

2nd Sub. H.B. 389 Medical Cannabis Amendments

House Amendments

Amendment 2

February 17, 2026 08:35 PM

Representative **Rex P. Shipp** proposes the following amendments:

1. *Line 18 through 27:*

- 18 →moves all Department of Health and Human Services duties related to the medical
19 cannabis program to UDAF;
20 →allows medical cannabis processors to make cannabis products with a THC content below
21 .3% (low THC products); and
22 →allows medical cannabis pharmacies to sell low THC products {~~;~~ and} .
23 → {~~allows any patient to obtain a medical cannabis patient card from a recommending~~
24 ~~medical provider through a virtual visit.~~}
25 **Money Appropriated in this Bill:**
26 None
27 **Other Special Clauses:**

2. *Line 676 through 684:*

- 676 organization.]
677 [(f) The commissioner may remove a licensing board member for cause, neglect of duty,
678 inefficiency, or malfeasance]
679 (4) {A director may only be terminated for just cause, including inefficiency,
incompetency,
680 failure to maintain skills or adequate performance levels, insubordination, disloyalty to}
681 the orders of a superior, misfeasance, malfeasance, or nonfeasance} A director serves at the
pleasure of the commissioner.
682 (5) (a) [(i) Five] Two members of the licensing board constitute a quorum of the
683 licensing board.
684 [(ii)](b) An action of the majority of the licensing board members when a quorum is

3. *Line 1621 through 1638:*

- 1621 other than to provide assistance to the cardholder; or
1622 (C) possess, transport, or handle medical cannabis or a medical cannabis device
1623 when the cardholder is not in the process of being dosed with medical cannabis.
1624 (4) (a) {~~F~~} **Except as provided in Subsection (4)(b), a {~~H~~A}** recommending medical provider
1625 may {~~F~~} **not** {~~H~~} recommend medical cannabis to a patient through a virtual visit.

1626 {f} (b) {f} A recommending medical provider may recommend medical cannabis to a
patient
1627 through a virtual visit if the patient: {f}
1628 [(i)] {f} is on hospice or has a terminal illness according to the patient's medical
provider; {f}
1629 [(ii)] {f} is a resident of an assisted living facility, as defined in Section 26B-2-201, or a
1630 nursing care facility, as defined in Section 26B-2-201; {f}
1631 [(iii)] {f} has previously received a medical cannabis recommendation from the
1632 recommending medical provider through a face-to-face visit; or {f}
1633 [(iv)] {f} is a current patient of the recommending medical provider and has met with the
1634 recommending medical provider face-to-face previously. {f}
1635 [(e)] {~~b~~} (c) A recommending medical provider shall:
1636 (i) before recommending or renewing a recommendation for medical cannabis in a
1637 medicinal dosage form or a cannabis product in a medicinal dosage form:
1638 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal