical cannabis guardian card; or
- 2040 (C) a medical cannabis caregiver card;
- 2041 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
- 2042 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 2043 (i) access the electronic verification system to review the history within the system of
- 2044 a patient with whom the provider or agent is interacting, limited to read-only
- 2045 access for medical cannabis pharmacy agents unless the medical cannabis
- 2046 pharmacy's pharmacist in charge authorizes add and edit access;
- 2047 (ii) record a patient's recommendation from a limited medical provider, including any
- 2048 directions of use, dosing guidelines, or caregiver indications from the limited
- 2049 medical provider;
- 2050 (iii) record a limited medical provider's renewal of the provider's previous
- 2051 recommendation; and
- 2052 (iv) submit an initial application, renewal application, or application payment on
- 2053 behalf of an individual applying for any of the following:
- 2054 (A) a medical cannabis patient card;
- 2055 (B) a medical cannabis guardian card; or
- 2056 (C) a medical cannabis caregiver card;
- 2057 (e) connects with:
- 2058 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
- 2059 time and archive purchases of any cannabis in a medicinal dosage form, cannabis
- 2060 product in a medicinal dosage form, or a medical cannabis device, including:
- 2061 (A) the time and date of each purchase;
- 2062 (B) the quantity and type of cannabis, cannabis product, or medical cannabis
- 2063 device purchased;
- 2064 (C) any cannabis production establishment, any medical cannabis pharmacy, or
- 2065 any medical cannabis courier associated with the cannabis, cannabis product,
- 2066 or medical cannabis device; and
- 2067 (D) the personally identifiable information of the medical cannabis cardholder
- 2068 who made the purchase; and

- 2069 (ii) any commercially available inventory control system that a cannabis production  
2070 establishment utilizes in accordance with Section 4-41a-103 to use data that the  
2071 Department of Agriculture and Food requires by rule, in accordance with Title  
2072 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory  
2073 tracking system that a licensee uses to track and confirm compliance;
- 2074 (f) provides access to:
- 2075 (i) the department to the extent necessary to carry out the department's functions and  
2076 responsibilities under this part;
- 2077 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
2078 functions and responsibilities of the Department of Agriculture and Food under  
2079 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 2080 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
2081 functions and responsibilities related to the participation of the following in the  
2082 recommendation and dispensing of medical cannabis:
- 2083 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing  
2084 Act;
- 2085 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 2086 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
2087 Nurse Practice Act;
- 2088 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2089 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 2090 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
2091 Assistant Act;
- 2092 (g) provides access to and interaction with the state central patient portal;
- 2093 (h) communicates dispensing information from a record that a medical cannabis  
2094 pharmacy submits to the state electronic verification system under Subsection  
2095 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 2096 (i) provides access to state or local law enforcement only to verify the validity of an  
2097 individual's medical cannabis card for the administration of criminal justice and  
2098 through a database used by law enforcement; and
- 2099 (j) creates a record each time a person accesses the system that identifies the person who  
2100 accesses the system and the individual whose records the person accesses.
- 2101 (3)(a) An employee of a qualified medical provider may access the electronic  
2102 verification system for a purpose described in Subsection (2)(c) on behalf of the

- 2103 qualified medical provider if:
- 2104 (i) the qualified medical provider has designated the employee as an individual  
2105 authorized to access the electronic verification system on behalf of the qualified  
2106 medical provider;
- 2107 (ii) the qualified medical provider provides written notice to the department of the  
2108 employee's identity and the designation described in Subsection (3)(a)(i); and
- 2109 (iii) the department grants to the employee access to the electronic verification  
2110 system.
- 2111 (b) An employee of a business that employs a qualified medical provider may access the  
2112 electronic verification system for a purpose described in Subsection (2)(c) on behalf  
2113 of the qualified medical provider if:
- 2114 (i) the qualified medical provider has designated the employee as an individual  
2115 authorized to access the electronic verification system on behalf of the qualified  
2116 medical provider;
- 2117 (ii) the qualified medical provider and the employing business jointly provide written  
2118 notice to the department of the employee's identity and the designation described  
2119 in Subsection (3)(b)(i); and
- 2120 (iii) the department grants to the employee access to the electronic verification  
2121 system.
- 2122 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall  
2123 complete at least one hour of education regarding health information privacy laws  
2124 that is offered by the department or an accredited or approved education provider that  
2125 the department recognizes before the department may grant the employee access to  
2126 the electronic verification system.
- 2127 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 2128 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
2129 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2130 Practice Act;
- 2131 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2132 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 2133 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
2134 Assistant Act.
- 2135 (b) A prescribing provider may access information in the electronic verification system  
2136 regarding a patient the prescribing provider treats.

- 2137 (5) The department may release limited data that the system collects for the purpose of:
- 2138 (a) conducting medical and other department approved research;
- 2139 (b) providing the report required by Section 26B-4-222; and
- 2140 (c) other official department purposes.
- 2141 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 2142 Administrative Rulemaking Act, to establish:
- 2143 (a) the limitations on access to the data in the state electronic verification system as
- 2144 described in this section; and
- 2145 (b) standards and procedures to ensure accurate identification of an individual requesting
- 2146 information or receiving information in this section.
- 2147 (7) Any person who negligently or recklessly releases any information in the state
- 2148 electronic verification system in violation of this section is guilty of a class C
- 2149 misdemeanor.
- 2150 (8) Any person who obtains or attempts to obtain information from the state electronic
- 2151 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 2152 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
- 2153 and intentionally use, release, publish, or otherwise make available to any other
- 2154 person information obtained from the state electronic verification system for any
- 2155 purpose other than a purpose specified in this section.
- 2156 (b) Each separate violation of this Subsection (9) is:
- 2157 (i) a third degree felony; and
- 2158 (ii) subject to a civil penalty not to exceed \$5,000.
- 2159 (c) A law enforcement officer who uses the database used by law enforcement to access
- 2160 information in the electronic verification system for a reason that is not the
- 2161 administration of criminal justice is guilty of a class B misdemeanor.
- 2162 (d) The department shall determine a civil violation of this Subsection (9) in accordance
- 2163 with Title 63G, Chapter 4, Administrative Procedures Act.
- 2164 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
- 2165 Fund.
- 2166 (f) This Subsection (9) does not prohibit a person who obtains information from the state
- 2167 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 2168 (i) including the information in the person's medical chart or file for access by a
- 2169 person authorized to review the medical chart or file;
- 2170 (ii) providing the information to a person in accordance with the requirements of the



- 2171 Health Insurance Portability and Accountability Act of 1996; or  
2172 (iii) discussing or sharing that information about the patient with the patient.
- 2173 Section 19. Section **26B-4-204** is amended to read:
- 2174 **26B-4-204 . Qualified medical provider registration -- Continuing education --**  
2175 **Treatment recommendation -- Limited medical provider.**
- 2176 (1)(a)(i) Except as provided in Subsection (1)(b), an individual may not recommend a  
2177 medical cannabis treatment unless the department registers the individual as a  
2178 qualified medical provider in accordance with this section.
- 2179 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is  
2180 podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,  
2181 may not recommend a medical cannabis treatment except within the course and  
2182 scope of a practice of podiatry, as that term is defined in Section 58-5a-102.
- 2183 (b) An individual who meets the recommending qualifications may recommend a  
2184 medical cannabis treatment as a limited medical provider without registering under  
2185 Subsection (1)(a) if:
- 2186 (i) the individual recommends the use of medical cannabis to the patient through an  
2187 order described in Subsection (1)(c) after:
- 2188 (A) a face-to-face visit for an initial recommendation or the renewal of a  
2189 recommendation for a patient for whom the limited medical provider did not  
2190 make the patient's original recommendation; or
- 2191 (B) a visit using telehealth services for a renewal of a recommendation for a  
2192 patient for whom the limited medical provider made the patient's original  
2193 recommendation; and
- 2194 (ii) the individual's recommendation or renewal would not cause the total number of  
2195 the individual's patients who have a valid medical cannabis patient card or  
2196 provisional patient card resulting from the individual's recommendation to exceed  
2197 15.
- 2198 (c) The individual described in Subsection (1)(b) shall communicate the individual's  
2199 recommendation through an order for the medical cannabis pharmacy to record the  
2200 individual's recommendation or renewal in the state electronic verification system  
2201 under the individual's recommendation that:
- 2202 (i)(A) the individual or the individual's employee sends electronically to a medical  
2203 cannabis pharmacy; or
- 2204 (B) the individual gives to the patient in writing for the patient to deliver to a

- 2205 medical cannabis pharmacy; and
- 2206 (ii) may include:
- 2207 (A) directions of use or dosing guidelines; and
- 2208 (B) an indication of a need for a caregiver in accordance with Subsection [
- 2209 ~~26B-4-213(3)(e)] 26B-4-213(3)(b).~~
- 2210 (d) If the limited medical provider gives the patient a written recommendation to deliver
- 2211 to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
- 2212 provider shall ensure that the document includes all of the information that is
- 2213 included on a prescription the provider would issue for a controlled substance,
- 2214 including:
- 2215 (i) the date of issuance;
- 2216 (ii) the provider's name, address and contact information, controlled substance license
- 2217 information, and signature; and
- 2218 (iii) the patient's name, address and contact information, age, and diagnosed
- 2219 qualifying condition.
- 2220 (e) In considering making a recommendation as a limited medical provider, an
- 2221 individual may consult information that the department makes available on the
- 2222 department's website for recommending providers.
- 2223 (2)(a) The department shall, within 15 days after the day on which the department
- 2224 receives an application from an individual, register and issue a qualified medical
- 2225 provider registration card to the individual if the individual:
- 2226 (i) provides to the department the individual's name and address;
- 2227 (ii) provides to the department an acknowledgment that the individual has completed
- 2228 four hours of continuing education related to medical cannabis;
- 2229 (iii) provides to the department evidence that the individual meets the recommending
- 2230 qualifications;
- 2231 (iv) for an applicant on or after November 1, 2021, provides to the department the
- 2232 information described in Subsection (10)(a); and
- 2233 (v) pays the department a fee in an amount that:
- 2234 (A) the department sets, in accordance with Section 63J-1-504; and
- 2235 (B) does not exceed \$300 for an initial registration.
- 2236 (b) The department may not register an individual as a qualified medical provider if the
- 2237 individual is:
- 2238 (i) a pharmacy medical provider; or

- 2239 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
2240 production establishment, a medical cannabis pharmacy, or a medical cannabis  
2241 courier.
- 2242 (3)(a) An individual shall complete the continuing education related to medical cannabis  
2243 in the following amounts:
- 2244 (i) for an individual as a condition precedent to registration, four hours; and  
2245 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
2246 every two years.
- 2247 (b) The department may, in consultation with the Division of Professional Licensing,  
2248 develop continuing education related to medical cannabis.
- 2249 (c) The continuing education described in this Subsection (3) may discuss:
- 2250 (i) the provisions of this part;  
2251 (ii) general information about medical cannabis under federal and state law;  
2252 (iii) the latest scientific research on the endocannabinoid system and medical  
2253 cannabis, including risks and benefits;  
2254 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2255 patient in pain management, risk management, potential addiction, or palliative  
2256 care; and  
2257 (v) best practices for recommending the form and dosage of medical cannabis based  
2258 on the qualifying condition underlying a medical cannabis recommendation.
- 2259 (4)(a) Except as provided in Subsection (4)(b), a qualified medical provider may not  
2260 recommend a medical cannabis treatment to more than 1.5% of the total amount of  
2261 medical cannabis patient cardholders.
- 2262 (b) If a qualified medical provider receives payment from an insurance plan for services  
2263 provided under this chapter, then the patient whose insurance plan was billed does  
2264 not count toward the 1.5% patient cap described in Subsection (4)(a).
- 2265 (5) A recommending medical provider may recommend medical cannabis to an individual  
2266 under this part only in the course of a provider-patient relationship after the  
2267 recommending medical provider has completed and documented in the patient's medical  
2268 record a thorough assessment of the patient's condition and medical history based on the  
2269 appropriate standard of care for the patient's condition.
- 2270 (6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that  
2271 the person or the person's employee recommends a medical cannabis treatment.
- 2272 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical

- 2273 provider, medical clinic, or medical office that employs a qualified medical provider  
2274 may advertise only the following:
- 2275 (i) a green cross;
  - 2276 (ii) the provider's or clinic's name and logo;
  - 2277 (iii) a qualifying condition that the individual treats;
  - 2278 (iv) that the qualified medical provider, medical clinic, or medical office evaluates  
2279 patients for medical cannabis recommendations;
  - 2280 (v) a scientific study regarding medical cannabis use; or
  - 2281 (vi) contact information.
- 2282 (c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical  
2283 provider, medical clinic, or medical office that employs a qualified medical provider  
2284 may engage in targeted marketing, as determined by the department through rule, for  
2285 advertising medical cannabis recommendation services.
- 2286 (7)(a) A qualified medical provider registration card expires two years after the day on  
2287 which the department issues the card.
- 2288 (b) The department shall renew a qualified medical provider's registration card if the  
2289 provider:
- 2290 (i) applies for renewal;
  - 2291 (ii) is eligible for a qualified medical provider registration card under this section,  
2292 including maintaining an unrestricted license under the recommending  
2293 qualifications;
  - 2294 (iii) certifies to the department in a renewal application that the information in  
2295 Subsection (2)(a) is accurate or updates the information;
  - 2296 (iv) submits a report detailing the completion of the continuing education  
2297 requirement described in Subsection (3); and
  - 2298 (v) pays the department a fee in an amount that:
    - 2299 (A) the department sets, in accordance with Section 63J-1-504; and
    - 2300 (B) does not exceed \$50 for a registration renewal.
- 2301 (8) The department may revoke the registration of a qualified medical provider who fails to  
2302 maintain compliance with the requirements of this section.
- 2303 (9) A recommending medical provider may not:
- 2304 (a) receive any compensation or benefit for the qualified medical provider's medical  
2305 cannabis treatment recommendation from:
    - 2306 (i) a cannabis production establishment or an owner, officer, director, board member,

- 2307 employee, or agent of a cannabis production establishment;
- 2308 (ii) a medical cannabis pharmacy or an owner, officer, director, board member,
- 2309 employee, or agent of a medical cannabis pharmacy; or
- 2310 (iii) a recommending medical provider or pharmacy medical provider; or
- 2311 (b) provide a medical cannabis recommendation at a medical clinic or medical office
- 2312 that is violating the advertising limitations described in Subsection (6).
- 2313 (10)(a) Each quarter, a qualified medical provider shall report to the department, in a
- 2314 manner designated by the department:
- 2315 (i) if applicable, that the qualified medical provider or the entity that employs the
- 2316 qualified medical provider represents online or on printed material that the
- 2317 qualified medical provider is a qualified medical provider or offers medical
- 2318 cannabis recommendations to patients; and
- 2319 (ii)(A) for cash payment without insurance, the fee amount that the qualified
- 2320 medical provider or the entity that employs the qualified medical provider
- 2321 charges a patient for a medical cannabis recommendation as an actual cash
- 2322 rate; and
- 2323 (B) whether the qualified medical provider or the entity that employs the qualified
- 2324 medical provider bills insurance.
- 2325 (b) The department shall:
- 2326 (i) ensure that the following information related to qualified medical providers and
- 2327 entities described in Subsection (10)(a)(i) is available on the department's website
- 2328 or on the health care price transparency tool under Subsection (10)(b)(ii):
- 2329 (A) the name of the qualified medical provider and, if applicable, the name of the
- 2330 entity that employs the qualified medical provider;
- 2331 (B) the address of the qualified medical provider's office or, if applicable, the
- 2332 entity that employs the qualified medical provider; and
- 2333 (C) the fee amount described in Subsection (10)(a)(ii)(A); and
- 2334 (ii) share data collected under this Subsection (10) with the state auditor for use in the
- 2335 health care price transparency tool described in Section 67-3-11.
- 2336 Section 20. Section **26B-4-213** is amended to read:
- 2337 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
- 2338 **Conditional medical cannabis card -- Application -- Fees -- Studies.**
- 2339 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
- 2340 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an

- 2341 application in accordance with this section or Section 26B-4-214, the department  
2342 shall:
- 2343 (i) issue a medical cannabis patient card to an individual described in Subsection  
2344 (2)(a);
  - 2345 (ii) issue a medical cannabis guardian card to an individual described in Subsection  
2346 (2)(b);
  - 2347 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
  - 2348 (iv) issue a medical cannabis caregiver card to an individual described in Subsection  
2349 26B-4-214(4).
- 2350 (b)(i) Upon the entry of a recommending medical provider's medical cannabis  
2351 recommendation for a patient in the state electronic verification system, either by  
2352 the provider or the provider's employee or by a medical cannabis pharmacy  
2353 medical provider or medical cannabis pharmacy in accordance with Subsection  
2354 4-41a-1101(10)(a), the department shall issue to the patient an electronic  
2355 conditional medical cannabis card, in accordance with this Subsection (1)(b).
- 2356 (ii) A conditional medical cannabis card is valid for the lesser of:
    - 2357 (A) 60 days; or
    - 2358 (B) the day on which the department completes the department's review and issues  
2359 a medical cannabis card under Subsection (1)(a), denies the patient's medical  
2360 cannabis card application, or revokes the conditional medical cannabis card  
2361 under Subsection (8).
  - 2362 (iii) The department may issue a conditional medical cannabis card to an individual  
2363 applying for a medical cannabis patient card for which approval of the  
2364 Compassionate Use Board is not required.
  - 2365 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
2366 obligations under law applicable to a holder of the medical cannabis card for  
2367 which the individual applies and for which the department issues the conditional  
2368 medical cannabis card.
- 2369 (2)(a) An individual is eligible for a medical cannabis patient card if:
- 2370 (i)(A) the individual is at least 21 years old; or
  - 2371 (B) the individual is 18, 19, or 20 years old, the individual petitions the  
2372 Compassionate Use Board under Section 26B-1-421, and the Compassionate  
2373 Use Board recommends department approval of the petition;
  - 2374 (ii) the individual is a Utah resident;

- 2375 (iii) the individual's recommending medical provider recommends treatment with  
2376 medical cannabis in accordance with Subsection (4);
- 2377 (iv) the individual signs an acknowledgment stating that the individual received the  
2378 information described in Subsection (9); and
- 2379 (v) the individual pays to the department a fee in an amount that, subject to  
2380 Subsection 26B-1-310(5), the department sets in accordance with Section  
2381 63J-1-504.
- 2382 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
- 2383 (A) is at least 18 years old;
- 2384 (B) is a Utah resident;
- 2385 (C) is the parent or legal guardian of a minor for whom the minor's recommending  
2386 medical provider recommends a medical cannabis treatment, the individual  
2387 petitions the Compassionate Use Board under Section 26B-1-421, and the  
2388 Compassionate Use Board recommends department approval of the petition;
- 2389 (D) the individual signs an acknowledgment stating that the individual received  
2390 the information described in Subsection (9); and
- 2391 (E) pays to the department a fee in an amount that, subject to Subsection  
2392 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus  
2393 the cost of the criminal background check described in Section 26B-4-215.
- 2394 (ii) The department shall notify the Department of Public Safety of each individual  
2395 that the department registers for a medical cannabis guardian card.
- 2396 (c)(i) A minor is eligible for a provisional patient card if:
- 2397 (A) the minor has a qualifying condition;
- 2398 (B) the minor's recommending medical provider recommends a medical cannabis  
2399 treatment to address the minor's qualifying condition;
- 2400 (C) one of the minor's parents or legal guardians petitions the Compassionate Use  
2401 Board under Section 26B-1-421, and the Compassionate Use Board  
2402 recommends department approval of the petition; and
- 2403 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian  
2404 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)  
2405 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 2406 (ii) The department shall automatically issue a provisional patient card to the minor  
2407 described in Subsection (2)(c)(i) at the same time the department issues a medical  
2408 cannabis guardian card to the minor's parent or legal guardian.

