

Walt Brooks 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;
- allows a cannabis processing facility to operate at a second location under certain circumstances;
- 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

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

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides a coordination clause.

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
- 43 **4-41a-103**, as last amended by Laws of Utah 2023, Chapter 327
- 44 **4-41a-201**, as last amended by Laws of Utah 2024, Chapter 217
- 45 **4-41a-201.1**, as last amended by Laws of Utah 2024, Chapter 217
- 46 **4-41a-204**, as last amended by Laws of Utah 2023, Chapter 327
- 47 **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12
- 48 **4-41a-401**, as last amended by Laws of Utah 2024, Chapter 217
- 49 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 50 Chapter 1
- 51 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217
- 52 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
- 53 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217
- 54 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217
- 55 **4-41a-1102**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 56 **4-41a-1106**, as last amended by Laws of Utah 2024, Chapter 217
- 57 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 58 **4-41a-1204**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- 59 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
- 60 Laws of Utah 2023, Chapter 307
- 61 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240
- 62 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

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

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

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

**26B-4-219**, as last amended by Laws of Utah 2024, Chapter 507

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

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

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

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

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

**REPEALS:**

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

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

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

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

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

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

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

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

As used in this chapter:

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

(a) pesticides;

(b) heavy metals;

(c) solvents;

(d) microbial life;

(e) artificially derived cannabinoid;

(f) toxins; or

(g) foreign matter.

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

(a) to the public; and

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

- 97 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
98 Section 26B-1-435.
- 99 (4)(a) "Anticompetitive business practice" ~~[means any practice that reduces the amount~~  
100 ~~of competition in the medical cannabis market that would be considered an attempt to~~  
101 ~~monopolize, as defined in Section 76-10-3103]~~ means any practice that is an illegal  
102 anticompetitive activity under Section 76-10-3104.
- 103 (b) "Anticompetitive business practice" may include:
- 104 (i) agreements that may be considered unreasonable when competitors interact to the  
105 extent that they are:
- 106 (A) no longer acting independently; or  
107 (B) when collaborating are able to wield market power together;
- 108 (ii) monopolizing or attempting to monopolize trade by:
- 109 (A) acting to maintain or acquire a dominant position in the market; or  
110 (B) preventing new entry into the market; or  
111 (iii) other conduct outlined in rule.
- 112 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a  
113 chemical reaction that changes the molecular structure of any chemical substance  
114 derived from the cannabis plant.
- 115 (b) "Artificially derived cannabinoid" does not include:
- 116 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
117 by a chemical or mechanical extraction process; or  
118 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring  
119 cannabinoid acid without the use of a chemical catalyst.
- 120 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board  
121 created in Section 26B-1-420.
- 122 (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 123 (8) "Cannabis concentrate" means:
- 124 (a) the product of any chemical or physical process applied to naturally occurring  
125 biomass that concentrates or isolates the cannabinoids contained in the biomass; and  
126 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an  
127 artificially derived cannabinoid's purified state.
- 128 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not  
129 intended to be sold as a cannabis plant product.
- 130 (10) "Cannabis cultivation facility" means a person that:

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

church, a public library, a public playground, or a public park.

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

(23) "Delivery address" means:

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

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

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

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

(B) is not a community location; or

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

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

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

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

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

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

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

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

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

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

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

(31) "Licensing board" or "board" means the Cannabis Production Establishment and

- 199 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 200 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 201 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 202 (34) "Medical cannabis courier" means a courier that:
- 203 (a) the department licenses in accordance with Section 4-41a-1201; and
- 204 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 205 cannabis shipments to fulfill electronic orders that the state central patient portal
- 206 facilitates.
- 207 (35) "Medical cannabis courier agent" means an individual who:
- 208 (a) is an employee of a medical cannabis courier; and
- 209 (b) who holds a valid medical cannabis courier agent registration card.
- 210 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 211 26B-4-201.
- 212 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
- 213 26B-4-201.
- 214 (38) "Medical cannabis research license" means a license that the department issues to a
- 215 research university for the purpose of obtaining and possessing medical cannabis for
- 216 academic research.
- 217 (39) "Medical cannabis research licensee" means a research university that the department
- 218 licenses to obtain and possess medical cannabis for academic research, in accordance
- 219 with Section 4-41a-901.
- 220 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home
- 221 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
- 222 address to fulfill an electronic medical cannabis order that the state central patient portal
- 223 facilitates.
- 224 (41) "Medical cannabis treatment" means the same as that term is defined in Section
- 225 26B-4-201.
- 226 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 227 (43) "Patient product information insert" means the same as that term is defined in Section
- 228 26B-4-201.
- 229 [~~(43)~~] (44) "Pharmacy ownership limit" means an amount equal to 30% of the total number
- 230 of medical cannabis pharmacy licenses issued by the department rounded down to the
- 231 nearest whole number.
- 232 [~~(44)~~] (45) "Pharmacy medical provider" means the same as that term is defined in Section

233 26B-4-201.

234 [(45)] (46) "Qualified medical provider" means the same as that term is defined in Section

235 26B-4-201.

236 [(46)] (47) "Qualified Production Enterprise Fund" means the fund created in Section

237 4-41a-104.

238 [(47)] (48) "Recommending medical provider" means the same as that term is defined in

239 Section 26B-4-201.

240 [(48)] (49) "Research university" means the same as that term is defined in Section

241 53B-7-702 and a private, nonprofit college or university in the state that:

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

243 (b) grants doctoral degrees; and

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

245 substance described in Section 58-37-4.

246 [(49)] (50) "State electronic verification system" means the system described in Section

247 26B-4-202.

248 [(50)] (51) "Targeted marketing" means the promotion of a cannabis product, medical

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

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

251 requested to receive promotional information;

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

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

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

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

256 medical cannabis pharmacy; or

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

258 provided to an individual when obtaining medical cannabis:

259 (i) in the medical cannabis pharmacy;

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

261 (iii) in a medical cannabis shipment.

262 [(51)] (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in

263 Section 4-41-102.

264 (53) "Tier one cannabis processing facility" means a cannabis processing facility that is

265 able to:

266 (a) create cannabis concentrate;



(b) create cannabis derivative product; and

(c) package and label medical cannabis.

(54) "Tier two cannabis processing facility" means a cannabis processing facility that is able to package and label medical cannabis only if the medical cannabis is a cannabis plant product.

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

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

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

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

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

(1) Each cannabis production establishment and each medical cannabis pharmacy shall maintain an inventory control system that meets the requirements of this section.

(2) A cannabis production establishment and a medical cannabis pharmacy shall ensure that the inventory control system maintained by the establishment or pharmacy:

(a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;

(b) maintains in real time a record of the amount of cannabis and cannabis products in the possession of the establishment or pharmacy; and

~~[(c) includes a video recording system that:]~~

~~[(i) tracks all handling and processing of cannabis or a cannabis product in the establishment or pharmacy;]~~

~~[(ii) is tamper proof; and]~~

~~[(iii) stores a video record for at least 45 days; and]~~

[(d)] (c) preserves compatibility with the state electronic verification system described in Section 26B-4-202.

(3) A cannabis production establishment and a medical cannabis pharmacy shall allow the following to access the cannabis production establishment's or the medical cannabis pharmacy's inventory control system at any time:

(a) the department; and

(b) the Department of Health and Human Services[; and] .

~~[(e) a financial institution that the Division of Finance validates, in accordance with Subsection (6).]~~

(4) The department may establish compatibility standards for an inventory control system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5)(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for aggregate or batch records regarding the planting and propagation of cannabis before being tracked in an inventory control system described in this section.

(b) The department shall ensure that the rules described in Subsection (5)(a) address record-keeping for the amount of planted seed, number of cuttings taken, date and time of cutting and planting, number of plants established, and number of plants culled or dead.

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

(b) A report:

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

(ii) may not include any identifying patient information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(a)(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a licensing process that the department initiates after March 17, 2021, the department, through the licensing board, shall issue licenses in accordance with Section 4-41a-201.1.

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to specify a transparent and efficient process to:

(A) solicit applications for a license under this section;

(B) allow for comments and questions in the development of applications;

(C) timely and objectively evaluate applications;

(D) hold public hearings that the department deems appropriate; and

(E) select applicants to receive a license.

(iii) The department may not issue a license to operate a cannabis production establishment to an applicant who is not eligible for a license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the licensing board:

(i) subject to Subsection (2)(c), a proposed name and each address [~~or, for a cannabis cultivation facility, addresses of no more than two facility locations~~], located in a zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production establishment;

(ii) the name and address of any individual who has:

(A) for a publicly traded company, a financial or voting interest of 10% or greater in the proposed cannabis production establishment;

(B) for a privately held company, a financial or voting interest in the proposed cannabis production establishment; or

- 369 (C) the power to direct or cause the management or control of a proposed cannabis  
370 production establishment;
- 371 (iii) an operating plan that:
- 372 (A) complies with Section 4-41a-204;
- 373 (B) includes operating procedures that comply with this chapter and any law the  
374 municipality or county in which the person is located adopts that is consistent  
375 with Section 4-41a-406; and
- 376 (C) the department or licensing board approves;
- 377 (iv) a statement that the applicant will obtain and maintain a liquid cash account with  
378 a financial institution or a performance bond that a surety authorized to transact  
379 surety business in the state issues in an amount of at least:
- 380 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;  
381 or
- 382 (B) \$50,000 for each cannabis processing facility or independent cannabis testing  
383 laboratory for which the applicant applies;
- 384 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
385 department sets in accordance with Section 63J-1-504; and
- 386 (vi) a description of any investigation or adverse action taken by any licensing  
387 jurisdiction, government agency, law enforcement agency, or court in any state for  
388 any violation or detrimental conduct in relation to any of the applicant's  
389 cannabis-related operations or businesses.
- 390 (c)(i) A person may not locate a cannabis production establishment:
- 391 (A) within 1,000 feet of a community location; or
- 392 (B) in or within 600 feet of a district that the relevant municipality or county has  
393 zoned as primarily residential.
- 394 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
395 from the nearest entrance to the cannabis production establishment by following  
396 the shortest route of ordinary pedestrian travel to the property boundary of the  
397 community location or residential area.
- 398 (iii) The licensing board may grant a waiver to reduce the proximity requirements in  
399 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not  
400 reasonably feasible for the applicant to site the proposed cannabis production  
401 establishment without the waiver.
- 402 (iv) An applicant for a license under this section shall provide evidence of

- 403 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 404 (3) If the licensing board approves an application for a license under this section and
- 405 Section 4-41a-201.1:
- 406 (a) the applicant shall pay the ~~[departmentan]~~ department an initial license fee in an
- 407 amount that, subject to Subsection 4-41a-104(5), the department sets in accordance
- 408 with Section 63J-1-504; and
- 409 (b) the department shall notify the Department of Public Safety of the license approval
- 410 and the names of each individual described in Subsection (2)(b)(ii).
- 411 (4)(a) Except as provided in ~~[Subsection (4)(b)]~~ this Subsection (4), a cannabis
- 412 production establishment shall obtain a separate license for each type of cannabis
- 413 production establishment and each location of a cannabis production establishment.
- 414 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
- 415 processing facility license to a person to operate at the same physical location or at
- 416 separate physical locations.
- 417 (c) A cannabis cultivation facility may operate at two addresses under a single license.
- 418 (d) A tier one cannabis processing facility may operate at a second address under the
- 419 same tier one license if:
- 420 (i) the second address is co-located at a cannabis cultivation facility operated by the
- 421 same licensee; and
- 422 (ii) the licensee pays a fee of \$70,000 for the second location.
- 423 (e) An applicant for a tier two cannabis processing facility license that has a cannabis
- 424 cultivation facility license and intends to process cannabis at the cannabis cultivation
- 425 facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.
- 426 (5) If the licensing board receives more than one application for a cannabis production
- 427 establishment within the same city or town, the licensing board shall consult with the
- 428 local land use authority before approving any of the applications pertaining to that city
- 429 or town.
- 430 (6) The licensing board may not issue a license to operate an independent cannabis testing
- 431 laboratory to a person who:
- 432 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
- 433 cannabis processing facility, or a cannabis cultivation facility;
- 434 (b) has an owner, officer, director, or employee whose family member holds a license or
- 435 has an ownership interest in a medical cannabis pharmacy, a cannabis processing
- 436 facility, or a cannabis cultivation facility; or

(c) proposes to operate the independent cannabis testing laboratory at the same physical location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.

(7) The licensing board may not issue a license to operate a cannabis production establishment to an applicant if any individual described in Subsection (2)(b)(ii):

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

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

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

(b) is younger than 21 years old; or

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

(8)(a) If an applicant for a cannabis production establishment license under this section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing board may not give preference to the applicant based on the applicant's status as a holder of the license.

(b) If an applicant for a license to operate a cannabis cultivation facility under this section holds a license to operate a medical cannabis pharmacy under this title, the licensing board may give consideration to the applicant based on the applicant's status as a holder of a medical cannabis pharmacy license if:

(i) the applicant demonstrates that a decrease in costs to patients is more likely to result from the applicant's vertical integration than from a more competitive marketplace; and

(ii) the licensing board finds multiple other factors, in addition to the existing license, that support granting the new license.

(9) The licensing board may revoke a license under this part:

(a) if the cannabis production establishment does not begin cannabis production operations within one year after the day on which the licensing board issues the initial license;

(b) after the third of the same violation of this chapter in any of the licensee's licensed cannabis production establishments or medical cannabis pharmacies;

(c) if any individual described in Subsection (2)(b) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

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

(d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at

the time of application, or fails to supplement the information described in Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the application within 14 calendar days after the licensee receives notice of the investigation or adverse action;

(e) if the cannabis production establishment demonstrates a willful or reckless disregard for the requirements of this chapter or the rules the department makes in accordance with this chapter;

(f) if, after a change of ownership described in Subsection (15)(b), the board determines that the cannabis production establishment no longer meets the minimum standards for licensure and operation of the cannabis production establishment described in this chapter;

(g) for an independent cannabis testing laboratory, if the independent cannabis testing laboratory fails to substantially meet the performance standards described in Subsection (14)(b); or

(h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the board [~~identifies~~] finds that the licensee has participated in an anticompetitive business [~~practices~~] practice.

(10)(a) A person who receives a cannabis production establishment license under this chapter, if the municipality or county where the licensed cannabis production establishment will be located requires a local land use permit, shall submit to the licensing board a copy of the licensee's approved application for the land use permit within 120 days after the day on which the licensing board issues the license.

(b) If a licensee fails to submit to the licensing board a copy of the licensee's approved land use permit application in accordance with Subsection (10)(a), the licensing board may revoke the licensee's license.

(11) The department shall deposit the proceeds of a fee that the department imposes under this section into the Qualified Production Enterprise Fund.

(12) The department shall begin accepting applications under this part on or before January 1, 2020.

(13)(a) The department's authority, and consequently the licensing board's authority, to issue a license under this section is plenary and is not subject to review.

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

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

- 505 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 506 (14)(a) Notwithstanding this section, the department:
- 507 (i) may operate or partner with a research university to operate an independent
- 508 cannabis testing laboratory;
- 509 (ii) if the department operates or partners with a research university to operate an
- 510 independent cannabis testing laboratory, may not cease operating or partnering
- 511 with a research university to operate the independent cannabis testing laboratory
- 512 unless:
- 513 (A) the department issues at least two licenses to independent cannabis testing
- 514 laboratories; and
- 515 (B) the department has ensured that the licensed independent cannabis testing
- 516 laboratories have sufficient capacity to provide the testing necessary to support
- 517 the state's medical cannabis market; and
- 518 (iii) after ceasing department or research university operations under Subsection
- 519 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
- 520 time if:
- 521 (A) fewer than two licensed independent cannabis testing laboratories are
- 522 operating; or
- 523 (B) the licensed independent cannabis testing laboratories become, in the
- 524 department's determination, unable to fully meet the market demand for testing.
- 525 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
- 526 Utah Administrative Rulemaking Act, to establish performance standards for the
- 527 operation of an independent cannabis testing laboratory, including deadlines for
- 528 testing completion.
- 529 (ii) A license that the department issues to an independent cannabis testing laboratory
- 530 is contingent upon substantial satisfaction of the performance standards described
- 531 in Subsection (14)(b)(i), as determined by the board.
- 532 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 533 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 534 (i) the cannabis production establishment shall submit a new application described in
- 535 Subsection (2)(b), subject to Subsection (2)(c);
- 536 (ii) within 30 days of the submission of the application, the board shall:
- 537 (A) conduct the application review described in Section 4-41a-201.1; and
- 538 (B) award a license to the cannabis production establishment for the remainder of



539 the term of the cannabis production establishment's license before the  
540 ownership change if the cannabis production establishment meets the minimum  
541 standards for licensure and operation of the cannabis production establishment  
542 described in this chapter; and

543 (iii) if the board approves the license application, notwithstanding Subsection (3), the  
544 cannabis production establishment shall pay a license fee that the department sets  
545 in accordance with Section 63J-1-504 in an amount that covers the board's cost of  
546 conducting the application review.

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

548 **4-41a-201.1 . Cannabis Production Establishment and Pharmacy Licensing**

549 **Advisory Board -- Composition -- Duties.**

550 (1) There is created within the department the Cannabis Production Establishment and  
551 Pharmacy Licensing Advisory Board.

552 (2) The commissioner shall:

553 (a) appoint the members of the ~~[board]~~ licensing board;

554 (b) submit the name of each individual that the commissioner appoints under Subsection  
555 (2)(a) to the governor for confirmation or rejection; and

556 (c) if the governor rejects an appointee that the commissioner submits under Subsection  
557 (2)(b), appoint another individual in accordance with this Subsection (2).

558 (3)(a) Except as provided in Subsection ~~[(3)(e)]~~ (3)(b), the ~~[board]~~ licensing board shall  
559 consist of the following eight members:

560 (i) the following seven voting members whom the commissioner appoints:

561 (A) one member of the public;

562 (B) one member with knowledge and experience in the pharmaceutical or  
563 nutraceutical manufacturing industry;

564 (C) one member representing law enforcement;

565 (D) one member whom an organization representing medical cannabis patients  
566 recommends;

567 (E) a chemist who has experience with cannabis and who is associated with a  
568 research university;

569 (F) a pharmacist who is not associated with the medical cannabis industry; and

570 (G) an accountant; and

571 (ii) the commissioner or the commissioner's designee as a non-voting member, except  
572 to cast a deciding vote in the event of a tie.

- (b) The commissioner may appoint a ninth member to the [board] licensing board who has a background in the cannabis cultivation and processing industry.
- (c) The commissioner or the commissioner's designee shall serve as the chair of the [board] licensing board.
- (d) An individual is not eligible for appointment to be a member of the [board] licensing board if the individual:
- (i) has any commercial or ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier;
  - (ii) has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier; or
  - (iii) is employed or contracted to lobby on behalf of any cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier.
- (4)(a) Except as provided in Subsection (4)(b), a voting [board] licensing board member shall serve a term of four years, beginning July 1 and ending June 30.
- (b) Notwithstanding Subsection (4)(a), for the initial appointments to the [board] licensing board, the commissioner shall stagger the length of the terms of [board] licensing board members to ensure that the commissioner appoints two or three [board] licensing board members every two years.
- (c) As a [board] licensing board member's term expires:
- (i) the [board] licensing board member is eligible for reappointment; and
  - (ii) the commissioner shall make an appointment, in accordance with Subsection (2), for the new term before the end of the member's term.
- (d) When a vacancy occurs on the [board] licensing board for any reason other than the expiration of a [board] licensing board member's term, the commissioner shall appoint a replacement to the vacant position, in accordance with Subsection (2), for the unexpired term.
- (e) In making appointments, the commissioner shall ensure that no two members of the [board] licensing board are employed by or represent the same company or nonprofit organization.
- (f) The commissioner may remove a [board] licensing board member for cause, neglect of duty, inefficiency, or malfeasance.

- (5)(a)(i) Five members of the [board] licensing board constitute a quorum of the [board] licensing board.

(ii) An action of the majority of the [board] licensing board members when a quorum is present constitutes an action of the [board] licensing board.

(b) The department shall provide staff support to the [board] licensing board.

(c) A member of the [board] licensing board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(6) The [board] licensing board shall:

(a) meet as called by the chair to review cannabis production establishment~~[-and]~~ , medical cannabis pharmacy, and medical cannabis courier license applications;

(b) review each license application for compliance with:

(i) this chapter; and

(ii) department rules;

(c) conduct a public hearing to consider the license application;

(d) approve the department's license application forms and checklists; and

(e) make a determination on each license application.

(7) The [board] licensing board shall hold a public hearing to review a cannabis production establishment's or medical cannabis pharmacy's license if the establishment:

(a) changes ownership by an interest of 20% or more;

(b) changes or adds a location;

(c) upgrades to a different licensing tier under department rule;

(d) changes extraction or formulation standard operating procedures;

(e) adds an industrial hemp processing or cultivation license to the same location as the cannabis production establishment's processing facility; or

(f) as necessary based on the recommendation of the department.

(8) In a public hearing held under Subsection (7), the [board] licensing board may consider the following in determining whether to approve a request to change pharmacy locations:

(a) medical cannabis availability, quality, and variety;

(b) whether geographic dispersal among licensees is sufficient to reasonably maximize access to the largest number of medical cannabis cardholders;

(c) the extent to which the pharmacy can increase efficiency and reduce the cost to

patients of medical cannabis; and

(d) the factors listed in Subsection 4-41a-1004(7).

(9) In a public hearing held pursuant to Subsection (7), the ~~[board]~~ licensing board may not approve a request to change a medical cannabis pharmacy location outside of the pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).

(10)(a) The ~~[board]~~ licensing board shall meet ~~[annually in December]~~ as necessary to consider cannabis production establishment~~[-and]~~ , medical cannabis pharmacy, and medical cannabis courier license renewal applications.

(b) During the meeting described in Subsection (10)(a):

(i) a representative from each applicant for renewal shall:

(A) attend in person or electronically; or

(B) submit information before the meeting, as the ~~[board]~~ licensing board may require, for the ~~[board's]~~ licensing board's consideration;

(ii) the ~~[board]~~ licensing board shall consider, for each cannabis cultivation facility seeking renewal, information including:

(A) the amount of biomass the licensee produced during the current calendar year;

(B) the amount of biomass the licensee projects to produce during the following year;

(C) the amount of hemp waste the licensee currently holds;

(D) the current square footage or acres of growing area the licensee uses; and

(E) the square footage or acres of growing area the licensee projects to use in the following year;

(iii) the ~~[board]~~ licensing board shall consider, for each cannabis processing facility seeking renewal, information including:

(A) methods and procedures for extraction;

(B) standard operating procedures; and

(C) a complete listing of the medical dosage forms that the licensee produces; and

(iv) the ~~[board]~~ licensing board shall consider, for each cannabis pharmacy seeking renewal, information including:

(A) product availability, quality, and variety;

(B) the pharmacy's operating procedures and practices; and

(C) the factors listed in Subsection 4-41a-1003(1).

(c) Following consideration of the information provided under Subsection (10)(b), the ~~[board]~~ licensing board may elect to approve, deny, or issue conditional approval of a

cannabis production establishment or pharmacy license renewal application.

- (d) The information a licensee or license applicant provides to the [board] licensing board for a license determination constitutes a protected record under Subsection 63G-2-305 (1) or (2) if the applicant or licensee provides the [board] licensing board with the information regarding business confidentiality required in Section 63G-2-309.

- (11)(a) In cooperation with the attorney general, the [board] licensing board may investigate information received by the department indicating that a licensee is potentially engaging in anticompetitive business practices.

- (b) In investigating potential anticompetitive business practices under this section, the attorney general may issue civil investigative demands as set forth in Section 76-10-3107.

- (12) The department shall:

- (a) provide staff support for the licensing board;  
(b) assist the licensing board in conducting meetings; and  
(c) review all submitted applications for completion and accuracy.

Section 5. Section **4-41a-204** is amended to read:

**4-41a-204 . Operating plan.**

- (1) A person applying for a cannabis production establishment license or license renewal shall submit to the department for the department's review a proposed operating plan that complies with this section and that includes:
- (a) a description of the physical characteristics of [the] each proposed facility~~[-or, for a cannabis cultivation facility, no more than two facility locations]~~, including a floor plan and an architectural elevation;
- (b) a description of the credentials and experience of:
- (i) each officer, director, and owner of the proposed cannabis production establishment; and
- (ii) any highly skilled or experienced prospective employee;
- (c) the cannabis production establishment's employee training standards;
- (d) a security plan;
- (e) a description of the cannabis production establishment's inventory control system, including a description of how the inventory control system is compatible with the state electronic verification system described in Section 26B-4-202;
- (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis;

- (g) for a cannabis cultivation facility, the information described in Subsection (2);
- (h) for a cannabis processing facility, the information described in Subsection (3); and
- (i) for an independent cannabis testing laboratory, the information described in Subsection (4).

(2)(a) A cannabis cultivation facility shall ensure that the facility's operating plan includes the facility's intended:

- (i) cannabis cultivation practices, including the facility's intended pesticide use and fertilizer use; and
- (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and anticipated cannabis yield.

(b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility may not:

- (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total square feet of cultivation space;
- (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for cultivation; and
- (iii) for a facility that cultivates cannabis through a combination of indoor and outdoor cultivation, use more combined indoor square footage and outdoor acreage than allowed under the department's formula described in Subsection (2)(e).

(c)(i) Each licensee may apply to the department for:

- (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis cultivation facility's cultivation space; or
- (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation on the cannabis cultivation facility's cultivation space.

(ii) After conducting a review equivalent to the review described in Subsection 4-41a-205(2)(a), if the department determines that additional cultivation is needed, the department may:

- (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or
- (B) grant the short-term increase described in Subsection (2)(c)(i)(B).

(d) If a licensee describes an intended acreage or square footage under cultivation under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the licensee may not cultivate more than the licensee's identified intended acreage or square footage under cultivation.

(e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a formula for combined usage of indoor and outdoor cultivation that:

(i) does not exceed, in estimated cultivation yield, the aggregate limitations described in Subsection (2)(b)(i) or (ii); and

(ii) allows a cannabis cultivation facility to operate both indoors and outdoors.

(f)(i) The department may authorize a cannabis cultivation facility to operate at no more than two separate locations.

(ii) If the department authorizes multiple locations under Subsection (2)(f)(i), the two cannabis cultivation facility locations combined may not exceed the cultivation limitations described in this Subsection (2).

(3) A cannabis processing facility's operating plan shall include the facility's intended cannabis processing practices, including the cannabis processing facility's intended:

(a) offered variety of cannabis product;

(b) cannabinoid extraction method;

(c) cannabinoid extraction equipment;

(d) processing equipment;

(e) processing techniques; and

(f) sanitation and manufacturing safety procedures for items for human consumption.

(4) An independent cannabis testing laboratory's operating plan shall include the laboratory's intended:

(a) cannabis and cannabis product testing capability;

(b) cannabis and cannabis product testing equipment; and

(c) testing methods, standards, practices, and procedures for testing cannabis and cannabis products.

(5) Notwithstanding an applicant's proposed operating plan, a cannabis production establishment is subject to land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, regarding the availability of outdoor cultivation in an industrial zone.

Section 6. Section **4-41a-205** is amended to read:

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

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

(2)(a) The department may issue a number of licenses to operate a cannabis cultivation facility that, in addition to the licenses described in Subsection (1), does not cause the

total number of licenses to exceed 15 if the department determines, in consultation with the Department of Health and Human Services and after an annual or more frequent analysis of the current and anticipated market for medical cannabis, that each additional license is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical cannabis cardholders.

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

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

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

(i) complying with a regulatory environment;

(ii) tracking inventory; and

(iii) training, evaluating, and monitoring employees;

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

(c) positive connections to the local community; and

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

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

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

Section 7. Section **4-41a-401** is amended to read:

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

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

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

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



establishment's operating plan, the establishment shall ensure that the new operating plan complies with this chapter.

(ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to:

(A) review a change notification described in Subsection (1)(b);

(B) identify for the cannabis production establishment each point of noncompliance between the new operating plan and this chapter;

(C) provide an opportunity for the cannabis production establishment to address each identified point of noncompliance; and

(D) suspend or revoke a license if the cannabis production establishment fails to cure the noncompliance.

(2) A cannabis production establishment shall operate:

(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis production establishment agent registration card issued under Section 4-41a-301; and

(b) at the physical address provided to the department under Section 4-41a-201.

(3) A cannabis production establishment may not employ an individual who is younger than 21 years old.

(4) A cannabis production establishment may not employ an individual who has been convicted, under state or federal law, of:

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

(b) after December 3, 2018, a misdemeanor for drug distribution.

(5) A cannabis production establishment may authorize an individual who is at least 18 years old and is not a cannabis production establishment agent to access the cannabis production establishment if the cannabis production establishment:

(a) tracks and monitors the individual at all times while the individual is at the cannabis production establishment; and

(b) maintains a record of the individual's access, including arrival and departure.

(6) A cannabis production establishment shall operate in a facility that has:

(a) a single, secure public entrance;

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

(i) detects and records entry into the cannabis production establishment; and

(ii) provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed; and

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

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

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

(ii) is tamper proof; and

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

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

Section 8. Section **4-41a-801** is amended to read:

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

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

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

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

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

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

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

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

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

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

- 879 chapter, or an order issued under this chapter; or
- 880 (ii) the person produced cannabis or a cannabis product batch that contains a
- 881 substance, other than cannabis, that poses a significant threat to human health.
- 882 (b) If the department makes the determination about a person described in Subsection
- 883 (3)(a), the department ~~[shall]~~ may:
- 884 (i) issue the person a written administrative citation;
- 885 (ii) attempt to negotiate a stipulated settlement;
- 886 (iii) seize, embargo, or destroy the cannabis or cannabis product batch;
- 887 (iv) order the person to cease and desist from the action that creates a violation; ~~[and]~~
- 888 or
- 889 (v) direct the person to appear before an adjudicative proceeding conducted under
- 890 Title 63G, Chapter 4, Administrative Procedures Act.
- 891 (4) The department may, for a person subject to an uncontested citation, a stipulated
- 892 settlement, or a finding of a violation in an adjudicative proceeding under this section,
- 893 for a fine amount not already specified in law, assess the person, who is not an
- 894 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
- 895 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
- 896 Administrative Rulemaking Act.
- 897 (5) The department may not revoke a ~~[cannabis production establishment's]~~ license without
- 898 first directing the ~~[cannabis production establishment]~~ licensee to appear before an
- 899 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
- 900 Procedures Act.
- 901 (6) If within 20 calendar days after the day on which a department serves a citation for a
- 902 violation of this chapter, the person that is the subject of the citation fails to request a
- 903 hearing to contest the citation, the citation becomes the department's final order.
- 904 (7) The department may, for a person who fails to comply with a citation under this section:
- 905 (a) refuse to issue or renew the person's license or ~~[cannabis production establishment]~~
- 906 agent registration card; or
- 907 (b) suspend, revoke, or place on probation the person's license or ~~[cannabis production~~
- 908 ~~establishment]~~ registration card.
- 909 (8)(a) A letter of concern shall describe:
- 910 (i) the violation including the statute or rule being violated;
- 911 (ii) possible options to remedy the issue; and
- 912 (iii) possible consequences for not remedying the violation.

(b) Under a letter of concern, the department shall provide the person at least 30 days to remedy the violation.

(c) If the person fails to remedy the violation described in a letter of concern, the department may take other enforcement action as described in this section.

(d) If a letter of concern is resolved without an enforcement action being taken under Subsection (8)(c), the department may not report that a letter of concern was issued to the licensing board.

[(8)] (9)(a) Except where a criminal penalty is expressly provided for a specific violation of this chapter, or where civil and criminal penalties are provided for violations of Section 76-10-31, if an individual:

(i) violates a provision of this chapter, the individual is:

(A) guilty of an infraction; and

(B) subject to a \$100 fine; or

(ii) intentionally or knowingly violates a provision of this chapter or violates this chapter three or more times, the individual is:

(A) guilty of a class B misdemeanor; and

(B) subject to a \$1,000 fine.

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

[(9)] (10) Nothing in this section prohibits:

(a) the department from referring potential criminal activity to law enforcement[-] ; or

(b) the attorney general from investigating or prosecuting individuals or businesses for violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.

Section 9. Section **4-41a-802** is amended to read:

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

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

(a) the number of applications and renewal applications that the department receives under this chapter;

(b) the number of each type of [~~cannabis production facility~~] license that the department [ ~~licenses~~] issues in each county;

(c) the amount of cannabis that licensees grow;

(d) the amount of cannabis that licensees manufacture into cannabis products;

- (e) the number of licenses the department revokes under this chapter;
- (f) the department's operation of an independent cannabis testing laboratory under Section 4-41a-201, including:
- (i) the cannabis and cannabis products the department tested; and
- (ii) the results of the tests the department performed;
- (g) the expenses incurred and revenues generated under this chapter; ~~and~~
- (h) the total quantity of medical cannabis shipments;
- (i) the number of overall purchases of medical cannabis from each medical cannabis pharmacy; and
- ~~(h)~~ (j) an analysis of product availability in medical cannabis pharmacies in consultation with the Department of Health and Human Services.

- (2) The department may not include personally identifying information in the report described in this section.
- (3) The department shall report to the working group described in Section 36-12-8.2 as requested by the working group.

Section 10. Section **4-41a-1001** is amended to read:

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

- (1) A person may not:
- (a) operate as a medical cannabis pharmacy without a license that the department issues under this part;
- (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the person to exceed the pharmacy ownership limit;
- (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the partial ownership share would cause the person to exceed the pharmacy ownership limit; or
- (d) enter into any contract or agreement that allows the person to directly or indirectly control the operations of a medical cannabis pharmacy if the person's control of the medical cannabis pharmacy would cause the person to effectively exceed the pharmacy ownership limit.
- (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 the licensing board created under Section 4-41a-201.1~~] licensing board shall issue a license to operate a medical cannabis pharmacy.
- (ii) The [~~department~~] licensing board may not issue a license to operate a medical

981 cannabis pharmacy to an applicant who is not eligible for a license under this  
982 section.

983 (b) An applicant is eligible for a license under this section if the applicant submits to the [  
984 ~~department~~] licensing board:

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

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

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

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

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

994 (iii) for each application that the applicant submits to the department, a statement  
995 from the applicant that the applicant will obtain and maintain:

996 (A) a performance bond in the amount of \$100,000 issued by a surety authorized  
997 to transact surety business in the state; or

998 (B) a liquid cash account in the amount of \$100,000 with a financial institution;

999 (iv) an operating plan that:

1000 (A) complies with Section 4-41a-1004;

1001 (B) includes operating procedures to comply with the operating requirements for a  
1002 medical cannabis pharmacy described in this part and with a relevant municipal  
1003 or county law that is consistent with Section 4-41a-1106; and

1004 (C) the department approves;

1005 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
1006 department sets in accordance with Section 63J-1-504; and

1007 (vi) a description of any investigation or adverse action taken by any licensing  
1008 jurisdiction, government agency, law enforcement agency, or court in any state for  
1009 any violation or detrimental conduct in relation to any of the applicant's  
1010 cannabis-related operations or businesses.

1011 (c)(i) A person may not locate a medical cannabis pharmacy:

1012 (A) within 200 feet of a community location; or

1013 (B) in or within 600 feet of a district that the relevant municipality or county has  
1014 zoned as primarily residential.

- 1015 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
1016 from the nearest entrance to the medical cannabis pharmacy establishment by  
1017 following the shortest route of ordinary pedestrian travel to the property boundary  
1018 of the community location or residential area.
- 1019 (iii) The [department] licensing board may grant a waiver to reduce the proximity  
1020 requirements in Subsection (2)(c)(i) by up to 20% if the department determines  
1021 that it is not reasonably feasible for the applicant to cite the proposed medical  
1022 cannabis pharmacy without the waiver.
- 1023 (iv) An applicant for a license under this section shall provide evidence of  
1024 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 1025 (d) The [department] licensing board may not issue a license to an eligible applicant that  
1026 the department has selected to receive a license until the selected eligible applicant  
1027 complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 1028 (e) If the [department] licensing board receives more than one application for a medical  
1029 cannabis pharmacy within the same city or town, the department shall consult with  
1030 the local land use authority before approving any of the applications pertaining to that  
1031 city or town.
- 1032 (f) In considering the issuance of a medical cannabis pharmacy license under this  
1033 section, the [department] licensing board may consider the extent to which the  
1034 pharmacy can increase efficiency and reduce cost to patients of medical cannabis.
- 1035 (3) If the [department] licensing board selects an applicant for a medical cannabis pharmacy  
1036 license under this section, the department shall:
- 1037 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
1038 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 1039 (b) notify the Department of Public Safety of the license approval and the names of each  
1040 individual described in Subsection (2)(b)(ii); and
- 1041 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the  
1042 department sets in accordance with Section 63J-1-504, for any change in location,  
1043 ownership, or company structure.
- 1044 (4) The [department] licensing board may not issue a license to operate a medical cannabis  
1045 pharmacy to an applicant if an individual described in Subsection (2)(b)(ii):
- 1046 (a) has been convicted under state or federal law of:
- 1047 (i) a felony in the preceding 10 years; or
- 1048 (ii) after December 3, 2018, a misdemeanor for drug distribution;

- 1049 (b) is younger than 21 years old; or
- 1050 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 1051 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds
- 1052 another license under this chapter, the [department] licensing board may not give
- 1053 preference to the applicant based on the applicant's status as a holder of the license.
- 1054 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
- 1055 license to operate a cannabis cultivation facility under this section, the [department]
- 1056 licensing board may give consideration to the applicant's status as a holder of the
- 1057 license if:
- 1058 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
- 1059 result from the applicant's vertical integration than from a more competitive
- 1060 marketplace; and
- 1061 (ii) the department finds multiple other factors, in addition to the existing license, that
- 1062 support granting the new license.
- 1063 (6) The ~~[licensing board]~~ licensing board may revoke a license under this part:
- 1064 (a) if the medical cannabis pharmacy does not begin operations within one year after the
- 1065 day on which the department issues an announcement of the department's intent to
- 1066 award a license to the medical cannabis pharmacy;
- 1067 (b) after the third of the same violation of this chapter in any of the licensee's licensed
- 1068 cannabis production establishments or medical cannabis pharmacies;
- 1069 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
- 1070 active, under state or federal law of:
- 1071 (i) a felony; or
- 1072 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 1073 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 1074 the time of application, or fails to supplement the information described in
- 1075 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 1076 submission of the application within 14 calendar days after the licensee receives
- 1077 notice of the investigation or adverse action;
- 1078 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
- 1079 requirements of this chapter or the rules the department makes in accordance with
- 1080 this chapter;
- 1081 (f) if, after a change of ownership described in Subsection ~~[(11)(e)]~~ (10)(c), the
- 1082 department determines that the medical cannabis pharmacy no longer meets the



1083 minimum standards for licensure and operation of the medical cannabis pharmacy  
1084 described in this chapter; or

1085 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
1086 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the [board]  
1087 licensing board finds that the licensee has participated in anticompetitive business  
1088 practices.

1089 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if  
1090 the municipality or county where the licensed medical cannabis pharmacy will be  
1091 located requires a local land use permit, shall submit to the department a copy of the  
1092 licensee's approved application for the land use permit within 120 days after the day  
1093 on which the department issues the license.

1094 (b) If a licensee fails to submit to the department a copy the licensee's approved land use  
1095 permit application in accordance with Subsection (7)(a), the department may revoke  
1096 the licensee's license.

1097 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
1098 Qualified Production Enterprise Fund.

1099 ~~[(9) The department shall begin accepting applications under this part on or before March 1,~~  
1100 ~~2020.]~~

1101 ~~[(10)]~~ (9)(a) The [department's] licensing board's authority to issue a license under this  
1102 section is plenary and is not subject to review.

1103 (b) Notwithstanding Subsection (2), the decision of the department to award a license to  
1104 an applicant is not subject to:

1105 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
1106 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

1107 ~~[(11)]~~ (10)(a) A medical cannabis pharmacy license is not transferrable or assignable.

1108 (b) A medical cannabis pharmacy shall report in writing to the department no later than [  
1109 ~~40~~] 45 business days before the date of any change of ownership of the medical  
1110 cannabis pharmacy.

1111 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

1112 (i) concurrent with the report described in Subsection ~~[(11)(b)]~~ (10)(b), the medical  
1113 cannabis pharmacy shall submit a new application described in Subsection (2)(b),  
1114 subject to Subsection (2)(c);

1115 (ii) within 30 days of the submission of the application, the [department] licensing  
1116 board shall:

- 1117 (A) conduct an application review; and  
1118 (B) award a license to the medical cannabis pharmacy for the remainder of the  
1119 term of the medical cannabis pharmacy's license before the ownership change  
1120 if the medical cannabis pharmacy meets the minimum standards for licensure  
1121 and operation of the medical cannabis pharmacy described in this chapter; and  
1122 (iii) if the department approves the license application, notwithstanding Subsection  
1123 (3), the medical cannabis pharmacy shall pay a license fee that the department sets  
1124 in accordance with Section 63J-1-504 in an amount that covers the department's  
1125 cost of conducting the application review.

1126 Section 11. Section **4-41a-1005** is amended to read:

1127 **4-41a-1005 . Maximum number of licenses.**

- 1128 (1)(a) Except as provided in Subsection (1)(b) or (d), if a sufficient number of applicants  
1129 apply, the department shall issue up to 15 medical cannabis pharmacy licenses in  
1130 accordance with this section.
- 1131 (b) If an insufficient number of qualified applicants apply for the available number of  
1132 medical cannabis pharmacy licenses, the department shall issue a medical cannabis  
1133 pharmacy license to each qualified applicant.
- 1134 (c) The department may issue the licenses described in Subsection (1)(a) in accordance  
1135 with this Subsection (1)(c).
- 1136 (i) Using one procurement process, the department may issue eight licenses to an  
1137 initial group of medical cannabis pharmacies and six licenses to a second group of  
1138 medical cannabis pharmacies.
- 1139 (ii) The department shall:
- 1140 (A) divide the state into no less than four geographic regions, set by the  
1141 department in rule;
- 1142 (B) issue at least one license in each geographic region during each phase of  
1143 issuing licenses; and
- 1144 (C) complete the process of issuing medical cannabis pharmacy licenses no later  
1145 than July 1, 2020.
- 1146 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that  
1147 the license recipient will locate the medical cannabis pharmacy within Dagget,  
1148 Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.
- 1149 (d)(i) The department may issue licenses to operate a medical cannabis pharmacy in  
1150 addition to the licenses described in Subsection (1)(a) if the department

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

(ii) The department shall:

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

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

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

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

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

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

(C) positive connections to the local community;

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

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

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

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

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

[+] operate as a home delivery medical cannabis pharmacy that accepts electronic

- 1185 medical cannabis orders that the state central patient portal facilitates~~[-; and] .~~  
1186 ~~[(ii) accept payments through:]~~
- 1187 ~~[(A) a payment provider that the Division of Finance approves, in consultation~~  
1188 ~~with the state treasurer, in accordance with Section 4-41a-108; or]~~  
1189 ~~[(B) a financial institution in accordance with Subsection 4-41a-108(4).]~~
- 1190 (3) The department may conduct a face-to-face interview with an applicant for a license that  
1191 the department evaluates under Subsection (2).
- 1192 Section 12. Section **4-41a-1101** is amended to read:  
1193 **4-41a-1101 . Operating requirements -- General.**
- 1194 (1)(a) A medical cannabis pharmacy shall operate:  
1195 (i) at the physical address provided to the department under Section 4-41a-1001; and  
1196 (ii) in accordance with the operating plan provided to the department under Section  
1197 4-41a-1001 and, if applicable, Section 4-41a-1004.
- 1198 (b) A medical cannabis pharmacy shall notify the department before a change in the  
1199 medical cannabis pharmacy's physical address or operating plan.
- 1200 (2) An individual may not enter a medical cannabis pharmacy unless the individual:  
1201 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and  
1202 (b) except as provided in Subsection (4):  
1203 (i) possesses a valid:  
1204 (A) medical cannabis pharmacy agent registration card;  
1205 (B) pharmacy medical provider registration card; or  
1206 (C) medical cannabis card;  
1207 (ii) is an employee of the department performing an inspection under Section  
1208 4-41a-1103; or  
1209 (iii) is another individual as the department provides.
- 1210 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21  
1211 years old.
- 1212 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an  
1213 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider  
1214 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and  
1215 monitors the individual at all times while the individual is at the medical cannabis  
1216 pharmacy and maintains a record of the individual's access.
- 1217 (5) A medical cannabis pharmacy shall operate in a facility that has:  
1218 (a) a single, secure public entrance;

- 1219 (b) a security system with a backup power source that:
- 1220 (i) detects and records entry into the medical cannabis pharmacy; and
- 1221 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1222 cannabis pharmacy is closed; and
- 1223 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1224 cannabis product.
- 1225 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 1226 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1227 4-41a-1102(2).
- 1228 (7) Except for an emergency situation described in Subsection [~~26B-4-213(3)(e)~~]
- 1229 26B-4-213(3)(b), a medical cannabis pharmacy may not allow any individual to
- 1230 consume cannabis on the property or premises of the medical cannabis pharmacy.
- 1231 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first
- 1232 indicating on the cannabis or cannabis product label the name of the medical cannabis
- 1233 pharmacy.
- 1234 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 1235 following information regarding each recommendation underlying a transaction:
- 1236 (i) the recommending medical provider's name, address, and telephone number;
- 1237 (ii) the patient's name and address;
- 1238 (iii) the date of issuance;
- 1239 (iv) directions of use and dosing guidelines or an indication that the recommending
- 1240 medical provider did not recommend specific directions of use or dosing
- 1241 guidelines; and
- 1242 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 1243 cardholder who completed the transaction.
- 1244 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 1245 not sell medical cannabis unless the medical cannabis has a label securely affixed
- 1246 to the container indicating the following minimum information:
- 1247 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 1248 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 1249 (C) the date of the sale;
- 1250 (D) the name of the patient;
- 1251 (E) the name of the recommending medical provider who recommended the
- 1252 medical cannabis treatment;

- 1253 (F) directions for use and cautionary statements, if any;  
1254 (G) the amount dispensed and the cannabinoid content;  
1255 (H) the suggested use date;  
1256 (I) for unprocessed cannabis flower, the legal use termination date; and  
1257 (J) any other requirements that the department determines, in consultation with the  
1258 Division of Professional Licensing and the Board of Pharmacy.
- 1259 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the  
1260 following information under Subsection (9)(b)(i) if the information is already  
1261 provided on the product label that a cannabis production establishment affixes:  
1262 (A) a unique identification number;  
1263 (B) directions for use and cautionary statements;  
1264 (C) amount and cannabinoid content; and  
1265 (D) a suggested use date.
- 1266 (iii) If the size of a medical cannabis container does not allow sufficient space to  
1267 include the labeling requirements described in Subsection (9)(b)(i), the medical  
1268 cannabis pharmacy may provide the following information described in  
1269 Subsection (9)(b)(i) on a supplemental label attached to the container or an  
1270 informational enclosure that accompanies the container:  
1271 (A) the cannabinoid content;  
1272 (B) the suggested use date; and  
1273 (C) any other requirements that the department determines.
- 1274 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical  
1275 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1276 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:  
1277 (a) upon receipt of an order from a limited medical provider in accordance with  
1278 Subsections 26B-4-204(1)(b) through (d):  
1279 (i) for a written order or an electronic order under circumstances that the department  
1280 determines, contact the limited medical provider or the limited medical provider's  
1281 office to verify the validity of the recommendation; and  
1282 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy  
1283 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject  
1284 to verification under Subsection (10)(a)(i), enter the limited medical provider's  
1285 recommendation or renewal, including any associated directions of use, dosing  
1286 guidelines, or caregiver indication, in the state electronic verification system;

- (b) in processing an order for a holder of a conditional medical cannabis card described in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation before processing the cardholder's order;
- (c) unless the medical cannabis cardholder has had a consultation under Subsection 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling with the pharmacy medical provider; and
- (d) provide a telephone number or website by which the cardholder may contact a pharmacy medical provider for counseling.

(11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program that allows an individual to deposit unused or excess medical cannabis or cannabis residue from a medical cannabis device in a locked box or other secure receptacle within the medical cannabis pharmacy.

- (b) A medical cannabis pharmacy with a disposal program described in Subsection (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider can access deposited medical cannabis.

(c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:

- (i) rendering the deposited medical cannabis unusable and unrecognizable before transporting deposited medical cannabis from the medical cannabis pharmacy; and
- (ii) disposing of the deposited medical cannabis in accordance with:
- (A) federal and state law, rules, and regulations related to hazardous waste;
  - (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
  - (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
  - (D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) A medical cannabis pharmacy:

- (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;
- (b) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical provider;
- (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works

- 1321 onsite during all business hours;
- 1322 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
- 1323 pharmacist-in-charge to oversee the operation of and generally supervise the medical
- 1324 cannabis pharmacy;[-and]
- 1325 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis
- 1326 products the medical cannabis pharmacy maintains in the medical cannabis
- 1327 pharmacy's inventory[-] ;
- 1328 (f) shall maintain a video surveillance system that:
- 1329 (i) tracks all handling of medical cannabis in the pharmacy;
- 1330 (ii) is tamper proof; and
- 1331 (iii) stores a video record for at least 45 days;
- 1332 (g) shall provide the department access to the video surveillance system upon request;
- 1333 (h) if a patient product information insert is available, shall provide a patient who
- 1334 purchases a medical cannabis product the medical cannabis product's patient product
- 1335 information insert using any of the following methods:
- 1336 (i) a physical document;
- 1337 (ii) an email message;
- 1338 (iii) a text message; or
- 1339 (iv) a quick response code; and
- 1340 (i) may not allow a recommending medical provider to recommend medical cannabis as
- 1341 part of an event that:
- 1342 (i) is a temporary gathering, market, clinic, or promotional event;
- 1343 (ii) operates in a temporary tent or structure; and
- 1344 (iii) is held within 500 feet of the medical cannabis pharmacy's property line.
- 1345 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 1346 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
- 1347 by a medical cannabis pharmacy.

1348 Section 13. Section **4-41a-1102** is amended to read:

1349 **4-41a-1102 . Dispensing -- Amount a medical cannabis pharmacy may dispense --**

1350 **Reporting -- Form of cannabis or cannabis product.**

- 1351 (1)(a) A medical cannabis pharmacy may not sell a product other than:

1352 [~~(i) cannabis in a medicinal dosage form that the medical cannabis pharmacy~~

1353 ~~acquired from another medical cannabis pharmacy or a cannabis processing~~

1354 ~~facility that is licensed under Section 4-41a-201;]~~



1355       ~~[(ii)]~~ (i) ~~[a cannabis product in a medicinal dosage form]~~ medical cannabis that the  
1356               medical cannabis pharmacy acquired from another medical cannabis pharmacy or  
1357               a cannabis processing facility that is licensed under Section 4-41a-201;

1358       ~~[(iii)]~~ (ii) a medical cannabis device; or

1359       ~~[(iv)]~~ (iii) educational material related to the medical use of cannabis.

1360       (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an  
1361               individual with:

1362               (i)(A) a medical cannabis card; or

1363               (B) a Department of Health and Human Services registration described in  
1364               Subsection 26B-4-213(10); and

1365               (ii) a corresponding government issued photo identification.

1366       (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
1367               cannabis-based drug that the United States Food and Drug Administration has  
1368               approved.

1369       (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a  
1370               medical cannabis device or medical cannabis to an individual described in Subsection  
1371               26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless  
1372               the individual or minor has the approval of the Compassionate Use Board in  
1373               accordance with Subsection 26B-1-421(5).

1374       (2) A medical cannabis pharmacy:

1375               (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the  
1376               legal dosage limit of:

1377               (i) unprocessed cannabis that:

1378                       (A) is in a medicinal dosage form; and

1379                       (B) carries a label clearly displaying the amount of tetrahydrocannabinol and  
1380                       cannabidiol in the cannabis; and

1381               (ii) a cannabis product that is in a medicinal dosage form; and

1382       (b) may not dispense:

1383               (i) except for a medical cannabis cardholder approved under Subsection 26B-4-245(2),  
1384               more medical cannabis than described in Subsection (2)(a); or

1385               (ii) any medical cannabis to an individual whose recommending medical provider did  
1386               not recommend directions of use and dosing guidelines, until the individual  
1387               consults with the pharmacy medical provider in accordance with Subsection  
1388               26B-4-231(5).

- 1389 (3)(a) A medical cannabis pharmacy shall:
- 1390 (i)(A) access the state electronic verification system before dispensing [~~cannabis~~  
1391 ~~or a cannabis product~~] medical cannabis to a medical cannabis cardholder in  
1392 order to determine if the cardholder or, where applicable, the associated patient  
1393 has met the maximum amount of medical cannabis described in Subsection (2);  
1394 and
- 1395 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has  
1396 met the maximum amount described in Subsection (2), decline the sale, and  
1397 notify the recommending medical provider who made the underlying  
1398 recommendation;
- 1399 (ii) submit a record to the state electronic verification system each time the medical  
1400 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
- 1401 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews  
1402 each medical cannabis transaction before dispensing the medical cannabis to the  
1403 cardholder in accordance with pharmacy practice standards;
- 1404 (iv) package any medical cannabis [~~that is~~] in a container that:
- 1405 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related  
1406 to a container for unprocessed cannabis flower in the definition of "medicinal  
1407 dosage form" in Section 26B-4-201; and
- 1408 (B) is tamper-resistant and tamper-evident; [~~and~~]  
1409 [~~(C) provides an opaque bag or box for the medical cannabis cardholder's use in~~  
1410 ~~transporting the container in public;~~]
- 1411 (v) for a product that is a cube that is designed for ingestion through chewing or  
1412 holding in the mouth for slow dissolution, include a separate, off-label warning  
1413 about the risks of over-consumption; and
- 1414 (vi) beginning January 1, 2024, for [~~a cannabis product~~] medical cannabis that is  
1415 cannabis flower, vaporizer cartridges, or concentrate, provide the product's terpene  
1416 profiles collected under Subsection 4-41a-701(4) at or before the point of sale.
- 1417 (b) A medical cannabis cardholder transporting or possessing the container described in  
1418 Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box  
1419 that the medical cannabis pharmacist provides.
- 1420 (c) A medical cannabis pharmacy shall provide an opaque bag or box for the medical  
1421 cannabis cardholder to use in transporting the medical cannabis in public if the  
1422 medical cannabis cardholder does not provide an opaque bag or box.

- 1423 (4)(a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not  
1424 sell medical cannabis in the form of a cigarette or a medical cannabis device that is  
1425 intentionally designed or constructed to resemble a cigarette.
- 1426 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
1427 cannabis material into a vapor without the use of a flame and that delivers cannabis to  
1428 an individual's respiratory system.
- 1429 (5)(a) A medical cannabis pharmacy may not give, at no cost, a product that the medical  
1430 cannabis pharmacy is allowed to sell under Subsection (1)(a)(i)[;] or (ii)[, ~~or~~ (iii)].
- 1431 (b) A medical cannabis pharmacy may give, at no cost, educational material related to  
1432 the medical use of cannabis.
- 1433 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices  
1434 regardless of whether the seller has a cannabis-related license under this chapter or Title  
1435 26B, Utah Health and Human Services Code.
- 1436 Section 14. Section **4-41a-1106** is amended to read:
- 1437 **4-41a-1106 . Medical cannabis pharmacy agent -- Registration.**
- 1438 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
1439 cannabis pharmacy unless the department registers the individual as a medical cannabis  
1440 pharmacy agent.
- 1441 (2) A recommending medical provider may not act as a medical cannabis pharmacy agent,  
1442 have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or  
1443 have the power to direct or cause the management or control of a medical cannabis  
1444 pharmacy.
- 1445 (3)(a) The department shall, within 15 days after the day on which the department  
1446 receives a complete application from a medical cannabis pharmacy on behalf of a  
1447 prospective medical cannabis pharmacy agent, register and issue a medical cannabis  
1448 pharmacy agent registration card to the prospective agent if the medical cannabis  
1449 pharmacy:
- 1450 (i) provides to the department:
- 1451 (A) the prospective agent's name and address;
- 1452 (B) the name and location of the licensed medical cannabis pharmacy where the  
1453 prospective agent seeks to act as the medical cannabis pharmacy agent; and
- 1454 (C) the submission required under Subsection (3)(b); and
- 1455 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),  
1456 the department sets in accordance with Section 63J-1-504.

- (b) Each prospective agent described in Subsection (3)(a) shall:
- (i) submit to the department:
    - (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
    - (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
  - (ii) consent to a fingerprint background check by:
    - (A) the Bureau of Criminal Identification; and
    - (B) the Federal Bureau of Investigation.
- (c) The Bureau of Criminal Identification shall:
- (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
  - (ii) report the results of the background check to the department;
  - (iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (3)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;
  - (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and
  - (v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.
- (d) The department shall:
- (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and
  - (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal Identification.
- ~~[(4) The department shall designate, on an individual's medical cannabis pharmacy agent registration card the name of the medical cannabis pharmacy where the individual is~~

1491       ~~registered as an agent.]~~

1492   [(5)] (4) A medical cannabis pharmacy agent shall comply with a certification standard that  
1493       the department develops in collaboration with the Division of Professional Licensing  
1494       and the Board of Pharmacy, or a third-party certification standard that the department  
1495       designates by rule, in collaboration with the Division of Professional Licensing and the  
1496       Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
1497       Rulemaking Act.

1498   [(6)] (5) The department shall ensure that the certification standard described in Subsection [  
1499       (5)] (4) includes training in:

- 1500       (a) Utah medical cannabis law; and  
1501       (b) medical cannabis pharmacy best practices.

1502   [(7)] (6) The department may revoke the medical cannabis pharmacy agent registration card  
1503       of, or refuse to issue a medical cannabis pharmacy agent registration card to, an  
1504       individual who:

- 1505       (a) violates the requirements of this chapter; or  
1506       (b) is convicted under state or federal law of:  
1507           (i) a felony within the preceding 10 years; or  
1508           (ii) after December 3, 2018, a misdemeanor for drug distribution.

1509   [(8)] (7)(a) A medical cannabis pharmacy agent registration card expires two years after  
1510       the day on which the department issues or renews the card.

1511       (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
1512       agent:

- 1513       (i) is eligible for a medical cannabis pharmacy agent registration card under this  
1514       section;  
1515       (ii) certifies to the department in a renewal application that the information in  
1516       Subsection (3)(a) is accurate or updates the information; and  
1517       (iii) pays to the department a renewal fee in an amount that:  
1518           (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
1519           Section 63J-1-504; and  
1520           (B) may not exceed the cost of the relatively lower administrative burden of  
1521           renewal in comparison to the original application process.

1522   [(9)] (8)(a) As a condition precedent to registration and renewal of a medical cannabis  
1523       pharmacy agent registration card, a medical cannabis pharmacy agent shall:

- 1524       (i) complete at least one hour of continuing education regarding patient privacy and

1525 federal health information privacy laws that is offered by the department under  
1526 Subsection ~~[(9)(b)]~~ (8)(b) or an accredited or approved continuing education  
1527 provider that the department recognizes as offering continuing education  
1528 appropriate for the medical cannabis pharmacy practice; and

1529 (ii) make a continuing education report to the department in accordance with a  
1530 process that the department establishes by rule, in accordance with Title 63G,  
1531 Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the  
1532 Division of Professional Licensing and the Board of Pharmacy.

1533 (b) The department may, in consultation with the Division of Professional Licensing,  
1534 develop the continuing education described in this Subsection ~~[(9)]~~ (8).

1535 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each  
1536 medical cannabis pharmacy agent working in the medical cannabis pharmacy who  
1537 has access to the state electronic verification system is in compliance with this  
1538 Subsection ~~[(9)]~~ (8).

1539 (d) A medical cannabis pharmacy agent may not access the electronic verification  
1540 system following the termination of the medical cannabis pharmacy agent's  
1541 employment.

1542 ~~[(10)]~~ (9) A medical cannabis pharmacy shall:

1543 (a) maintain a list of employees that have a medical cannabis pharmacy agent  
1544 registration card; and

1545 (b) provide the list to the department upon request.

1546 Section 15. Section **4-41a-1202** is amended to read:

1547 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**  
1548 **couriers -- License.**

1549 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1550 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home  
1551 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders  
1552 that the state central patient portal facilitates, including rules regarding the safe and  
1553 controlled delivery of medical cannabis shipments.

1554 (2) A person may not operate as a medical cannabis courier without a license that the [  
1555 ~~department~~] licensing board issues under this section.

1556 (3)(a) Subject to Subsections (5) and (6), the [~~department~~] licensing board shall issue a  
1557 license to operate as a medical cannabis courier to an applicant who is eligible for a  
1558 license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the [department] licensing board:

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

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

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

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

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

(4) If the [department] licensing board determines that an applicant is eligible for a license under this section, the department shall:

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

(b) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (3)(b)(i).

(5) The [department] licensing board may not issue a license to operate as a medical cannabis courier to an applicant if an individual described in Subsection (3)(b)(i):

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

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

(ii) after September 23, 2019, a misdemeanor for drug distribution; or

(b) is younger than 21 years old.