- 2409 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)  
2410 through (C) does not qualify for a medical cannabis guardian card under Subsection  
2411 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance  
2412 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe  
2413 access to the recommended medical cannabis treatment.
- 2414 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection  
2415 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:  
2416 (i) through an electronic application connected to the state electronic verification  
2417 system;  
2418 (ii) with the recommending medical provider; and  
2419 (iii) with information including:  
2420 (A) the applicant's name, gender, age, and address;  
2421 (B) the number of the applicant's government issued photo identification;  
2422 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
2423 receiving a medical cannabis treatment under the cardholder's medical cannabis  
2424 guardian card; and  
2425 (D) for a provisional patient card, the name of the minor's parent or legal guardian  
2426 who holds the associated medical cannabis guardian card.
- 2427 ~~[(b) The department shall ensure that a medical cannabis card the department issues~~  
2428 ~~under this section contains the information described in Subsection (3)(a)(iii).]~~
- 2429 ~~[(e)]~~ (b)(i) If a recommending medical provider determines that, because of age,  
2430 illness, or disability, a medical cannabis patient cardholder requires assistance in  
2431 administering the medical cannabis treatment that the recommending medical  
2432 provider recommends, the recommending medical provider may indicate the  
2433 cardholder's need in the state electronic verification system, either directly or, for  
2434 a limited medical provider, through the order described in Subsections 26B-4-204  
2435 (1)(c) and (d).
- 2436 (ii) If a recommending medical provider makes the indication described in  
2437 Subsection ~~[(3)(e)(i)]~~ (3)(b)(i):  
2438 (A) the department shall add a label to the relevant medical cannabis patient card  
2439 indicating the cardholder's need for assistance;  
2440 (B) any adult who is 18 years old or older and who is physically present with the  
2441 cardholder at the time the cardholder needs to use the recommended medical  
2442 cannabis treatment may handle the medical cannabis treatment and any



- 2443 associated medical cannabis device as needed to assist the cardholder in  
2444 administering the recommended medical cannabis treatment; and
- 2445 (C) an individual of any age who is physically present with the cardholder in the  
2446 event of an emergency medical condition, as that term is defined in Section  
2447 31A-1-301, may handle the medical cannabis treatment and any associated  
2448 medical cannabis device as needed to assist the cardholder in administering the  
2449 recommended medical cannabis treatment.
- 2450 (iii) A non-cardholding individual acting under Subsection [~~(3)(e)(ii)(B)~~] (3)(b)(ii)(B)  
2451 or (C) may not:
- 2452 (A) ingest or inhale medical cannabis;
- 2453 (B) possess, transport, or handle medical cannabis or a medical cannabis device  
2454 outside of the immediate area where the cardholder is present or with an intent  
2455 other than to provide assistance to the cardholder; or
- 2456 (C) possess, transport, or handle medical cannabis or a medical cannabis device  
2457 when the cardholder is not in the process of being dosed with medical cannabis.
- 2458 (4) To recommend a medical cannabis treatment to a patient or to renew a recommendation,  
2459 a recommending medical provider shall:
- 2460 (a) visit with the patient face-to-face for an initial recommendation unless the patient:
- 2461 (i) prefers a virtual visit; and
- 2462 (ii)(A) is on hospice or has a terminal illness according to the patient's medical  
2463 provider; or
- 2464 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or  
2465 a nursing care facility, as defined in Section 26B-2-201;
- 2466 (b) before recommending or renewing a recommendation for medical cannabis in a  
2467 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 2468 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
2469 guardian's government issued photo identification described in Subsection (3)(a);
- 2470 (ii) review any record related to the patient and, for a minor patient, the patient's  
2471 parent or legal guardian in:
- 2472 (A) for a qualified medical provider, the state electronic verification system; and  
2473 (B) the controlled substance database created in Section 58-37f-201; and
- 2474 (iii) consider the recommendation in light of the patient's qualifying condition,  
2475 history of substance use or opioid use disorder, and history of medical cannabis  
2476 and controlled substance use during a visit with the patient; and

- 2477 (c) state in the recommending medical provider's recommendation that the patient:  
2478 (i) suffers from a qualifying condition, including the type of qualifying condition; and  
2479 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a  
2480 cannabis product in a medicinal dosage form.
- 2481 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the  
2482 department issues under this section is valid for the lesser of:  
2483 (i) an amount of time that the recommending medical provider determines; or  
2484 (ii) one year from the day the card is issued.
- 2485 (b)(i) A medical cannabis card that the department issues in relation to a terminal  
2486 illness described in Section 26B-4-203 expires after one year.  
2487 (ii) The recommending medical provider may revoke a recommendation that the  
2488 provider made in relation to a terminal illness described in Section 26B-4-203 if  
2489 the medical cannabis cardholder no longer has the terminal illness.
- 2490 (c) A medical cannabis card that the department issues in relation to acute pain as  
2491 described in Section 26B-4-203 expires 30 days after the day on which the  
2492 department first issues a conditional or full medical cannabis card.
- 2493 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable  
2494 if:  
2495 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)  
2496 or (b); or  
2497 (ii) the cardholder received the medical cannabis card through the recommendation of  
2498 the Compassionate Use Board under Section 26B-1-421.
- 2499 (b) The recommending medical provider who made the underlying recommendation for  
2500 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's  
2501 card through phone or video conference with the cardholder, at the recommending  
2502 medical provider's discretion.
- 2503 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
2504 shall pay to the department a renewal fee in an amount that:  
2505 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with  
2506 Section 63J-1-504; and  
2507 (ii) may not exceed the cost of the relatively lower administrative burden of renewal  
2508 in comparison to the original application process.
- 2509 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
2510 patient card renews automatically at the time the minor's parent or legal guardian

- 2511           renews the parent or legal guardian's associated medical cannabis guardian card.
- 2512 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis  
2513 card with the patient's name.
- 2514 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may  
2515 purchase, in accordance with this part and the recommendation underlying the  
2516 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal  
2517 dosage form, or a medical cannabis device.
- 2518 (ii) A cardholder under this section may possess or transport, in accordance with this  
2519 part and the recommendation underlying the card, cannabis in a medicinal dosage  
2520 form, a cannabis product in a medicinal dosage form, or a medical cannabis  
2521 device.
- 2522 (iii) To address the qualifying condition underlying the medical cannabis treatment  
2523 recommendation:
- 2524 (A) a medical cannabis patient cardholder or a provisional patient cardholder may  
2525 use medical cannabis or a medical cannabis device; and
- 2526 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2527 patient cardholder with the use of medical cannabis or a medical cannabis  
2528 device.
- 2529 (8)(a) The department may revoke a medical cannabis card that the department issues  
2530 under this section if:
- 2531 (i) the recommending medical provider withdraws the medical provider's  
2532 recommendation for medical cannabis; or
- 2533 (ii) the cardholder:
- 2534 (A) violates this part; or
- 2535 (B) is convicted under state or federal law of, after March 17, 2021, a drug  
2536 distribution offense.
- 2537 (b) The department may not refuse to issue a medical cannabis card to a patient solely  
2538 based on a prior revocation under Subsection (8)(a)(i).
- 2539 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
2540 Administrative Rulemaking Act, a process to provide information regarding the  
2541 following to an individual receiving a medical cannabis card:
- 2542 (a) risks associated with medical cannabis treatment;
- 2543 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2544 medical cannabis treatment is an effective treatment or cure for that condition, as

- 2545 described in Subsection 26B-4-203(1); and
- 2546 (c) other relevant warnings and safety information that the department determines.
- 2547 (10) The department may establish procedures by rule, in accordance with Title 63G,  
2548 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and  
2549 issuance provisions of this section.
- 2550 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2551 Utah Administrative Rulemaking Act, a process to allow an individual from another  
2552 state to register with the department in order to purchase medical cannabis or a  
2553 medical cannabis device from a medical cannabis pharmacy while the individual is  
2554 visiting the state.
- 2555 (b) The department may only provide the registration process described in Subsection  
2556 (11)(a):
- 2557 (i) to a nonresident patient; and
- 2558 (ii) for no more than two visitation periods per calendar year of up to 21 calendar  
2559 days per visitation period.
- 2560 (12)(a) A person may submit to the department a request to conduct a research study  
2561 using medical cannabis cardholder data that the state electronic verification system  
2562 contains.
- 2563 (b) The department shall review a request described in Subsection (12)(a) to determine  
2564 whether an institutional review board, as that term is defined in Section 26B-4-201,  
2565 could approve the research study.
- 2566 (c) At the time an individual applies for a medical cannabis card, the department shall  
2567 notify the individual:
- 2568 (i) of how the individual's information will be used as a cardholder;
- 2569 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
2570 consent under Subsection (12)(d), the individual consents to the use of the  
2571 individual's information for external research; and
- 2572 (iii) that the individual may withdraw consent for the use of the individual's  
2573 information for external research at any time, including at the time of application.
- 2574 (d) An applicant may, through the medical cannabis card application, and a medical  
2575 cannabis cardholder may, through the state central patient portal, withdraw the  
2576 applicant's or cardholder's consent to participate in external research at any time.
- 2577 (e) The department may release, for the purposes of a study described in this Subsection  
2578 (12), information about a cardholder under this section who consents to participate

- 2579 under Subsection (12)(c).
- 2580 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
2581 consent:
- 2582 (i) applies to external research that is initiated after the withdrawal of consent; and  
2583 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 2584 (g) The department may establish standards for a medical research study's validity, by  
2585 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2586 Act.
- 2587 (13) The department shall record the issuance or revocation of a medical cannabis card  
2588 under this section in the controlled substance database.
- 2589 Section 21. Section **26B-4-219** is amended to read:
- 2590 **26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.**
- 2591 (1)(a) A medical cannabis pharmacy:
- 2592 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
2593 Practice Act, as a pharmacy medical provider;
- 2594 (ii) may employ a physician who has the authority to write a prescription and is  
2595 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
2596 Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical  
2597 provider;
- 2598 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)  
2599 works onsite during all business hours; and
- 2600 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i)  
2601 as the pharmacist-in-charge to oversee the operation of and generally supervise  
2602 the medical cannabis pharmacy.
- 2603 (b) The pharmacist-in-charge shall determine which cannabis and cannabis products the  
2604 medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.
- 2605 (c) An individual may not serve as a pharmacy medical provider unless the department  
2606 registers the individual as a pharmacy medical provider in accordance with  
2607 Subsection (2).
- 2608 (2)(a) The department shall, within 15 days after the day on which the department  
2609 receives an application from a medical cannabis pharmacy on behalf of a prospective  
2610 pharmacy medical provider, register and issue a pharmacy medical provider  
2611 registration card to the prospective pharmacy medical provider if the medical  
2612 cannabis pharmacy:

- 2613 (i) provides to the department:
- 2614 (A) the prospective pharmacy medical provider's name and address;
- 2615 (B) the name and location of the licensed medical cannabis pharmacy where the
- 2616 prospective pharmacy medical provider seeks to act as a pharmacy medical
- 2617 provider;
- 2618 (C) ~~[a report detailing the completion of the continuing education requirement~~
- 2619 ~~described in Subsection (3);]~~ an acknowledgment that the individual has
- 2620 completed four hours of continuing education related to medical cannabis; and
- 2621 (D) evidence that the prospective pharmacy medical provider is a pharmacist who
- 2622 is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician
- 2623 who has the authority to write a prescription and is licensed under Title 58,
- 2624 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 2625 Osteopathic Medical Practice Act; and
- 2626 (ii) pays a fee to the department in an amount that, subject to Subsection 26B-1-310
- 2627 (5), the department sets in accordance with Section 63J-1-504.
- 2628 (b) The department may not register a recommending medical provider as a pharmacy
- 2629 medical provider.
- 2630 (3)(a) A pharmacy medical provider shall complete the continuing education described
- 2631 in this Subsection (3) in the following amounts:
- 2632 (i) as a condition precedent to registration, four hours; and
- 2633 (ii) as a condition precedent to renewal of the registration, four hours every two years.
- 2634 ~~[(b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:]~~
- 2635 ~~[(i) complete continuing education:]~~
- 2636 ~~[(A) regarding the topics described in Subsection (3)(d); and]~~
- 2637 ~~[(B) offered by the department under Subsection (3)(e) or an accredited or~~
- 2638 ~~approved continuing education provider that the department recognizes as~~
- 2639 ~~offering continuing education appropriate for the medical cannabis pharmacy~~
- 2640 ~~practice; and]~~
- 2641 ~~[(ii) make a continuing education report to the department in accordance with a~~
- 2642 ~~process that the department establishes by rule, in accordance with Title 63G,~~
- 2643 ~~Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the~~
- 2644 ~~Division of Professional Licensing and:]~~
- 2645 ~~[(A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,~~
- 2646 ~~Pharmacy Practice Act, the Board of Pharmacy; or]~~

- 2647           ~~[(B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah~~  
2648           ~~Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical~~  
2649           ~~Practice Act, the Medical Licensing Board.]~~
- 2650       ~~[(e)]~~ (b) The department may, in consultation with the Division of Professional  
2651           Licensing, develop the continuing education described in this Subsection (3).
- 2652       ~~[(d)]~~ (c) The continuing education described in this Subsection (3) may discuss:
- 2653           (i) the provisions of this part;
- 2654           (ii) general information about medical cannabis under federal and state law;
- 2655           (iii) the latest scientific research on the endocannabinoid system and medical  
2656           cannabis, including risks and benefits;
- 2657           (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2658           patient in pain management, risk management, potential addiction, and palliative  
2659           care; or
- 2660           (v) best practices for recommending the form and dosage of medical cannabis based  
2661           on the qualifying condition underlying a medical cannabis recommendation.
- 2662 (4)(a) A pharmacy medical provider registration card expires two years after the day on  
2663       which the department issues or renews the card.
- 2664       (b) A pharmacy medical provider may renew the provider's registration card if the  
2665       provider:
- 2666           (i) is eligible for a pharmacy medical provider registration card under this section;
- 2667           (ii) certifies to the department in a renewal application that the information in  
2668           Subsection (2)(a) is accurate or updates the information;
- 2669           (iii) submits a report detailing the completion of the continuing education  
2670           requirement described in Subsection (3); and
- 2671           (iv) pays to the department a renewal fee in an amount that:
- 2672               (A) subject to Subsection 26B-1-310(5), the department sets in accordance with  
2673               Section 63J-1-504; and
- 2674               (B) may not exceed the cost of the relatively lower administrative burden of  
2675               renewal in comparison to the original application process.
- 2676 (5)(a) Except as provided in Subsection (5)(b), a person may not advertise that the  
2677       person or another person dispenses medical cannabis.
- 2678       (b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy  
2679       medical provider may advertise the following:
- 2680           (i) a green cross;

- 2681 (ii) that the person is registered as a pharmacy medical provider and dispenses  
 2682 medical cannabis; or  
 2683 (iii) a scientific study regarding medical cannabis use.
- 2684 (6)(a) The department may revoke a pharmacy medical provider's registration for a  
 2685 violation of this chapter.
- 2686 (b) The department may inspect patient records held by a medical cannabis pharmacy to  
 2687 ensure a pharmacy medical provider is practicing in accordance with this chapter and  
 2688 applicable rules.
- 2689 Section 22. Section **26B-4-222** is amended to read:  
 2690 **26B-4-222 . Report.**
- 2691 (1) By the November interim meeting each year, the department shall report to the Health  
 2692 and Human Services Interim Committee on:
- 2693 (a) the number of applications and renewal applications filed for medical cannabis cards;  
 2694 (b) the number of qualifying patients and designated caregivers;  
 2695 (c) the nature of the debilitating medical conditions of the qualifying patients;  
 2696 (d) the age and county of residence of cardholders;  
 2697 (e) the number of medical cannabis cards revoked;  
 2698 (f) the number of practitioners providing recommendations for qualifying patients; and  
 2699 ~~[(g) the number of license applications and renewal license applications received;]~~  
 2700 ~~[(h) the number of licenses the department has issued in each county;]~~  
 2701 ~~[(i) the number of licenses the department has revoked;]~~  
 2702 ~~[(j) the quantity of medical cannabis shipments that the state central patient portal~~  
 2703 ~~facilitates;]~~  
 2704 ~~[(k) the number of overall purchases of medical cannabis and medical cannabis products~~  
 2705 ~~from each medical cannabis pharmacy;]~~  
 2706 ~~[(l) (g) the expenses [incurred] and revenues [generated from the medical cannabis~~  
 2707 ~~program; and] of the Qualified Patient Enterprise Fund created in Section 26B-1-310.~~  
 2708 ~~[(m) an analysis of product availability in medical cannabis pharmacies in consultation~~  
 2709 ~~with the Department of Agriculture and Food.]~~
- 2710 (2) The report shall include information provided by the Center for Medical Cannabis  
 2711 Research described in Section 53B-17-1402.
- 2712 (3) The department may not include personally identifying information in the report  
 2713 described in this section.
- 2714 (4) The department shall report to the working group described in Section 36-12-8.2 as