(6) The [department] licensing board may revoke a license under this part if:

(a) the medical cannabis courier does not begin operations within one year after the day on which the department issues the initial license;

(b) the medical cannabis courier makes the same violation of this chapter three times;

(c) an individual described in Subsection (3)(b)(i) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

(ii) after September 23, 2019, a misdemeanor for drug distribution; or

(d) after a change of ownership described in Subsection (14)(c), the [department] licensing board determines that the medical cannabis courier no longer meets the minimum standards for licensure and operation of the medical cannabis courier

- 1593 described in this chapter.
- 1594 (7) The department shall deposit the proceeds of a fee imposed by this section [~~in~~] into the
- 1595 Qualified Production Enterprise Fund.
- 1596 (8) The [~~department's~~] licensing board's authority to issue a license under this section is
- 1597 plenary and is not subject to review.
- 1598 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of
- 1599 application, from each individual who has a financial or voting interest of 10% or
- 1600 greater in the applicant or who has the power to direct or cause the management or
- 1601 control of the applicant:
- 1602 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1603 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 1604 registration of the individual's fingerprints in the Federal Bureau of Investigation
- 1605 Next Generation Identification System's Rap Back Service; and
- 1606 (c) consent to a fingerprint background check by:
- 1607 (i) the Bureau of Criminal Identification; and
- 1608 (ii) the Federal Bureau of Investigation.
- 1609 (10) The Bureau of Criminal Identification shall:
- 1610 (a) check the fingerprints the applicant submits under Subsection (9) against the
- 1611 applicable state, regional, and national criminal records databases, including the
- 1612 Federal Bureau of Investigation Next Generation Identification System;
- 1613 (b) report the results of the background check to the department;
- 1614 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
- 1615 for search by future submissions to the local and regional criminal records databases,
- 1616 including latent prints;
- 1617 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
- 1618 Generation Identification System's Rap Back Service for search by future
- 1619 submissions to national criminal records databases, including the Next Generation
- 1620 Identification System and latent prints; and
- 1621 (e) establish a privacy risk mitigation strategy to ensure that the department only
- 1622 receives notifications for an individual with whom the department maintains an
- 1623 authorizing relationship.
- 1624 (11) The department shall:
- 1625 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
- 1626 amount that the department sets in accordance with Section 63J-1-504 for the



- 1627 services that the Bureau of Criminal Identification or another authorized agency  
1628 provides under this section; and
- 1629 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1630 (12) The [department] licensing board shall renew a license under this section every year if,  
1631 at the time of renewal:
- 1632 (a) the licensee meets the requirements of this section; and
- 1633 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
1634 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1635 (13) A person applying for a medical cannabis courier license shall submit to the [  
1636 department] licensing board a proposed operating plan that complies with this section  
1637 and that includes:
- 1638 (a) a description of the physical characteristics of any proposed facilities, including a  
1639 floor plan and an architectural elevation, and delivery vehicles;
- 1640 (b) a description of the credentials and experience of each officer, director, or owner of  
1641 the proposed medical cannabis courier;
- 1642 (c) the medical cannabis courier's employee training standards;
- 1643 (d) a security plan; and
- 1644 (e) storage and delivery protocols, both short and long term, to ensure that medical  
1645 cannabis shipments are stored and delivered in a manner that is sanitary and  
1646 preserves the integrity of the cannabis.
- 1647 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1648 (b) A medical cannabis courier shall report in writing to the department no later than [10]  
1649 45 business days before the date of any change of ownership of the medical cannabis  
1650 courier.
- 1651 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1652 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis  
1653 courier shall submit a new application described in Subsection (3)(b);
- 1654 (ii) within 30 days of the submission of the application, the [department] licensing  
1655 board shall:
- 1656 (A) conduct an application review; and
- 1657 (B) award a license to the medical cannabis courier for the remainder of the term  
1658 of the medical cannabis courier's license before the ownership change if the  
1659 medical cannabis courier meets the minimum standards for licensure and  
1660 operation of the medical cannabis courier described in this chapter; and

- 1661 (iii) if the [department] licensing board approves the license application,  
1662 notwithstanding Subsection (4), the medical cannabis courier shall pay a license  
1663 fee that the department sets in accordance with Section 63J-1-504 in an amount  
1664 that covers the [board] licensing board's cost of conducting the application review.
- 1665 (15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding  
1666 the transportation of medical cannabis.
- 1667 (b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed  
1668 home delivery medical cannabis pharmacy or a licensed medical cannabis courier  
1669 may advertise:
- 1670 (i) a green cross;  
1671 (ii) the pharmacy's or courier's name and logo; and  
1672 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.
- 1673 Section 16. Section **4-41a-1204** is amended to read:
- 1674 **4-41a-1204 . Medical cannabis courier agent -- Background check -- Registration**  
1675 **card -- Rebuttable presumption.**
- 1676 (1) An individual may not serve as a medical cannabis courier agent unless the department  
1677 registers the individual as a medical cannabis courier agent.
- 1678 (2)(a) The department shall, within 15 days after the day on which the department  
1679 receives a complete application from a medical cannabis courier on behalf of a  
1680 medical cannabis courier agent, register and issue a medical cannabis courier agent  
1681 registration card to the prospective agent if the medical cannabis courier:
- 1682 (i) provides to the department:
- 1683 (A) the prospective agent's name and address;  
1684 (B) the name and address of the medical cannabis courier;  
1685 (C) the name and address of each home delivery medical cannabis pharmacy with  
1686 which the medical cannabis courier contracts to deliver medical cannabis  
1687 shipments; and  
1688 (D) the submission required under Subsection (2)(b);
- 1689 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
1690 law of:
- 1691 (A) a felony; or  
1692 (B) after December 3, 2018, a misdemeanor for drug distribution; and  
1693 (iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5),  
1694 the department sets in accordance with Section 63J-1-504.

- (b) Each prospective agent described in Subsection (2)(a) shall:
- (i) submit to the department:
    - (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
    - (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
  - (ii) consent to a fingerprint background check by:
    - (A) the Bureau of Criminal Identification; and
    - (B) the Federal Bureau of Investigation.
- (c) The Bureau of Criminal Identification shall:
- (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
  - (ii) report the results of the background check to the department;
  - (iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;
  - (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and
  - (v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.
- (d) The department shall:
- (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and
  - (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal Identification.
- ~~[(3) The department shall designate on an individual's medical cannabis courier agent registration card the name of the medical cannabis pharmacy where the individual is~~

1729       ~~registered as an agent and each home delivery medical cannabis courier for which the~~  
1730       ~~medical cannabis courier delivers medical cannabis shipments.]~~

1731   [(4)] (3)(a) A medical cannabis courier agent shall comply with a certification standard  
1732       that the department develops, in collaboration with the Division of Professional  
1733       Licensing and the Board of Pharmacy, or a third-party certification standard that the  
1734       department designates by rule in collaboration with the Division of Professional  
1735       Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3,  
1736       Utah Administrative Rulemaking Act.

1737   (b) The department shall ensure that the certification standard described in Subsection [  
1738       ~~(4)(a)~~] (3)(a) includes training in:

1739       (i) Utah medical cannabis law;

1740       (ii) the medical cannabis shipment process; and

1741       (iii) medical cannabis courier agent best practices.

1742   [(5)] (4)(a) A medical cannabis courier agent registration card expires two years after the  
1743       day on which the department issues or renews the card.

1744   (b) A medical cannabis courier agent may renew the agent's registration card if the agent:

1745       (i) is eligible for a medical cannabis courier agent registration card under this section;

1746       (ii) certifies to the department in a renewal application that the information in  
1747           Subsection (2)(a) is accurate or updates the information; and

1748       (iii) pays to the department a renewal fee in an amount that:

1749           (A) subject to Subsection 4-41a-104(5), the department sets in accordance with  
1750               Section 63J-1-504; and

1751           (B) may not exceed the cost of the relatively lower administrative burden of  
1752               renewal in comparison to the original application process.

1753   [(6)] (5) The department may revoke or refuse to issue or renew the medical cannabis  
1754       courier agent registration card of an individual who:

1755       (a) violates the requirements of this chapter; or

1756       (b) is convicted under state or federal law of:

1757           (i) a felony within the preceding 10 years; or

1758           (ii) after December 3, 2018, a misdemeanor for drug distribution.

1759   [(7)] (6) A medical cannabis courier agent whom the department has registered under this  
1760       section shall carry the agent's medical cannabis courier agent registration card with the  
1761       agent at all times when:

1762       (a) the agent is on the premises of the medical cannabis courier, a medical cannabis

1763 pharmacy, or a delivery address; and

1764 (b) the agent is handling a medical cannabis shipment.

1765 ~~[(8)]~~ (7) If a medical cannabis courier agent handling a medical cannabis shipment

1766 possesses the shipment in compliance with Subsection ~~[(7)]~~ (6):

1767 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

1768 (b) there is no probable cause, based solely on the agent's possession of the medical

1769 cannabis shipment that the agent is engaging in illegal activity.

1770 ~~[(9)]~~ (8)(a) A medical cannabis courier agent who violates Subsection ~~[(7)]~~ (6) is:

1771 (i) guilty of an infraction; and

1772 (ii) subject to a \$100 fine.

1773 (b) An individual who is guilty of a violation described in Subsection ~~[(9)(a)]~~ (8)(a) is

1774 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for

1775 the conduct underlying the violation described in Subsection ~~[(9)(a)]~~ (8)(a).

1776 ~~[(10)]~~ (9) A medical cannabis courier shall:

1777 (a) maintain a list of employees who have a medical cannabis courier agent card; and

1778 (b) provide the list to the department upon request.

1779 Section 17. Section **26B-1-435** is amended to read:

1780 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**

1781 **Duties.**

1782 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1783 (2)(a) The advisory board shall consist of the following members:

1784 (i) appointed by the executive director:

1785 (A) a qualified medical provider who has recommended medical cannabis to at

1786 least 100 patients before being appointed;

1787 (B) a medical research professional;

1788 (C) a mental health specialist;

1789 (D) an individual who represents an organization that advocates for medical

1790 cannabis patients;

1791 (E) an individual who holds a medical cannabis patient card; and

1792 (F) a member of the general public who does not hold a medical cannabis card; and

1793 (ii) appointed by the commissioner of the Department of Agriculture and Food:

1794 (A) an individual who owns or operates a licensed cannabis cultivation facility, as

1795 defined in Section 4-41a-102;

1796 (B) an individual who owns or operates a licensed medical cannabis pharmacy;

- 1797                               and  
1798                               (C) a law enforcement officer.
- 1799       (b) The commissioner of the Department of Agriculture and Food shall ensure that at  
1800           least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or  
1801           operates a licensed cannabis processing facility.
- 1802       (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four  
1803           year term.
- 1804       (b) When appointing the initial membership of the advisory board, the executive director  
1805           and the commissioner of the Department of Agriculture and Food shall coordinate to  
1806           appoint four advisory board members to serve a term of two years to ensure that  
1807           approximately half of the board is appointed every two years.
- 1808       (4)(a) If an advisory board member is no longer able to serve as a member, a new  
1809           member shall be appointed in the same manner as the original appointment.
- 1810       (b) A member appointed in accordance with Subsection (4)(a) shall serve for the  
1811           remainder of the unexpired term of the original appointment.
- 1812       (5)(a) A majority of the advisory board members constitutes a quorum.
- 1813       (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1814       (c) For a term lasting one year, the advisory board shall annually designate members of  
1815           the advisory board to serve as chair and vice-chair.
- 1816       (d) When designating the chair and vice-chair, the advisory board shall ensure that at  
1817           least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1818       (6) An advisory board member may not receive compensation or benefits for the member's  
1819           service on the advisory board but may receive per diem and reimbursement for travel  
1820           expenses incurred as an advisory board member in accordance with:
- 1821           (a) Sections 63A-3-106 and 63A-3-107; and
- 1822           (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1823           63A-3-107.
- 1824       (7) The department shall:
- 1825           (a) provide staff support for the advisory board; and
- 1826           (b) assist the advisory board in conducting meetings.
- 1827       (8) The advisory board may recommend:
- 1828           (a) to the department or the Department of Agriculture and Food changes to current or  
1829           proposed medical cannabis rules or statutes; and
- 1830           (b) to the appropriate legislative committee whether the advisory board supports a

1831 change to medical cannabis statutes.

1832 (9) The advisory board shall:

1833 (a) review any draft rule that is authorized under ~~[this chapter]~~ Chapter 4, Part 2,  
1834 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis  
1835 Production Establishments and Pharmacies;

1836 (b) consult with the Department of Agriculture and Food regarding the issuance of an  
1837 additional:

1838 (i) cultivation facility license under Section 4-41a-205; or

1839 (ii) pharmacy license under Section 4-41a-1005;

1840 (c) consult with the department regarding cannabis patient education;

1841 (d) consult regarding the reasonableness of any fees set by the department or the  
1842 Department of Agriculture and Food that pertain to the medical cannabis program;  
1843 and

1844 (e) consult regarding any issue pertaining to medical cannabis when asked by the  
1845 department or the Utah Department of Agriculture and Food.

1846 Section 18. Section **26B-4-201** is amended to read:

1847 **26B-4-201 . Definitions.**

1848 As used in this part:

1849 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and  
1850 tetrahydrocannabinolic acid.

1851 (2) "Administration of criminal justice" means the performance of detection, apprehension,  
1852 detention, pretrial release, post-trial release, prosecution, and adjudication.

1853 (3) "Advertise" means information provided by a person in any medium:

1854 (a) to the public; and

1855 (b) that is not age restricted to an individual who is at least 21 years old.

1856 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
1857 Section 26B-1-435.

1858 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board  
1859 created in Section 26B-1-420.

1860 (6) "Cannabis" means marijuana.

1861 (7) "Cannabis processing facility" means the same as that term is defined in Section  
1862 4-41a-102.

1863 (8) "Cannabis product" means a product that:

1864 (a) is intended for human use; and

- 1865 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
1866 concentration of 0.3% or greater on a dry weight basis.
- 1867 (9) "Cannabis production establishment" means the same as that term is defined in Section  
1868 4-41a-102.
- 1869 (10) "Cannabis production establishment agent" means the same as that term is defined in  
1870 Section 4-41a-102.
- 1871 (11) "Cannabis production establishment agent registration card" means the same as that  
1872 term is defined in Section 4-41a-102.
- 1873 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that  
1874 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
1875 applicant for a medical cannabis card to access medical cannabis during the department's  
1876 review of the application.
- 1877 (13) "Controlled substance database" means the controlled substance database created in  
1878 Section 58-37f-201.
- 1879 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1880 (15) "Department" means the Department of Health and Human Services.
- 1881 (16) "Designated caregiver" means:
- 1882 (a) an individual:
- 1883 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
1884 guardian card designates as the patient's caregiver; and
- 1885 (ii) who registers with the department under Section 26B-4-214; or
- 1886 (b)(i) a facility that an individual designates as a designated caregiver in accordance  
1887 with Subsection 26B-4-214(1)(b); or
- 1888 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1889 (17) "Directions of use" means recommended routes of administration for a medical  
1890 cannabis treatment and suggested usage guidelines.
- 1891 (18) "Dosing guidelines" means a quantity range and frequency of administration for a  
1892 recommended treatment of medical cannabis.
- 1893 (19) "Government issued photo identification" means any of the following forms of  
1894 identification:
- 1895 (a) a valid state-issued driver license or identification card;
- 1896 (b) a valid United States federal-issued photo identification, including:
- 1897 (i) a United States passport;
- 1898 (ii) a United States passport card;



- 1899 (iii) a United States military identification card; or  
1900 (iv) a permanent resident card or alien registration receipt card; or  
1901 (c) a foreign passport.
- 1902 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that  
1903 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
1904 shipments to a delivery address to fulfill electronic orders that the state central patient  
1905 portal facilitates.
- 1906 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1907 (22) "Legal dosage limit" means an amount that:
- 1908 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the  
1909 relevant recommending medical provider or the state central patient portal or  
1910 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),  
1911 recommends; and
- 1912 (b) may not exceed:
- 1913 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and  
1914 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in  
1915 total, greater than 20 grams of active tetrahydrocannabinol.
- 1916 (23) "Legal use termination date" means a date on the label of a container of unprocessed  
1917 cannabis flower:
- 1918 (a) that is 60 days after the date of purchase of the cannabis; and  
1919 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the  
1920 primary residence of the relevant medical cannabis patient cardholder.
- 1921 (24) "Limited medical provider" means an individual who:
- 1922 (a) meets the recommending qualifications; and  
1923 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of  
1924 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1925 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1926 (26) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product  
1927 in a medicinal dosage form.
- 1928 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis  
1929 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1930 (28) "Medical cannabis cardholder" means:
- 1931 (a) a holder of a medical cannabis card; or  
1932 (b) a facility or assigned employee, described in Subsection (16)(b), only:

- 1933 (i) within the scope of the facility's or assigned employee's performance of the role of  
1934 a medical cannabis patient cardholder's caregiver designation under Subsection  
1935 26B-4-214(1)(b); and
- 1936 (ii) while in possession of documentation that establishes:  
1937 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);  
1938 (B) the identity of the individual presenting the documentation; and  
1939 (C) the relation of the individual presenting the documentation to the caregiver  
1940 designation.
- 1941 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder  
1942 may print or store on an electronic device or a physical card or document that:  
1943 (a) the department issues to an individual whom a medical cannabis patient cardholder  
1944 or a medical cannabis guardian cardholder designates as a designated caregiver; and  
1945 (b) is connected to the electronic verification system.
- 1946 (30) "Medical cannabis courier" means the same as that term is defined in Section  
1947 4-41a-102.
- 1948 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or  
1949 inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal  
1950 dosage form.
- 1951 (b) "Medical cannabis device" does not include a device that:  
1952 (i) facilitates cannabis combustion; or  
1953 (ii) an individual uses to ingest substances other than cannabis.
- 1954 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may  
1955 print or store on an electronic device or a physical card or document that:  
1956 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1957 condition; and  
1958 (b) is connected to the electronic verification system.
- 1959 (33) "Medical cannabis patient card" means an electronic document that a cardholder may  
1960 print or store on an electronic device or a physical card or document that:  
1961 (a) the department issues to an individual with a qualifying condition; and  
1962 (b) is connected to the electronic verification system.
- 1963 (34) "Medical cannabis pharmacy" means a person that:  
1964 (a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a  
1965 medicinal dosage form from a cannabis processing facility or another medical  
1966 cannabis pharmacy or a medical cannabis device; or

- 1967 (ii) possesses medical cannabis or a medical cannabis device; and
- 1968 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
- 1969 cannabis cardholder.
- 1970 (35) "Medical cannabis pharmacy agent" means an individual who holds a valid medical
- 1971 cannabis pharmacy agent registration card issued by the department.
- 1972 (36) "Medical cannabis pharmacy agent registration card" means a registration card issued
- 1973 by the department that authorizes an individual to act as a medical cannabis pharmacy
- 1974 agent.
- 1975 (37) "Medical cannabis shipment" means the same as that term is defined in Section
- 1976 4-41a-102.
- 1977 (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis
- 1978 product in a medicinal dosage form, or a medical cannabis device.
- 1979 (39)(a) "Medicinal dosage form" means:
- 1980 (i) for processed medical cannabis, the following with a specific and consistent
- 1981 cannabinoid content:
- 1982 (A) a tablet;
- 1983 (B) a capsule;
- 1984 (C) a concentrated liquid or viscous oil;
- 1985 (D) a liquid suspension that does not exceed 30 milliliters;
- 1986 (E) a topical preparation;
- 1987 (F) a transdermal preparation;
- 1988 (G) a sublingual preparation;
- 1989 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
- 1990 rectangular cuboid shape;
- 1991 (I) a resin or wax;
- 1992 (J) an aerosol;
- 1993 (K) a suppository preparation; or
- 1994 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
- 1995 spherical shape, is homogeneous in color and texture, and each piece is a single
- 1996 serving; or
- 1997 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1998 (A) contains cannabis flower in a quantity that varies by no more than 10% from
- 1999 the stated weight at the time of packaging;
- 2000 (B) at any time the medical cannabis cardholder transports or possesses the

2001 container in public, is contained within an opaque bag or box that the medical  
2002 cannabis pharmacy provides; and  
2003 (C) is labeled with the container's content and weight, the date of purchase, the  
2004 legal use termination date, and a barcode that provides information connected  
2005 to an inventory control system.

2006 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

2007 (i) the medical cannabis cardholder has recently removed from the container  
2008 described in Subsection (39)(a)(ii) for use; and

2009 (ii) does not exceed the quantity described in Subsection (39)(a)(ii).

2010 (c) "Medicinal dosage form" does not include:

2011 (i) any unprocessed cannabis flower outside of the container described in Subsection  
2012 (39)(a)(ii), except as provided in Subsection (39)(b);

2013 (ii) any unprocessed cannabis flower in a container described in Subsection (39)(a)(ii)  
2014 after the legal use termination date;

2015 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the  
2016 cannabis on a nail or other metal object that is heated by a flame, including a  
2017 blowtorch;

2018 (iv) a liquid suspension that is branded as a beverage;

2019 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not  
2020 measured in grams, milligrams, or milliliters; or

2021 (vi) a substance that contains or is covered to any degree with chocolate.

2022 (40) "Nonresident patient" means an individual who:

2023 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

2024 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
2025 card under the laws of another state, district, territory, commonwealth, or insular  
2026 possession of the United States; and

2027 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

2028 (41) "Patient product information insert" means a single page document or webpage that  
2029 contains information about a medical cannabis product regarding:

2030 (a) how to use the product;

2031 (b) common side effects;

2032 (c) serious side effects;

2033 (d) dosage;

2034 (e) contraindications;

- 2035 (f) safe storage;  
2036 (g) information on when a product should not be used; and  
2037 (h) other information the department deems appropriate in consultation with the  
2038 cannabis processing facility that created the product.
- 2039 [(41)] (42) "Pharmacy medical provider" means the medical provider required to be on site  
2040 at a medical cannabis pharmacy under Section 26B-4-219.
- 2041 [(42)] (43) "Provisional patient card" means a card that:  
2042 (a) the department issues to a minor with a qualifying condition for whom:  
2043 (i) a recommending medical provider has recommended a medical cannabis  
2044 treatment; and  
2045 (ii) the department issues a medical cannabis guardian card to the minor's parent or  
2046 legal guardian; and  
2047 (b) is connected to the electronic verification system.
- 2048 [(43)] (44) "Qualified medical provider" means an individual:  
2049 (a) who meets the recommending qualifications; and  
2050 (b) whom the department registers to recommend treatment with cannabis in a medicinal  
2051 dosage form under Section 26B-4-204.
- 2052 [(44)] (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section  
2053 26B-1-310.
- 2054 [(45)] (46) "Qualifying condition" means a condition described in Section 26B-4-203.
- 2055 [(46)] (47) "Recommend" or "recommendation" means, for a recommending medical  
2056 provider, the act of suggesting the use of medical cannabis treatment, which:  
2057 (a) certifies the patient's eligibility for a medical cannabis card; and  
2058 (b) may include, at the recommending medical provider's discretion, directions of use,  
2059 with or without dosing guidelines.
- 2060 [(47)] (48) "Recommending medical provider" means a qualified medical provider or a  
2061 limited medical provider.
- 2062 [(48)] (49) "Recommending qualifications" means that an individual:  
2063 (a)(i) has the authority to write a prescription;  
2064 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah  
2065 Controlled Substances Act; and  
2066 (iii) possesses the authority, in accordance with the individual's scope of practice, to  
2067 prescribe a Schedule II controlled substance; and  
2068 (b) is licensed as:

- 2069 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
2070 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice  
2071 Act;  
2072 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
2073 Chapter 68, Utah Osteopathic Medical Practice Act; or  
2074 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 2075 ~~[(49)]~~ (50) "State central patient portal" means the website the department creates, in  
2076 accordance with Section 26B-4-236, to facilitate patient safety, education, and an  
2077 electronic medical cannabis order.
- 2078 ~~[(50)]~~ (51) "State electronic verification system" means the system described in Section  
2079 26B-4-202.
- 2080 ~~[(51)]~~ (52) "Targeted marketing" means the promotion by a qualified medical provider,  
2081 medical clinic, or medical office that employs a qualified medical provider of a medical  
2082 cannabis recommendation service using any of the following methods:  
2083 (a) electronic communication to an individual who is at least 21 years old and has  
2084 requested to receive promotional information;  
2085 (b) an in-person marketing event that is held in an area where only an individual who is  
2086 at least 21 years old may access the event;  
2087 (c) other marketing material that is physically or digitally displayed in the office of the  
2088 medical clinic or office that employs a qualified medical provider; or  
2089 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that  
2090 employs a qualified medical provider shares with an individual who is at least 21  
2091 years old.
- 2092 ~~[(52)]~~ (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a  
2093 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 2094 ~~[(53)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.
- 2095 Section 19. Section **26B-4-202** is amended to read:  
2096 **26B-4-202 . Electronic verification system.**
- 2097 (1) The Department of Agriculture and Food, the department, the Department of Public  
2098 Safety, and the Division of Technology Services shall:  
2099 (a) enter into a memorandum of understanding in order to determine the function and  
2100 operation of the state electronic verification system in accordance with Subsection (2);  
2101 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
2102 Procurement Code, to develop a request for proposals for a third-party provider to

2103 develop and maintain the state electronic verification system in coordination with the  
2104 Division of Technology Services; and  
2105 (c) select a third-party provider who:  
2106 (i) meets the requirements contained in the request for proposals issued under  
2107 Subsection (1)(b); and  
2108 (ii) may not have any commercial or ownership interest in a cannabis production  
2109 establishment or a medical cannabis pharmacy.  
2110 (2) The Department of Agriculture and Food, the department, the Department of Public  
2111 Safety, and the Division of Technology Services shall ensure that the state electronic  
2112 verification system described in Subsection (1):  
2113 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
2114 medical cannabis guardian card, provided that the card may not become active until:  
2115 (i) the relevant qualified medical provider completes the associated medical cannabis  
2116 recommendation; or  
2117 (ii) for a medical cannabis card related to a limited medical provider's  
2118 recommendation, the medical cannabis pharmacy completes the recording  
2119 described in Subsection (2)(d);  
2120 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
2121 cannabis guardian card in accordance with Section 26B-4-213;  
2122 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
2123 acting on behalf of the qualified medical provider, to:  
2124 (i) access dispensing and card status information regarding a patient:  
2125 (A) with whom the qualified medical provider has a provider-patient relationship;  
2126 and  
2127 (B) for whom the qualified medical provider has recommended or is considering  
2128 recommending a medical cannabis card;  
2129 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or  
2130 a cannabis product in a medicinal dosage form and optionally recommend dosing  
2131 guidelines;  
2132 (iii) electronically renew a recommendation to a medical cannabis patient cardholder  
2133 or medical cannabis guardian cardholder:  
2134 (A) using telehealth services, for the qualified medical provider who originally  
2135 recommended a medical cannabis treatment during a face-to-face visit with the  
2136 patient; or

- 2137 (B) during a face-to-face visit with the patient, for a qualified medical provider  
2138 who did not originally recommend the medical cannabis treatment during a  
2139 face-to-face visit; and
- 2140 (iv) submit an initial application, renewal application, or application payment on  
2141 behalf of an individual applying for any of the following:
- 2142 (A) a medical cannabis patient card;  
2143 (B) a medical cannabis guardian card; or  
2144 (C) a medical cannabis caregiver card;
- 2145 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy  
2146 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 2147 (i) access the electronic verification system to review the history within the system of  
2148 a patient with whom the provider or agent is interacting, limited to read-only  
2149 access for medical cannabis pharmacy agents unless the medical cannabis  
2150 pharmacy's pharmacist in charge authorizes add and edit access;
- 2151 (ii) record a patient's recommendation from a limited medical provider, including any  
2152 directions of use, dosing guidelines, or caregiver indications from the limited  
2153 medical provider;
- 2154 (iii) record a limited medical provider's renewal of the provider's previous  
2155 recommendation; and
- 2156 (iv) submit an initial application, renewal application, or application payment on  
2157 behalf of an individual applying for any of the following:
- 2158 (A) a medical cannabis patient card;  
2159 (B) a medical cannabis guardian card; or  
2160 (C) a medical cannabis caregiver card;
- 2161 (e) connects with:
- 2162 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
2163 time and archive purchases of any cannabis in a medicinal dosage form, cannabis  
2164 product in a medicinal dosage form, or a medical cannabis device, including:
- 2165 (A) the time and date of each purchase;  
2166 (B) the quantity and type of cannabis, cannabis product, or medical cannabis  
2167 device purchased;
- 2168 (C) any cannabis production establishment, any medical cannabis pharmacy, or  
2169 any medical cannabis courier associated with the cannabis, cannabis product,  
2170 or medical cannabis device; and



- (D) the personally identifiable information of the medical cannabis cardholder who made the purchase; and
- (ii) any commercially available inventory control system that a cannabis production establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to track and confirm compliance;
- (f) provides access to:
- (i) the department to the extent necessary to carry out the department's functions and responsibilities under this part;
- (ii) the Department of Agriculture and Food to the extent necessary to carry out the functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- (iii) the Division of Professional Licensing to the extent necessary to carry out the functions and responsibilities related to the participation of the following in the recommendation and dispensing of medical cannabis:
- (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
- (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
- (g) provides access to and interaction with the state central patient portal;
- (h) communicates dispensing information from a record that a medical cannabis pharmacy submits to the state electronic verification system under Subsection 4-41a-1102(3)(a)(ii) to the controlled substance database;
- (i) provides access to state or local law enforcement only to verify the validity of an individual's medical cannabis card for the administration of criminal justice and through a database used by law enforcement; and
- (j) creates a record each time a person accesses the system that identifies the person who accesses the system and the individual whose records the person accesses.

- 2205 (3)(a) An employee of a qualified medical provider may access the electronic  
2206 verification system for a purpose described in Subsection (2)(c) on behalf of the  
2207 qualified medical provider if:
- 2208 (i) the qualified medical provider has designated the employee as an individual  
2209 authorized to access the electronic verification system on behalf of the qualified  
2210 medical provider;
  - 2211 (ii) the qualified medical provider provides written notice to the department of the  
2212 employee's identity and the designation described in Subsection (3)(a)(i); and
  - 2213 (iii) the department grants to the employee access to the electronic verification  
2214 system.
- 2215 (b) An employee of a business that employs a qualified medical provider may access the  
2216 electronic verification system for a purpose described in Subsection (2)(c) on behalf  
2217 of the qualified medical provider if:
- 2218 (i) the qualified medical provider has designated the employee as an individual  
2219 authorized to access the electronic verification system on behalf of the qualified  
2220 medical provider;
  - 2221 (ii) the qualified medical provider and the employing business jointly provide written  
2222 notice to the department of the employee's identity and the designation described  
2223 in Subsection (3)(b)(i); and
  - 2224 (iii) the department grants to the employee access to the electronic verification  
2225 system.
- 2226 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall  
2227 complete at least one hour of education regarding health information privacy laws  
2228 that is offered by the department or an accredited or approved education provider that  
2229 the department recognizes before the department may grant the employee access to  
2230 the electronic verification system.
- 2231 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 2232 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
  - 2233 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2234 Practice Act;
  - 2235 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2236 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
  - 2237 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
2238 Assistant Act.

- 2239 (b) A prescribing provider may access information in the electronic verification system  
2240 regarding a patient the prescribing provider treats.
- 2241 (5) The department may release limited data that the system collects for the purpose of:  
2242 (a) conducting medical and other department approved research;  
2243 (b) providing the report required by Section 26B-4-222; and  
2244 (c) other official department purposes.
- 2245 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2246 Administrative Rulemaking Act, to establish:  
2247 (a) the limitations on access to the data in the state electronic verification system as  
2248 described in this section; and  
2249 (b) standards and procedures to ensure accurate identification of an individual requesting  
2250 information or receiving information in this section.
- 2251 (7) Any person who negligently or recklessly releases any information in the state  
2252 electronic verification system in violation of this section is guilty of a class C  
2253 misdemeanor.
- 2254 (8) Any person who obtains or attempts to obtain information from the state electronic  
2255 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 2256 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly  
2257 and intentionally use, release, publish, or otherwise make available to any other  
2258 person information obtained from the state electronic verification system for any  
2259 purpose other than a purpose specified in this section.
- 2260 (b) Each separate violation of this Subsection (9) is:  
2261 (i) a third degree felony; and  
2262 (ii) subject to a civil penalty not to exceed \$5,000.
- 2263 (c) A law enforcement officer who uses the database used by law enforcement to access  
2264 information in the electronic verification system for a reason that is not the  
2265 administration of criminal justice is guilty of a class B misdemeanor.
- 2266 (d) The department shall determine a civil violation of this Subsection (9) in accordance  
2267 with Title 63G, Chapter 4, Administrative Procedures Act.
- 2268 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General  
2269 Fund.
- 2270 (f) This Subsection (9) does not prohibit a person who obtains information from the state  
2271 electronic verification system under Subsection (2)(a), (c), or (f) from:  
2272 (i) including the information in the person's medical chart or file for access by a

- 2273 person authorized to review the medical chart or file;
- 2274 (ii) providing the information to a person in accordance with the requirements of the
- 2275 Health Insurance Portability and Accountability Act of 1996; or
- 2276 (iii) discussing or sharing that information about the patient with the patient.