2715 requested by the working group.

2716 Section 23. Section **26B-4-243** is amended to read:

2717 **26B-4-243 . Guidance for treatment with medical cannabis.**

2718 The department, in consultation with the Center for Medical Cannabis Research created  
2719 in Section 53B-17-1402, shall:

2720 (1) develop evidence-based guidance for treatment with medical cannabis based on the  
2721 latest medical research that shall include:

2722 (a) for each qualifying condition, a summary of the latest medical research regarding the  
2723 treatment of the qualifying condition with medical cannabis;

2724 (b) risks, contraindications, side effects, and adverse reactions that are associated with  
2725 medical cannabis use; and

2726 (c) potential drug interactions between medical cannabis and medications that have been  
2727 approved by the United States Food and Drug Administration;[~~and~~]

2728 (2) educate recommending medical providers, pharmacy medical providers, medical  
2729 cannabis cardholders, and the public regarding:

2730 (a) the evidence-based guidance for treatment with medical cannabis described in  
2731 Subsection (1)(a);

2732 (b) relevant warnings and safety information related to medical cannabis use; and

2733 (c) other topics related to medical cannabis use as determined by the department[-] ; and

2734 (3) develop patient product information inserts for medical cannabis products:

2735 (a) in consultation with the cannabis processing facility that created the product; and

2736 (b) that do not contain proprietary information about the product.

2737 Section 24. Section **63I-2-204** is amended to read:

2738 **63I-2-204 . Repeal dates: Title 4.**

2739 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed  
2740 May 1, 2025.

2741 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed  
2742 July 1, [~~2026~~] 2025.

2743 (3) Section 4-46-104, Transition, is repealed July 1, 2024.

2744 Section 25. Section **63I-2-226** is amended to read:

2745 **63I-2-226 . Repeal dates: Titles 26 through 26B.**

2746 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.

2747 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women  
2748 and Children Issues Restricted Account, is repealed July 1, 2024.

- 2749 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2750 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2751 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2752 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review  
2753 Board, is repealed July 1, [~~2026~~] 2025.
- 2754 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --  
2755 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2756 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of  
2757 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2758 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2759 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and  
2760 genetic testing, is repealed July 1, 2030.
- 2761 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed  
2762 July 1, [~~2026~~] 2025.
- 2763 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is  
2764 repealed July 1, [~~2026~~] 2025.
- 2765 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance  
2766 Program, is repealed July 1, 2027.
- 2767 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician  
2768 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2769 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan  
2770 Repayment Program, is repealed July 1, 2026.
- 2771 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician  
2772 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2773 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed  
2774 January 2, 2025.
- 2775 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,  
2776 is repealed July 1, 2025.
- 2777 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 2778 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is  
2779 repealed July 1, 2025.
- 2780 Section 26. Section **63I-2-236** is amended to read:
- 2781 **63I-2-236 . Repeal dates: Title 36.**
- 2782 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed

2783 July 1, [2025] 2026.

2784 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --  
 2785 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --  
 2786 Interim report, is repealed November 30, 2024.

2787 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed  
 2788 November 30, 2027.

2789 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed  
 2790 November 30, 2024.

2791 Section 27. **Repealer.**

2792 This bill repeals:

2793 Section **4-41a-108, Payment provider for electronic medical cannabis transactions.**

2794 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**

2795 **-- Citation.**

2796 Section 28. **Effective Date.**

2797 This bill takes effect on May 7, 2025.

2798 Section 29. **Coordinating S.B. 64 with H.B. 21.**

2799 If S.B. 64, Medical Cannabis Amendments, and H.B. 21, Criminal Code Recodification  
 2800 and Cross References, both pass and become law, the Legislature intends that, on May 7, 2025,  
 2801 Subsection 4-41a-102(4)(a) be amended to read:

2802 ""Anticompetitive business practice" [means any practice that reduces the amount of  
 2803 competition in the medical cannabis market that would be considered an attempt to  
 2804 monopolize, as defined in Section 76-10-3103] means any practice that is an illegal  
 2805 anticompetitive business activity under Section 76-16-510.".