2277 Section 20. Section **26B-4-204** is amended to read:

2278 **26B-4-204 . Qualified medical provider registration -- Continuing education --**

2279 **Treatment recommendation -- Limited medical provider.**

- 2280 (1)(a)(i) Except as provided in Subsection (1)(b), an individual may not recommend a
- 2281 medical cannabis treatment unless the department registers the individual as a
- 2282 qualified medical provider in accordance with this section.
- 2283 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is
- 2284 podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
- 2285 may not recommend a medical cannabis treatment except within the course and
- 2286 scope of a practice of podiatry, as that term is defined in Section 58-5a-102.
- 2287 (b) An individual who meets the recommending qualifications may recommend a
- 2288 medical cannabis treatment as a limited medical provider without registering under
- 2289 Subsection (1)(a) if:
- 2290 (i) the individual recommends the use of medical cannabis to the patient through an
- 2291 order described in Subsection (1)(c) after:
- 2292 (A) a face-to-face visit for an initial recommendation or the renewal of a
- 2293 recommendation for a patient for whom the limited medical provider did not
- 2294 make the patient's original recommendation; or
- 2295 (B) a visit using telehealth services for a renewal of a recommendation for a
- 2296 patient for whom the limited medical provider made the patient's original
- 2297 recommendation; and
- 2298 (ii) the individual's recommendation or renewal would not cause the total number of
- 2299 the individual's patients who have a valid medical cannabis patient card or
- 2300 provisional patient card resulting from the individual's recommendation to exceed
- 2301 15.
- 2302 (c) The individual described in Subsection (1)(b) shall communicate the individual's
- 2303 recommendation through an order for the medical cannabis pharmacy to record the
- 2304 individual's recommendation or renewal in the state electronic verification system
- 2305 under the individual's recommendation that:
- 2306 (i)(A) the individual or the individual's employee sends electronically to a medical

- 2307 cannabis pharmacy; or
- 2308 (B) the individual gives to the patient in writing for the patient to deliver to a
- 2309 medical cannabis pharmacy; and
- 2310 (ii) may include:
- 2311 (A) directions of use or dosing guidelines; and
- 2312 (B) an indication of a need for a caregiver in accordance with Subsection [
- 2313 ~~26B-4-213(3)(c)~~] 26B-4-213(3)(b).
- 2314 (d) If the limited medical provider gives the patient a written recommendation to deliver
- 2315 to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
- 2316 provider shall ensure that the document includes all of the information that is
- 2317 included on a prescription the provider would issue for a controlled substance,
- 2318 including:
- 2319 (i) the date of issuance;
- 2320 (ii) the provider's name, address and contact information, controlled substance license
- 2321 information, and signature; and
- 2322 (iii) the patient's name, address and contact information, age, and diagnosed
- 2323 qualifying condition.
- 2324 (e) In considering making a recommendation as a limited medical provider, an
- 2325 individual may consult information that the department makes available on the
- 2326 department's website for recommending providers.
- 2327 (2)(a) The department shall, within 15 days after the day on which the department
- 2328 receives an application from an individual, register and issue a qualified medical
- 2329 provider registration card to the individual if the individual:
- 2330 (i) provides to the department the individual's name and address;
- 2331 (ii) provides to the department an acknowledgment that the individual has completed
- 2332 four hours of continuing education related to medical cannabis;
- 2333 (iii) provides to the department evidence that the individual meets the recommending
- 2334 qualifications;
- 2335 (iv) for an applicant on or after November 1, 2021, provides to the department the
- 2336 information described in Subsection (10)(a); and
- 2337 (v) pays the department a fee in an amount that:
- 2338 (A) the department sets, in accordance with Section 63J-1-504; and
- 2339 (B) does not exceed \$300 for an initial registration.
- 2340 (b) The department may not register an individual as a qualified medical provider if the

- 2341 individual is:
- 2342 (i) a pharmacy medical provider; or
- 2343 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
- 2344 production establishment, a medical cannabis pharmacy, or a medical cannabis
- 2345 courier.
- 2346 (3)(a) An individual shall complete the continuing education related to medical cannabis
- 2347 in the following amounts:
- 2348 (i) for an individual as a condition precedent to registration, four hours; and
- 2349 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
- 2350 every two years.
- 2351 (b) The department may, in consultation with the Division of Professional Licensing,
- 2352 develop continuing education related to medical cannabis.
- 2353 (c) The continuing education described in this Subsection (3) may discuss:
- 2354 (i) the provisions of this part;
- 2355 (ii) general information about medical cannabis under federal and state law;
- 2356 (iii) the latest scientific research on the endocannabinoid system and medical
- 2357 cannabis, including risks and benefits;
- 2358 (iv) recommendations for medical cannabis as it relates to the continuing care of a
- 2359 patient in pain management, risk management, potential addiction, or palliative
- 2360 care; and
- 2361 (v) best practices for recommending the form and dosage of medical cannabis based
- 2362 on the qualifying condition underlying a medical cannabis recommendation.
- 2363 (4)(a) Except as provided in Subsection (4)(b), a qualified medical provider may not
- 2364 recommend a medical cannabis treatment to more than 1.5% of the total amount of
- 2365 medical cannabis patient cardholders.
- 2366 (b) If a qualified medical provider receives payment from an insurance plan for services
- 2367 provided under this chapter, then the patient whose insurance plan was billed does
- 2368 not count toward the 1.5% patient cap described in Subsection (4)(a).
- 2369 (5) A recommending medical provider may recommend medical cannabis to an individual
- 2370 under this part only in the course of a provider-patient relationship after the
- 2371 recommending medical provider has completed and documented in the patient's medical
- 2372 record a thorough assessment of the patient's condition and medical history based on the
- 2373 appropriate standard of care for the patient's condition.
- 2374 (6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that

- 2375 the person or the person's employee recommends a medical cannabis treatment.
- 2376 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical
- 2377 provider, medical clinic, or medical office that employs a qualified medical provider
- 2378 may advertise only the following:
- 2379 (i) a green cross;
- 2380 (ii) the provider's or clinic's name and logo;
- 2381 (iii) a qualifying condition that the individual treats;
- 2382 (iv) that the qualified medical provider, medical clinic, or medical office evaluates
- 2383 patients for medical cannabis recommendations;
- 2384 (v) a scientific study regarding medical cannabis use; or
- 2385 (vi) contact information.
- 2386 (c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical
- 2387 provider, medical clinic, or medical office that employs a qualified medical provider
- 2388 may engage in targeted marketing, as determined by the department through rule, for
- 2389 advertising medical cannabis recommendation services.
- 2390 (7)(a) A qualified medical provider registration card expires two years after the day on
- 2391 which the department issues the card.
- 2392 (b) The department shall renew a qualified medical provider's registration card if the
- 2393 provider:
- 2394 (i) applies for renewal;
- 2395 (ii) is eligible for a qualified medical provider registration card under this section,
- 2396 including maintaining an unrestricted license under the recommending
- 2397 qualifications;
- 2398 (iii) certifies to the department in a renewal application that the information in
- 2399 Subsection (2)(a) is accurate or updates the information;
- 2400 (iv) submits a report detailing the completion of the continuing education
- 2401 requirement described in Subsection (3); and
- 2402 (v) pays the department a fee in an amount that:
- 2403 (A) the department sets, in accordance with Section 63J-1-504; and
- 2404 (B) does not exceed \$50 for a registration renewal.
- 2405 (8) The department may revoke the registration of a qualified medical provider who fails to
- 2406 maintain compliance with the requirements of this section.
- 2407 (9) A recommending medical provider may not:
- 2408 (a) receive any compensation or benefit for the qualified medical provider's medical

2409 cannabis treatment recommendation from:

2410 (i) a cannabis production establishment or an owner, officer, director, board member,

2411 employee, or agent of a cannabis production establishment;

2412 (ii) a medical cannabis pharmacy or an owner, officer, director, board member,

2413 employee, or agent of a medical cannabis pharmacy; or

2414 (iii) a recommending medical provider or pharmacy medical provider; or

2415 (b) provide a medical cannabis recommendation at a medical clinic or medical office

2416 that is violating the advertising limitations described in Subsection (6).

2417 (10)(a) Each quarter, a qualified medical provider shall report to the department, in a

2418 manner designated by the department:

2419 (i) if applicable, that the qualified medical provider or the entity that employs the

2420 qualified medical provider represents online or on printed material that the

2421 qualified medical provider is a qualified medical provider or offers medical

2422 cannabis recommendations to patients; and

2423 (ii)(A) for cash payment without insurance, the fee amount that the qualified

2424 medical provider or the entity that employs the qualified medical provider

2425 charges a patient for a medical cannabis recommendation as an actual cash

2426 rate; and

2427 (B) whether the qualified medical provider or the entity that employs the qualified

2428 medical provider bills insurance.

2429 (b) The department shall:

2430 (i) ensure that the following information related to qualified medical providers and

2431 entities described in Subsection (10)(a)(i) is available on the department's website

2432 or on the health care price transparency tool under Subsection (10)(b)(ii):

2433 (A) the name of the qualified medical provider and, if applicable, the name of the

2434 entity that employs the qualified medical provider;

2435 (B) the address of the qualified medical provider's office or, if applicable, the

2436 entity that employs the qualified medical provider; and

2437 (C) the fee amount described in Subsection (10)(a)(ii)(A); and

2438 (ii) share data collected under this Subsection (10) with the state auditor for use in the

2439 health care price transparency tool described in Section 67-3-11.

2440 Section 21. Section **26B-4-213** is amended to read:

2441 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**

2442 **Conditional medical cannabis card -- Application -- Fees -- Studies.**



2443 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual  
2444 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an  
2445 application in accordance with this section or Section 26B-4-214, the department  
2446 shall:

- 2447 (i) issue a medical cannabis patient card to an individual described in Subsection  
2448 (2)(a);
- 2449 (ii) issue a medical cannabis guardian card to an individual described in Subsection  
2450 (2)(b);
- 2451 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 2452 (iv) issue a medical cannabis caregiver card to an individual described in Subsection  
2453 26B-4-214(4).

2454 (b)(i) Upon the entry of a recommending medical provider's medical cannabis  
2455 recommendation for a patient in the state electronic verification system, either by  
2456 the provider or the provider's employee or by a medical cannabis pharmacy  
2457 medical provider or medical cannabis pharmacy in accordance with Subsection  
2458 4-41a-1101(10)(a), the department shall issue to the patient an electronic  
2459 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2460 (ii) A conditional medical cannabis card is valid for the lesser of:

- 2461 (A) 60 days; or
- 2462 (B) the day on which the department completes the department's review and issues  
2463 a medical cannabis card under Subsection (1)(a), denies the patient's medical  
2464 cannabis card application, or revokes the conditional medical cannabis card  
2465 under Subsection (8).

2466 (iii) The department may issue a conditional medical cannabis card to an individual  
2467 applying for a medical cannabis patient card for which approval of the  
2468 Compassionate Use Board is not required.

2469 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
2470 obligations under law applicable to a holder of the medical cannabis card for  
2471 which the individual applies and for which the department issues the conditional  
2472 medical cannabis card.

2473 (2)(a) An individual is eligible for a medical cannabis patient card if:

- 2474 (i)(A) the individual is at least 21 years old; or
- 2475 (B) the individual is 18, 19, or 20 years old, the individual petitions the  
2476 Compassionate Use Board under Section 26B-1-421, and the Compassionate

- 2477 Use Board recommends department approval of the petition;
- 2478 (ii) the individual is a Utah resident;
- 2479 (iii) the individual's recommending medical provider recommends treatment with
- 2480 medical cannabis in accordance with Subsection (4);
- 2481 (iv) the individual signs an acknowledgment stating that the individual received the
- 2482 information described in Subsection (9); and
- 2483 (v) the individual pays to the department a fee in an amount that, subject to
- 2484 Subsection 26B-1-310(5), the department sets in accordance with Section
- 2485 63J-1-504.
- 2486 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
- 2487 (A) is at least 18 years old;
- 2488 (B) is a Utah resident;
- 2489 (C) is the parent or legal guardian of a minor for whom the minor's recommending
- 2490 medical provider recommends a medical cannabis treatment, the individual
- 2491 petitions the Compassionate Use Board under Section 26B-1-421, and the
- 2492 Compassionate Use Board recommends department approval of the petition;
- 2493 (D) the individual signs an acknowledgment stating that the individual received
- 2494 the information described in Subsection (9); and
- 2495 (E) pays to the department a fee in an amount that, subject to Subsection
- 2496 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
- 2497 the cost of the criminal background check described in Section 26B-4-215.
- 2498 (ii) The department shall notify the Department of Public Safety of each individual
- 2499 that the department registers for a medical cannabis guardian card.
- 2500 (c)(i) A minor is eligible for a provisional patient card if:
- 2501 (A) the minor has a qualifying condition;
- 2502 (B) the minor's recommending medical provider recommends a medical cannabis
- 2503 treatment to address the minor's qualifying condition;
- 2504 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 2505 Board under Section 26B-1-421, and the Compassionate Use Board
- 2506 recommends department approval of the petition; and
- 2507 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 2508 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 2509 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 2510 (ii) The department shall automatically issue a provisional patient card to the minor

2511 described in Subsection (2)(c)(i) at the same time the department issues a medical  
2512 cannabis guardian card to the minor's parent or legal guardian.

2513 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)  
2514 through (C) does not qualify for a medical cannabis guardian card under Subsection  
2515 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance  
2516 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe  
2517 access to the recommended medical cannabis treatment.

2518 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection  
2519 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

2520 (i) through an electronic application connected to the state electronic verification  
2521 system;

2522 (ii) with the recommending medical provider; and

2523 (iii) with information including:

2524 (A) the applicant's name, gender, age, and address;

2525 (B) the number of the applicant's government issued photo identification;

2526 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
2527 receiving a medical cannabis treatment under the cardholder's medical cannabis  
2528 guardian card; and

2529 (D) for a provisional patient card, the name of the minor's parent or legal guardian  
2530 who holds the associated medical cannabis guardian card.

2531 ~~[(b) The department shall ensure that a medical cannabis card the department issues~~  
2532 ~~under this section contains the information described in Subsection (3)(a)(iii).]~~

2533 ~~[(e)]~~ (b)(i) If a recommending medical provider determines that, because of age,  
2534 illness, or disability, a medical cannabis patient cardholder requires assistance in  
2535 administering the medical cannabis treatment that the recommending medical  
2536 provider recommends, the recommending medical provider may indicate the  
2537 cardholder's need in the state electronic verification system, either directly or, for  
2538 a limited medical provider, through the order described in Subsections 26B-4-204  
2539 (1)(c) and (d).

2540 (ii) If a recommending medical provider makes the indication described in  
2541 Subsection ~~[(3)(e)(i)]~~ (3)(b)(i):

2542 (A) the department shall add a label to the relevant medical cannabis patient card  
2543 indicating the cardholder's need for assistance;

2544 (B) any adult who is 18 years old or older and who is physically present with the

- 2545 cardholder at the time the cardholder needs to use the recommended medical  
2546 cannabis treatment may handle the medical cannabis treatment and any  
2547 associated medical cannabis device as needed to assist the cardholder in  
2548 administering the recommended medical cannabis treatment; and
- 2549 (C) an individual of any age who is physically present with the cardholder in the  
2550 event of an emergency medical condition, as that term is defined in Section  
2551 31A-1-301, may handle the medical cannabis treatment and any associated  
2552 medical cannabis device as needed to assist the cardholder in administering the  
2553 recommended medical cannabis treatment.
- 2554 (iii) A non-cardholding individual acting under Subsection [~~(3)(e)(ii)(B)~~] (3)(b)(ii)(B)  
2555 or (C) may not:
- 2556 (A) ingest or inhale medical cannabis;
- 2557 (B) possess, transport, or handle medical cannabis or a medical cannabis device  
2558 outside of the immediate area where the cardholder is present or with an intent  
2559 other than to provide assistance to the cardholder; or
- 2560 (C) possess, transport, or handle medical cannabis or a medical cannabis device  
2561 when the cardholder is not in the process of being dosed with medical cannabis.
- 2562 (4) To recommend a medical cannabis treatment to a patient or to renew a recommendation,  
2563 a recommending medical provider shall:
- 2564 (a) visit with the patient face-to-face for an initial recommendation unless the patient:
- 2565 (i) prefers a virtual visit; and
- 2566 (ii)(A) is on hospice or has a terminal illness according to the patient's medical  
2567 provider; or
- 2568 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or  
2569 a nursing care facility, as defined in Section 26B-2-201;
- 2570 (b) before recommending or renewing a recommendation for medical cannabis in a  
2571 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 2572 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
2573 guardian's government issued photo identification described in Subsection (3)(a);
- 2574 (ii) review any record related to the patient and, for a minor patient, the patient's  
2575 parent or legal guardian in:
- 2576 (A) for a qualified medical provider, the state electronic verification system; and  
2577 (B) the controlled substance database created in Section 58-37f-201; and
- 2578 (iii) consider the recommendation in light of the patient's qualifying condition,

2579 history of substance use or opioid use disorder, and history of medical cannabis  
2580 and controlled substance use during a visit with the patient; and

2581 (c) state in the recommending medical provider's recommendation that the patient:  
2582 (i) suffers from a qualifying condition, including the type of qualifying condition; and  
2583 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a  
2584 cannabis product in a medicinal dosage form.

2585 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the  
2586 department issues under this section is valid for the lesser of:

2587 (i) an amount of time that the recommending medical provider determines; or  
2588 (ii) one year from the day the card is issued.

2589 (b)(i) A medical cannabis card that the department issues in relation to a terminal  
2590 illness described in Section 26B-4-203 expires after one year.

2591 (ii) The recommending medical provider may revoke a recommendation that the  
2592 provider made in relation to a terminal illness described in Section 26B-4-203 if  
2593 the medical cannabis cardholder no longer has the terminal illness.

2594 (c) A medical cannabis card that the department issues in relation to acute pain as  
2595 described in Section 26B-4-203 expires 30 days after the day on which the  
2596 department first issues a conditional or full medical cannabis card.

2597 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable  
2598 if:

2599 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)  
2600 or (b); or

2601 (ii) the cardholder received the medical cannabis card through the recommendation of  
2602 the Compassionate Use Board under Section 26B-1-421.

2603 (b) The recommending medical provider who made the underlying recommendation for  
2604 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's  
2605 card through phone or video conference with the cardholder, at the recommending  
2606 medical provider's discretion.

2607 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
2608 shall pay to the department a renewal fee in an amount that:

2609 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with  
2610 Section 63J-1-504; and

2611 (ii) may not exceed the cost of the relatively lower administrative burden of renewal  
2612 in comparison to the original application process.

- 2613 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
2614 patient card renews automatically at the time the minor's parent or legal guardian  
2615 renews the parent or legal guardian's associated medical cannabis guardian card.
- 2616 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis  
2617 card with the patient's name.
- 2618 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may  
2619 purchase, in accordance with this part and the recommendation underlying the  
2620 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal  
2621 dosage form, or a medical cannabis device.
- 2622 (ii) A cardholder under this section may possess or transport, in accordance with this  
2623 part and the recommendation underlying the card, cannabis in a medicinal dosage  
2624 form, a cannabis product in a medicinal dosage form, or a medical cannabis  
2625 device.
- 2626 (iii) To address the qualifying condition underlying the medical cannabis treatment  
2627 recommendation:
- 2628 (A) a medical cannabis patient cardholder or a provisional patient cardholder may  
2629 use medical cannabis or a medical cannabis device; and
- 2630 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2631 patient cardholder with the use of medical cannabis or a medical cannabis  
2632 device.
- 2633 (8)(a) The department may revoke a medical cannabis card that the department issues  
2634 under this section if:
- 2635 (i) the recommending medical provider withdraws the medical provider's  
2636 recommendation for medical cannabis; or
- 2637 (ii) the cardholder:
- 2638 (A) violates this part; or
- 2639 (B) is convicted under state or federal law of, after March 17, 2021, a drug  
2640 distribution offense.
- 2641 (b) The department may not refuse to issue a medical cannabis card to a patient solely  
2642 based on a prior revocation under Subsection (8)(a)(i).
- 2643 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah  
2644 Administrative Rulemaking Act, a process to provide information regarding the  
2645 following to an individual receiving a medical cannabis card:
- 2646 (a) risks associated with medical cannabis treatment;

- 2647 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2648 medical cannabis treatment is an effective treatment or cure for that condition, as  
2649 described in Subsection 26B-4-203(1); and
- 2650 (c) other relevant warnings and safety information that the department determines.
- 2651 (10) The department may establish procedures by rule, in accordance with Title 63G,  
2652 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and  
2653 issuance provisions of this section.
- 2654 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2655 Utah Administrative Rulemaking Act, a process to allow an individual from another  
2656 state to register with the department in order to purchase medical cannabis or a  
2657 medical cannabis device from a medical cannabis pharmacy while the individual is  
2658 visiting the state.
- 2659 (b) The department may only provide the registration process described in Subsection  
2660 (11)(a):
- 2661 (i) to a nonresident patient; and
- 2662 (ii) for no more than two visitation periods per calendar year of up to 21 calendar  
2663 days per visitation period.
- 2664 (12)(a) A person may submit to the department a request to conduct a research study  
2665 using medical cannabis cardholder data that the state electronic verification system  
2666 contains.
- 2667 (b) The department shall review a request described in Subsection (12)(a) to determine  
2668 whether an institutional review board, as that term is defined in Section 26B-4-201,  
2669 could approve the research study.
- 2670 (c) At the time an individual applies for a medical cannabis card, the department shall  
2671 notify the individual:
- 2672 (i) of how the individual's information will be used as a cardholder;
- 2673 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
2674 consent under Subsection (12)(d), the individual consents to the use of the  
2675 individual's information for external research; and
- 2676 (iii) that the individual may withdraw consent for the use of the individual's  
2677 information for external research at any time, including at the time of application.
- 2678 (d) An applicant may, through the medical cannabis card application, and a medical  
2679 cannabis cardholder may, through the state central patient portal, withdraw the  
2680 applicant's or cardholder's consent to participate in external research at any time.

- 2681 (e) The department may release, for the purposes of a study described in this Subsection  
2682 (12), information about a cardholder under this section who consents to participate  
2683 under Subsection (12)(c).
- 2684 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
2685 consent:
- 2686 (i) applies to external research that is initiated after the withdrawal of consent; and  
2687 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 2688 (g) The department may establish standards for a medical research study's validity, by  
2689 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2690 Act.
- 2691 (13) The department shall record the issuance or revocation of a medical cannabis card  
2692 under this section in the controlled substance database.
- 2693 Section 22. Section **26B-4-219** is amended to read:
- 2694 **26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.**
- 2695 (1)(a) A medical cannabis pharmacy:
- 2696 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
2697 Practice Act, as a pharmacy medical provider;
- 2698 (ii) may employ a physician who has the authority to write a prescription and is  
2699 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
2700 Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical  
2701 provider;
- 2702 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)  
2703 works onsite during all business hours; and
- 2704 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i)  
2705 as the pharmacist-in-charge to oversee the operation of and generally supervise  
2706 the medical cannabis pharmacy.
- 2707 (b) The pharmacist-in-charge shall determine which cannabis and cannabis products the  
2708 medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.
- 2709 (c) An individual may not serve as a pharmacy medical provider unless the department  
2710 registers the individual as a pharmacy medical provider in accordance with  
2711 Subsection (2).
- 2712 (2)(a) The department shall, within 15 days after the day on which the department  
2713 receives an application from a medical cannabis pharmacy on behalf of a prospective  
2714 pharmacy medical provider, register and issue a pharmacy medical provider



registration card to the prospective pharmacy medical provider if the medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective pharmacy medical provider's name and address;

(B) the name and location of the licensed medical cannabis pharmacy where the prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

(C) ~~[a report detailing the completion of the continuing education requirement described in Subsection (3);]~~ an acknowledgment that the individual has completed four hours of continuing education related to medical cannabis; and

(D) evidence that the prospective pharmacy medical provider is a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) pays a fee to the department in an amount that, subject to Subsection 26B-1-310 (5), the department sets in accordance with Section 63J-1-504.

(b) The department may not register a recommending medical provider as a pharmacy medical provider.

(3)(a) A pharmacy medical provider shall complete the continuing education described in this Subsection (3) in the following amounts:

(i) as a condition precedent to registration, four hours; and

(ii) as a condition precedent to renewal of the registration, four hours every two years.

~~[(b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:]~~

~~[(i) complete continuing education:]~~

~~[(A) regarding the topics described in Subsection (3)(d); and]~~

~~[(B) offered by the department under Subsection (3)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the medical cannabis pharmacy practice; and]~~

~~[(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the Division of Professional Licensing and:]~~

2749                   ~~[(A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,~~  
2750                   ~~Pharmacy Practice Act, the Board of Pharmacy; or]~~  
2751                   ~~[(B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah~~  
2752                   ~~Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical~~  
2753                   ~~Practice Act, the Medical Licensing Board.]~~  
2754        [(e)] (b) The department may, in consultation with the Division of Professional  
2755            Licensing, develop the continuing education described in this Subsection (3).  
2756        ~~[(d)]~~ (c) The continuing education described in this Subsection (3) may discuss:  
2757            (i) the provisions of this part;  
2758            (ii) general information about medical cannabis under federal and state law;  
2759            (iii) the latest scientific research on the endocannabinoid system and medical  
2760                cannabis, including risks and benefits;  
2761            (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2762                patient in pain management, risk management, potential addiction, and palliative  
2763                care; or  
2764            (v) best practices for recommending the form and dosage of medical cannabis based  
2765                on the qualifying condition underlying a medical cannabis recommendation.  
2766        (4)(a) A pharmacy medical provider registration card expires two years after the day on  
2767            which the department issues or renews the card.  
2768        (b) A pharmacy medical provider may renew the provider's registration card if the  
2769            provider:  
2770            (i) is eligible for a pharmacy medical provider registration card under this section;  
2771            (ii) certifies to the department in a renewal application that the information in  
2772                Subsection (2)(a) is accurate or updates the information;  
2773            (iii) submits a report detailing the completion of the continuing education  
2774                requirement described in Subsection (3); and  
2775            (iv) pays to the department a renewal fee in an amount that:  
2776                (A) subject to Subsection 26B-1-310(5), the department sets in accordance with  
2777                Section 63J-1-504; and  
2778                (B) may not exceed the cost of the relatively lower administrative burden of  
2779                renewal in comparison to the original application process.  
2780        (5)(a) Except as provided in Subsection (5)(b), a person may not advertise that the  
2781            person or another person dispenses medical cannabis.  
2782        (b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy

2783 medical provider may advertise the following:

2784 (i) a green cross;

2785 (ii) that the person is registered as a pharmacy medical provider and dispenses  
2786 medical cannabis; or

2787 (iii) a scientific study regarding medical cannabis use.

2788 (6)(a) The department may revoke a pharmacy medical provider's registration for a  
2789 violation of this chapter.

2790 (b) The department may inspect patient records held by a medical cannabis pharmacy to  
2791 ensure a pharmacy medical provider is practicing in accordance with this chapter and  
2792 applicable rules.

2793 Section 23. Section **26B-4-222** is amended to read:

2794 **26B-4-222 . Report.**

2795 (1) By the November interim meeting each year, the department shall report to the Health  
2796 and Human Services Interim Committee on:

2797 (a) the number of applications and renewal applications filed for medical cannabis cards;

2798 (b) the number of qualifying patients and designated caregivers;

2799 (c) the nature of the debilitating medical conditions of the qualifying patients;

2800 (d) the age and county of residence of cardholders;

2801 (e) the number of medical cannabis cards revoked;

2802 (f) the number of practitioners providing recommendations for qualifying patients; and

2803 [~~(g) the number of license applications and renewal license applications received;~~]

2804 [~~(h) the number of licenses the department has issued in each county;~~]

2805 [~~(i) the number of licenses the department has revoked;~~]

2806 [~~(j) the quantity of medical cannabis shipments that the state central patient portal  
2807 facilitates;~~]

2808 [~~(k) the number of overall purchases of medical cannabis and medical cannabis products  
2809 from each medical cannabis pharmacy;~~]

2810 [~~(l) (g) the expenses [incurred] and revenues [generated from the medical cannabis  
2811 program; and] of the Qualified Patient Enterprise Fund created in Section 26B-1-310.~~]

2812 [~~(m) an analysis of product availability in medical cannabis pharmacies in consultation  
2813 with the Department of Agriculture and Food.]~~]

2814 (2) The report shall include information provided by the Center for Medical Cannabis  
2815 Research described in Section 53B-17-1402.

2816 (3) The department may not include personally identifying information in the report

2817 described in this section.

2818 (4) The department shall report to the working group described in Section 36-12-8.2 as  
2819 requested by the working group.

2820 Section 24. Section **26B-4-243** is amended to read:

2821 **26B-4-243 . Guidance for treatment with medical cannabis.**

2822 The department, in consultation with the Center for Medical Cannabis Research created  
2823 in Section 53B-17-1402, shall:

2824 (1) develop evidence-based guidance for treatment with medical cannabis based on the  
2825 latest medical research that shall include:

2826 (a) for each qualifying condition, a summary of the latest medical research regarding the  
2827 treatment of the qualifying condition with medical cannabis;

2828 (b) risks, contraindications, side effects, and adverse reactions that are associated with  
2829 medical cannabis use; and

2830 (c) potential drug interactions between medical cannabis and medications that have been  
2831 approved by the United States Food and Drug Administration;[-and]

2832 (2) educate recommending medical providers, pharmacy medical providers, medical  
2833 cannabis cardholders, and the public regarding:

2834 (a) the evidence-based guidance for treatment with medical cannabis described in  
2835 Subsection (1)(a);

2836 (b) relevant warnings and safety information related to medical cannabis use; and

2837 (c) other topics related to medical cannabis use as determined by the department[-] ; and

2838 (3) develop patient product information inserts for medical cannabis products:

2839 (a) in consultation with the cannabis processing facility that created the product; and

2840 (b) that do not contain proprietary information about the product.

2841 Section 25. Section **63I-2-204** is amended to read:

2842 **63I-2-204 . Repeal dates: Title 4.**

2843 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed  
2844 May 1, 2025.

2845 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed  
2846 July 1, [2026] 2025.

2847 (3) Section 4-46-104, Transition, is repealed July 1, 2024.

2848 Section 26. Section **63I-2-226** is amended to read:

2849 **63I-2-226 . Repeal dates: Titles 26 through 26B.**

2850 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.

- 2851 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women  
2852 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2853 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2854 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2855 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [2026] 2025.
- 2856 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review  
2857 Board, is repealed July 1, [2026] 2025.
- 2858 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --  
2859 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2860 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of  
2861 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2862 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2863 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and  
2864 genetic testing, is repealed July 1, 2030.
- 2865 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed  
2866 July 1, [2026] 2025.
- 2867 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is  
2868 repealed July 1, [2026] 2025.
- 2869 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance  
2870 Program, is repealed July 1, 2027.
- 2871 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician  
2872 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2873 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan  
2874 Repayment Program, is repealed July 1, 2026.
- 2875 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician  
2876 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2877 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed  
2878 January 2, 2025.
- 2879 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,  
2880 is repealed July 1, 2025.
- 2881 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 2882 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is  
2883 repealed July 1, 2025.
- 2884 Section 27. Section **63I-2-236** is amended to read:

2885           **63I-2-236 . Repeal dates: Title 36.**

2886       (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed  
2887           July 1, [2025] 2026.

2888       (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --  
2889           Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --  
2890           Interim report, is repealed November 30, 2024.

2891       (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed  
2892           November 30, 2027.

2893       (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed  
2894           November 30, 2024.

2895           Section 28. **Repealer.**

2896           This bill repeals:

2897           Section **4-41a-108, Payment provider for electronic medical cannabis transactions.**

2898           Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**  
2899       **-- Citation.**

2900           Section 29. **Effective Date.**

2901       This bill takes effect on May 7, 2025.

2902           Section 30. **Coordinating S.B. 64 with H.B. 21.**

2903       If S.B. 64, Medical Cannabis Amendments, and H.B. 21, Criminal Code Recodification  
2904       and Cross References, both pass and become law, the Legislature intends that, on May 7, 2025,  
2905       Subsection 4-41a-102(4)(a) be amended to read:

2906       ~~""Anticompetitive business practice" [means any practice that reduces the amount of~~  
2907       ~~competition in the medical cannabis market that would be considered an attempt to~~  
2908       ~~monopolize, as defined in Section 76-10-3103]~~ means any practice that is an illegal  
2909       anticompetitive business activity under Section 76-16-510.".